
Commission Meeting

of

STATE HOUSE COMMISSION

LOCATION: Remote Meeting via Zoom

DATE: November 29, 2021
9:00 a.m.

MEMBERS OF COMMISSION PRESENT:

Justin Braz, Chair
Senator Bob Smith
Senator Thomas Kean, Jr.
Assemblyman Paul D. Moriarty
Assemblyman John DiMaio
Jo-Ann Povia



ALSO PRESENT:

Robert J. Shaughnessy Jr.
Commission Secretary

Gary A. Kotler, Esq.
Commission Counsel

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Meeting Transcribed by
The Office of Legislative Services, Public Information Office,
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MR. SHAUGHNESSY (Commission Secretary): Welcome to the November 29, 2021 State House Commission meeting. This meeting is being recorded.

First, I'll go to the Open Public Meetings Act notice. We are in compliance with the Open Public Meeting Act, notice was given by filing with the Secretary of State, delivered to the State House press corps, and posted in the offices of the State House Commission as well as on the State House Commission website.

I will do the roll call at this point.

Chairman Braz.

JUSTIN BRAZ (Chair): Here.

MR. SHAUGHNESSY: Chief of Staff Povia.

MS. POVIA: Here.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Present.

MR. SHAUGHNESSY: Senator Kean.

SENATOR KEAN: Here.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Here.

MR. SHAUGHNESSY: And Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Present.

MR. SHAUGHNESSY: Mr. Chair, you do have a quorum.

I would like to welcome Chief of Staff Povia, on behalf of (indiscernible), as well as Senator Kean, who both join us for this meeting.

MR. BRAZ: Yes, thank you, counsel.

This is, again, a virtual meeting via Zoom. I would ask anyone who wishes to speak to identify themselves first before they speak on any topic.

And I would also ask if you would please -- if you're not speaking -- keep your devices on mute.

Before moving on to the Old Business, I would like to state that the Commission has received comments on Friday afternoon from Barbara Sachau concerning the agenda. They have been received and distributed to the members, and will be a part of the State House Commission record.

Now on Old Business. First, approval of the June 23, 2021, State House Commission meeting minutes. They have been distributed. Are there any revisions to the minutes? (no response)

Hearing none, may I have a motion to accept those minutes?

UNIDENTIFIED SPEAKER: So moved.

MR. BRAZ: Thank you. Anybody--

UNIDENTIFIED SPEAKER: Second.

MR. BRAZ: Okay, motion second.

All in favor?

UNIDENTIFIED SPEAKER: Aye.

MR. BRAZ: Any abstentions?

UNIDENTIFIED SPEAKER: I need to abstain, as I was not present at the meeting; I can't verify those actions, I need to abstain on the motion.

MR. BRAZ: Okay, thank you.

MS. POVIA: This is Jo-Ann; I, too, will abstain.

MR. BRAZ: Thank you, Chief of Staff.

UNIDENTIFIED SPEAKER: I have to abstain for the same reason; I was not present.

MR. SHAUGHNESSY: Those three abstentions are noted in the record.

We are now moving on to Department of Environmental Protection requests -- No. 2 in the agenda. Forked River Game Farm, Block 315, part of Lot 14, Lots 29 and 30.

The State House Commission previously approved the EPA's request to sell 503 +/- acres of the Forked River Game Farm to the United States Fish and Wildlife Service, and 18.53 acres to Lacey Township. At that time, the NJDEP indicated that it planned to transfer additional acreage to the Juvenile Justice Commission, but would seek such approval separately.

The NJDEP now requests approval to transfer approximately 10 acres of the former Game Farm, along with a 15-foot wide non-exclusive access easement, to the JJC. The site is currently occupied by JJC. As compensation, Treasury, on behalf of the JJC, will transfer approximately 92.4 acres to the DEP -- which is Block 77, Lot 21, in Monroe Township, Middlesex County -- previously approved by the State House Commission.

Are there any members comments? (no response)

Any members of the public wish to be heard?

B A R B A R A S A C H A U: Barbara Sachau.

MR. SHAUGHNESSY: Yes, Barbara.

MS. SACHAU: Why are they transferring 92 acres in Monroe Township? What is the value to the public of that land?

MR. SHAUGHNESSY: Is there any member from DEP here that could aid with the question?

JUDETH PICCININIYEANY: This is Judeth Yeany from the EPA Green Acres Program.

The land that is to be transferred from Treasury to DEP will be (indiscernible) to the Division of Fish and Wildlife.

Part of it is currently being farmed, but we expect that short-term farming activity will continue. Because of the proximity of residential development, I don't know whether the property will end up being hunted or not, but it will be permanently preserved and permanently removed for passive, not active, recreation.

MR. SHAUGHNESSY: Any other questions?

MS. SACHAU: Farming is not nature.

MR. SHAUGHNESSY: Any other questions? (no response)

Hearing none, may I have a motion to approve this matter?

UNIDENTIFIED SPEAKER: So moved.

UNIDENTIFIED SPEAKER: Second.

UNIDENTIFIED SPEAKER: Second.

MR. SHAUGHNESSY: Motion seconded. I'll call the roll.

Chair Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Chief of Staff Povia.

MS. POVIA: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Senator Kean.

SENATOR KEAN: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: All right, No. 2 in the agenda is approved.

Now we're moving on to New Business, and No. 3 on the agenda, Treasury requests.

The first matter is at the Trenton Office Complex, Block 202, part of Lot 6, Trenton, Mercer County. Treasury requests approval to lease approximately 3,170 square feet of commercial office space to the Community Health Law Project -- a non-profit. Community Health Law Project is the current tenant of the current lease, and all renewal options are expiring and a new lease must be approved.

The lease term will be for five years with one five-year renewal option. The annual rent for the first two years will remain the current rent of \$57,000. The rent for years two, three, and four will increase to \$58,645, and there will be subsequent increases every two years.

Do any members have any questions on this matter? (no response)

Hearing none-- Any members of the public wish to be heard on this matter? (no response)

Hearing none, may I have the motion.

UNIDENTIFIED SPEAKER: So moved.

UNIDENTIFIED SPEAKER: Second.

MR. SHAUGHNESSY: Motion and second.

Any other further comment or questions? (no response)

Hearing none, I'll call the roll.

Chairman.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Chief of Staff Povia.

MS. POVIA: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Senator Kean.

SENATOR KEAN: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: That matter is approved.

Moving on to No. 4 on the agenda.

This is Block 423, Lot 18, Ewing Township, Mercer County.

Treasury, on behalf of the Department of Human Services, requests approval for a conveyance of 18.07 acres of surplus vacant land to the County of Mercer. This parcel was originally conveyed by the County of Mercer to the State of New Jersey on March 18, 1975, for the sum of \$1 and is restricted under the Farmland Preservation Act. The land is adjacent to the Trenton-Mercer Airport, located within the Runway Protection Zone, and contains part of the runway lighting for air navigation and the approaching aircrafts for landing.

The County of Mercer requests the parcel be reconveyed to the County for \$1 to provide the County complete control of the Runway

Protection Zone, the approaching lighting system, as well as the ability to maintain the property and address and remedy all critical tree obstructions that may impact the runway.

Do any members have any questions or concerns about this matter? (no response)

Hearing none, do any members of the public wish to be heard? (no response)

Hearing none, may I have a motion.

UNIDENTIFIED SPEAKER: So moved.

UNIDENTIFIED SPEAKER: Second.

MR. SHAUGHNESSY: Second; thank you, Assemblyman.

Hearing no other questions or comments, I will call the roll.

Chairman.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Chief of Staff Povia.

MS. POVIA: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Senator Kean.

SENATOR KEAN: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: That matter is approved.

We are now moving on to the Department of Transportation requests.

The first three requests are actually signed regulation waiver requests, and as part of the State House Commission's mission, the State House gets to act based upon DOT's recommendation on these. So the first two actually deal with DOT reg change, so No. 5 and No. 6 are somewhat similar.

No. 5 is approval of an Outdoor Advertising Waiver, #76982, Bayonne, Hudson County.

DOT, on behalf of Matthew Outdoor Advertising and BCP, LLC, requests a waiver from outdoor advertising regulations to allow -- or permit an off-premise sign within 1,250 feet from an official permanent variable electronic sign.

NJOT had denied the previous waiver application because the distance between signs did not meet the current regulation, which provides that multiple message signs shall not be located within 1,500 feet of an official permanent variable electronic sign. The regulation is scheduled to be changed prior to being adopted this year. Under the new proposed regulations, the distance between signs will be reduced to 800 feet. Under this new regulation, the permit application will be approved by DOT. DOT has already initiated approval of the new regulation.

That's No. 5 for consideration. Do any members have any questions or concerns about this matter? (no response)

Hearing none-- Did someone say yes? (no response)

Does any member have any questions or concerns concerning this matter? (no response)

Hearing none, does any member of the public wish to be heard about this matter?

MS. SACHAU: Yes, Barbara Sachau.

I do. I would like to be heard. I do not think that-- The proposed regulations are not in effect yet, and you're looking to approve this before they are in effect and don't know if they will be done or not.

I think that you're being very unsafe. I'm sick of seeing so many signs on our highways. We are -- people who drive should not be looking at advertisement signs of any kind, and should be looking at the side of the road to see what's coming and looking at traffic signs.

This is wrong to do this to roads. It's absolutely wrong.

Thank you.

MR. SHAUGHNESSY: Thank you for your comments, we appreciate it.

Any other members of the public wish to be heard? (no response)

Hearing none, do I have a motion to accept?

UNIDENTIFIED SPEAKER: So moved.

UNIDENTIFIED SPEAKER: Moved.

MR. SHAUGHNESSY: Is that a motion and a second, or a motion?

UNIDENTIFIED SPEAKER: I'll second.

MR. SHAUGHNESSY: Okay; motion, second.

Any other further questions or comments? (no response)

Hearing none, I'll call the roll.

Chair Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Chief of Staff Povia.

MS. POVIA: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Senator Kean.

SENATOR KEAN: I will abstain.

MR. SHAUGHNESSY: Senator Kean abstains; okay, thank you.
Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: I am also going to abstain. I just want to say that I have some concerns about local governments partnering with outdoor advertising. I question the public interest, but I have a feeling after I talk to the Commissioner, that there's not a way that they can actually turn this down.

But I am going to abstain today.

MR. SHAUGHNESSY: Okay, thank you.

Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Abstain.

MR. SHAUGHNESSY: You have two in favor and four abstentions?

UNIDENTIFIED SPEAKER: Two (*sic*) abstentions.

MR. BRAZ: Okay, so that matter does not pass.

Moving on to the next one, we have project No. 6. Approval of Outdoor Advertising Waiver, which is #771757, South Brunswick Township, Middlesex County.

NJDOT, on behalf of Premier Media, LLC, requests a waiver from the outdoor advertising regulations to allow the issuance of a Multi-Message Outdoor Advertising permit for an off-premise sign within 842 feet of an official permanent variable sign.

DOT denied this because it did not meet the requirements of the current regulation, which provides that multiple message signs shall not be located within 1,500 feet of an official permanent variable electronic traffic sign. The regulation is scheduled to be changed prior to being re-adopted this year. Under the new proposed regulation, the distance between signs would be reduced to 800 feet. Under this new regulation, the permit application would be approved by DOT; DOT has already initiated the approval of the new regulation.

That matter is up for consideration. Do any members have any questions or comments about it?

SENATOR SMITH: Yes, I do, it's Senator Smith.

Is South Brunswick Township partnering with DOT on this, or is South Brunswick not involved?

MR. SHAUGHNESSY: Is there anyone from DOT who could aid with the Senator's question?

ELAINE SCHWARTZ: Good morning, Mr. Shaughnessy, this is Elaine Schwartz from DOT.

MR. SHAUGHNESSY: Hi, how are you this morning?

MR. SCHWARTZ: Hi, Mr. Shaughnessy.

Senator, this is a project being proposed between Premier and South Brunswick Township on South Brunswick -- excuse me, South

Brunswick Township Right of Way. So it's a partnership with South Brunswick Township.

SENATOR SMITH: All right, that's the best information.

My law firm is the prosecutors in South Brunswick, so I think I am going to recuse myself so there's no appearance of a conflict.

MR. SHAUGHNESSY: Okay, your recusal is noted, Senator Smith.

Are there any other member's questions on this matter? (no response)

Are there any members of the public that wish to be heard on this matter?

MS. SACHAU: Yes, on No. 6 -- this is Barbara Sachau -- and my comments apply this, even (indiscernible) that it's being approved.

Let's see what the New Jersey DOT regulations do, and then we can take this matter up at a future time.

Thank you.

MR. SHAUGHNESSY: Thank you.

Do any other members of the public wish to be heard? (no response)

There is none; then I'll call the roll on this matter.

So we have Chair Braz.

MR. BRAZ: Yes.

UNIDENTIFIED SPEAKER: So moved; my apologies, Mr. Shaughnessy.

MR. SHAUGHNESSY: Do I have a second on this matter?

MS. POVIA: I'll second.

MR. SHAUGHNESSY: Thank you very much.

So we have a motion and a second. I'll go through the roll.

Again, Chair Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Chief of Staff Povia.

MS. POVIA: Yes.

MR. SHAUGHNESSY: Senator Smith, you've been noted as
recused on this matter.

Senator Kean.

SENATOR KEAN: Abstain.

MR. SHAUGHNESSY: Thank you.

Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Abstain.

MR. SHAUGHNESSY: And Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Abstain.

MR. SHAUGHNESSY: Okay, we actually have two yays and a
recusal and abstentions, so that matter is not moved.

(Dimaio???) UNIDENTIFIED SPEAKER: Mr. Shaughnessy, I'd
like to make a motion to table the next resolution, which is No. 7. Given the
past voting trends, I imagine we're not going to have enough support in order
to move that. And I would request that prior to the next State House
Commission meeting that there is a briefing from the Department of
Transportation for members, as well as maybe a presentation for the
Committee at large to discuss the regulations, the process by which things are
approved due to the Department of Transportation, as well as any existing

statutory requirements -- or, I should say, hurdles -- that need to be overcome by the Department of Transportation to these approvals moving forward.

MR. SHAUGHNESSY: Okay. So, actually we have a motion to table our No. 7.

May I have a motion-- We have a motion, do we have second on that motion?

UNIDENTIFIED SPEAKER: Second.

MS. POVIA: Second.

MR. SHAUGHNESSY: Okay, I will call the roll on motion to table.

Chairman Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Chief of Staff Povia.

MS. POVIA: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Senator Kean.

SENATOR KEAN: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: Motion to table No. 7 succeeds. And next, we are on to No. 8 on the agenda, and (indiscernible). Pardon me -- I'll get to that in a second.

No. 8 is a general DOT matter; it's County Route 541, Mount Holly Road, Burlington Township, Burlington County.

DOT is requesting approval of a direct sale of Parcel VX161E of the County Route 541, having an area of approximately 3.452 acres. The direct sale is a sale to LIT Burlington Mall, LLC, for the proposed mixed-use redevelopment. The sale is in the amount of \$1,353,000, which is the appraised value.

Do any members have any questions or comments on this matter? (no response)

Hearing none, any members of the public wish to be heard on this matter. (no response)

Again, none.

Are there any members that wish to be heard on this matter? (no response)

Hearing none, can I have a motion on No. 8 on the agenda?

Motion and second, I'll call the roll if there are no further questions or comment.

Chairman Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Chief of Staff Povia.

MS. POVIA: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Senator Kean.

SENATOR KEAN: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: That matter is approved.

Okay, we are now moving on to a different portion of the agenda. It's new business, the Department of Environmental Requests. As I said before, you're going to have to bear with me for a few minutes on this, but I do need to identify some 54 farm leases quickly. But, I think the good news in this matter is a consultation with State House Commission counsel, we will vote these 54 matters simultaneously -- unless any problems or concerns of any particular one arises, in which case we'll pull them out. I will have to then identify the leases, so please bear with me while I do so.

But just as a starting point, all these leases were bid out into auction, and they were selected to the highest bidder. They are for a term of five years with the option to renew for an additional three to five year terms. The rental rates for all of these were set by the highest bidder at public auction, with the minimum bid established using soil rental rates set by the United States Department of Agriculture.

The rental rate will be increased at the beginning of each renewal term to reflect the current fair market value of the lease premises based on the Consumer Price Index. However, if the CPI and the value of similar real estate rentals decreased or remained stable, the rent will never decrease.

So that's general ground rules here, and if you could just bear with me while I quickly identify these matters.

So the first of the Northern Region Auction Results: The Division of Fish and Wildlife: Beaver Brook Wildlife Management Area, Bilyk Farms, LLC/ Jacob Bilyk. Next is Buckhorn Creek Wildlife Management Area, Woolf Farms, LLC/Roger Woolf. Next is Clinton Wildlife Management area, leased to JB Farms, LLC/Scott Hender. Next, Columbia Wildlife Management Area, leased to Eugene Makarevich. Flatbrook Wildlife Management Area, leased to Trevor Hull. There are two in the Musconetcong Wildlife Management Area; both leases are to Santino Santini, Jr. Pequest Wildlife Management Area, Gary -- leased to Gary L. Donaldson. Rockport Wildlife Management Area, Mark Allen, LLC.

We are now moving on to the Central Region Auction Results: Assunpink Wildlife Management Area, leased to Integrity Ag, LLC. Assunpink Wildlife Management Area, leased to Carmine Infante. Assunpink Wildlife Management Area, leased to RL Gravatt Farms/Roger Gravatt. Assunpink Wildlife Management Area, leased to Enamul Haque. Colliers Mills Wildlife Management Area, leased to Backacres Farms, LLC. Prospertown Lake Wildlife Management, leased to Stern Farms, LLC.

Southern Region Auction Results: Abbotts Meadow Wildlife Management Area, leased to Joseph Ayars. Abbotts Meadow Wildlife Management Area, leased to ML Harvey & Sons, LLC. Abbotts Meadow Wildlife Management Area, leased to Sean Elwell. There are two in Buckshutem, I don't know (indiscernible), Buckshuem Wildlife Management Area, leased to 3rd Times a Charm Farm. Cohansey River Wildlife Management Area, leased to ML Harvey & Sons, LLC. Elmer Lake, Spring Brook -- leased to Spring Brook Farms. Gumtree Corner, 3rd Times a Charm Farm. Harrisonville Lake, Previtera Farms, LLC. Logan Pond, leased to

Harold R. Heritage. Mad Horse Creek , leased to Richard Wood. Mad Horse Wildlife Management Area, leased to Carl Fogg, Jane Fogg, and Joseph Fogg. Maskells Mill Wildlife Management Area, Richard Wood.

There are two in the Millville Wildlife Management Area, which will be leased to 3rd Times a Charm Farm. Then, Nantuxent Wildlife Management Area, again 3rd Times a Charm Farm. New Sweden Wildlife Management Area, Filemon Carrasco. Raccoon Creek Wildlife Management Area, leased to Previtera Farms, LLC. And another Raccoon Creek Wildlife Management Area leased to Gary W. Stecher. Salem River Wildlife Management Area leased to Edward L. Byrnes. Salem River Wildlife Management Area, Lori Moore and John Moore. Salem River Wildlife Management Area, leased to Michael J. Catalano. Salem River Wildlife Management Area, Spina Farms, LLC. Thundergut Pond Wildlife Management Area, leased to Sickler Brothers, LLC. White Oak Wildlife Management Area leased to Previtera Farms, LLC. And Winslow Wildlife Management Area, leased to Previtera Farms, LLC.

I have a much shorter list on the next one; but please, shortly bear with me.

These are Northern Region Auction Results to the Division of Parks and Forestry: High Point State Park leased to H. William Systema. High Point State Park again, leased to George DeGroot. High Point State Park leased to Theodore R. Stephens. Jenny Jump State Forest, leased to Glenn Smith, Jr. Wawayanda State Park, Christopher O'Brien. Wawayanda State Park, leased to William J. Rickey, Jr. Wawayanda State Park, leased to Edwin O. Wiley.

And now on to the Central Region Auction results -- Division of Parks and Forestry.

Allaire -- two for Allaire State Park to Andrew Seemar. Delaware & Raritan Canal State Park, leased to John Lauber. Actually, there's three for Delaware & Raritan Canal State Park to John Lauber, L-A-U-B-E-R. And the last one, finally, Pigeon Swamp State Park, leased to Enamul Haque, H-A-Q-U-E.

I have identified those leases that have been bid on or auctioned off. Do any members have any questions or concerns about any one of those leases? (no response)

Hearing none, are there any members of the public who wish to be heard?

MS. SACHAU: Yes, Barbara Sachau wishes to be heard on these leases.

MR. SHAUGHNESSY: Go ahead, Ms. Sachau.

MS. SACHAU: Well, first of all, you have a total for the leases on the Wildlife Management Areas. And you have a total for the Parks and Forestry leases. So altogether, you're talking about probably about 65 to (indiscernible) farm leases.

That's giving a lot of the land that should be for wildlife to live on to farmers. Now, farmers are fine, but, you know, we need to keep our wildlife in these areas. That was the whole reason that we have extra taxes paid for the buying of these areas.

And also, we know we have a Farmland Preservation Program, which is for farms. We should not confuse the two -- we should not confuse the two. You have Wildlife Management Areas for wildlife, because if we let

them live there, they won't be on our roads. And the whole thing that is complained about them is that they're on our roads, and they're doing this and they're doing that. Of course, they believe in these Wildlife Management Areas.

This is really a fake on the New Jersey public, who paid extra taxes to buy this land for wildlife. It's an absolute fake. And this is not only a fake for 5 years, it's for 20 years. You're trying to put this into effect over the next administration. I find that not right. I mean, we don't know what we want to do after 5 years, so that 20 year commitment is even more egregious.

Let's let wildlife live in the Wildlife Management Areas. Let's not push them out by putting farmers in there. That's a totally wrong thing to do. I don't know how they get away with it. We're talking about almost 70 plots here. This should not be allowed; it's wrong.

Thank you for listening.

MR. SHAUGHNESSY: You're welcome.

I think that my understanding is that there are 54 of these leases, and I think there's one additional one which had no access, which is on the next matter; but I do think there's a total of 54 leases.

I don't know if anyone else would like to say anything -- DEP -- or any other members of the public wish to be heard.

EMILE DeVITO: Yes, I wish to be heard; this is Emile DeVito from New Jersey Conservation Foundation.

MR. SHAUGHNESSY: Thank you, Mr. DeVito.

MR. DeVITO: Yes, just for a little bit of background, I've been doing field work and conservation work in New Jersey for over 40 years, and

I know every one of these sites that you've talked about. I haven't inspected every one of these pieces of property, but I know of every single one of these Parks, Forests, and Wildlife Management Areas; I've been to all of them.

And I'm a little concerned, because right now we have-- Pollinators are crashing because of agricultural chemicals, particularly neonicotinoid-coated seeds and other neonicotinoid products that are sprayed on farms -- and also Roundup Ready crops.

And I understand that many of these lands are managed as agricultural lands for the purpose of habitat, since the State (technical interference)

MR. SHAUGHNESSY: Mr. DeVito, I'm sorry.

MR. DeVITO: I'm sorry; I'm sorry about that.

So anyway, I understand that many of these properties are managed for early successional habitat in some form, but mostly it's crop agricultural; and there is heavy use of neonicotinoids and Roundup Ready crops, with Roundup that is sprayed repeatedly, and many other pesticides--

MS. SACHAU: (indiscernible)

MR. DeVITO: Excuse me?

MR. SHAUGHNESSY: If you are not speaking, please put yourself on mute.

MR. DeVITO: Anyway, I understand the farmers can be a big help in maintaining certain types of habitat. But the problem is that many of the chemicals are negating the benefits of maintaining habitat, because they're killing so many pollinators and many other forms of wildlife.

So I'm wondering if there's a provision in these leases that encourages or phases out certain chemicals. I mean, 20 years is a long time,

and if these chemicals are not banned by the government -- which hopefully they will be soon, but that's going to be another big uphill battle -- I really don't think they're appropriate on land that was bought with Green Acres money. Most of all this land was bought with Green Acres money in recent years.

So there should be a better way, I think. So I'm just wondering about the nature of the leases, if there's a way to slowly phase out these harmful products, because we're harming our pollinators and we're harming our wildlife, and there should be a way to work with the farmers to, you know, grow agricultural products such as organic hay and other types of organic crops -- not necessarily organic, just phasing out the most harmful chemicals so that while we're trying to maintain these habitats we're also not doing more harm than good.

So I'm just curious about the nature of the leases. I would hope that the leases don't leave open the possibility to use these harmful chemicals for the next 20 years if they don't get banned otherwise. We know they're harmful, we know they're killing our pollinators and our wildlife; our insects and bird populations are crashing because of these chemicals, and we need to take these leases more seriously.

Thank you.

MR. SHAUGHNESSY: Thank you, Mr. DeVito.

SENATOR SMITH: Senator Smith here, I would like to weigh in, if I might.

I think Emile DeVito makes a very interesting and important point. I'd like to suggest that we hold these--

MR. SHAUGHNESSY: Bob Shaughnessy. Can you just hold for a moment, because I think there was a technical difficulty, and we're just trying to mediate that.

If you could just hold your thoughts for a few minutes.

SENATOR SMITH: No problem.

MR. SHAUGHNESSY: Okay, thank you, Senator.

We just want to get some technical assistance here.

Just so you know, we are actually working to fix this. We need to make a phone call. Hopefully we will be back and up and running very shortly.

G E O R G E C H I D L E Y: Bob, can you hear me? This is George Chidley with the DEP, Leases and Concessions.

MR. SHAUGHNESSY: George, yes--

MR. CHIDLEY: Okay, I just want to make sure that I'm on.

MR. SHAUGHNESSY: Okay. Well, I think once Senator Smith continues his comments we'll get to you, George.

MR. CHIDLEY: Thank you-- No I had problems, and I wanted to make sure you can hear me.

MR. SHAUGHNESSY: Yeah, no, thank you for bearing with us. Senator Smith, you have the floor.

SENATOR SMITH: Oh, thank you.

I'm a little concerned about Emile DeVito's comments, which I think may merit a further look. Namely, whether as part of the recent process for State property leasing we would put a prohibition on the issue of neonicotinoids and/or Roundup.

You know, we have all the evidence we need to know that these are very dangerous substances, and we do have a big population and other pollinator issue in the state with bee hives collapsing. And the Legislature, I think, are on the verge of passing a law that would dramatically reduce the use of neonicotinoids on the environment.

So my suggestion, subject to hearing from the DEP, is that we put this off until the next meeting, and we have Ag and DEP take a look at it and see whether that's an appropriate – there are appropriate clauses to include in the leases to protect the pollinators and others from these substances.

But I would like to hear from the DEP and Ag. Maybe I'm being crazy here, but I think Emile has a really good point.

MR. SHAUGHNESSY: Thank you, Senator Smith.

MR. DeVITO: I would just like to make one quick comment, I'm sorry.

I'm not implying that it should be immediate, because I know farmers have already been planning out what they do for next year, they've already purchased certain products. I don't mean to be, you know, steamrolling the farmers. I just think there needs to be a thought and maybe a phase-out over a couple of years, something like that.

MR. SHAUGHNESSY: Okay, Mr. DeVito, thank you.

We're back after a brief (indiscernible). We are having some recording problems which are now being remediated. And I think they are.

Mr. Chairman, do you want to speak on behalf of the DEP or anyone else?

MR. CHIDLEY: This is George Chidley, I'm with the Office of Leases and Concessions with DEP.

The Roundup is not allowed presently. We do look at the chemicals, we also work with the farmers to make sure that they have a plan in place.

Most of these leases are 20 years; 3 years we (indiscernible) terms. They are going to be subject to the laws that change in the State of New Jersey. I know there's dialogue already between the Division of Fish and Wildlife, and Parks and Forestry, as well as DEP and Ag to deal with these things.

Within their leases, they are subject to changes in the law, etc. Fish and Wildlife, and Parks and Forestry are sensitive to the neonicotinoid issue. Because there's no underlying State law at the moment to prohibit it, they're kind of discouraging it actively in the farm plans they receive.

Again, as stated, most of these farmers are anticipating starting their crops in January, or at least be in the position to be in the lease in January. Some of them would be in holdover status; some were successful bidders, but there were also prior tenants.

MR. SHAUGHNESSY: Thank you, Mr. Chidley.

Is there any other--

UNIDENTIFIED SPEAKER: Mr. Chidley, just for clarity's sake. Some of these farmers are already on the land and farming the land currently?

MR. CHIDLEY: That is correct.

UNIDENTIFIED SPEAKER: (Indiscernible)?

MR. CHIDLEY: They were, in essence; when they became the successful bidder they became the new tenant, but they're already still on the property.

UNIDENTIFIED SPEAKER: Okay. And so, from a timing perspective -- I don't want to (indiscernible). Is there any plans for the approval now, or will it be possible to put it -- we meet every quarter, so essentially the next meeting would probably be February at this point.

MR. CHIDLEY: Well, it's going to leave a handful of people with no access rights to the property. And there would be no temporary solution to that if we were not sure that we would have a lease.

UNIDENTIFIED SPEAKER: So, really, the timing is now.

MR. CHIDLEY: I think that a suggestion would be, from the Department standpoint, is to proceed with it, and as the regulations are put in place, and, certainly, as the discussions between Agriculture and DEP go forward, those things would all become binding on the applicants -- not the applicants, the tenants.

UNIDENTIFIED SPEAKER: But there's no "grandfather"--

UNIDENTIFIED SPEAKER: No, not with these. If the law changes, they would automatically be required to comply with the law. There's -- with the property, just so it's understood, these leases are not like a lease where they get *peaceful enjoyment*. The public is allowed to go back and forth over the property, there's access.

You're not seeing fences, and structures, and other things; it's really-- And there's consideration that, early in the Spring, because they provide habitat for migratory birds, there will be grasses that are allowed to grow.

So the Department is definitely tuned into what's going on with the property, and certainly there's impacts that have to be felt in in-kind services. So for example, there are a number of things that happen as a result of the payment structure from Fish and Wildlife, where people would-- Some of the tenants are providing crops and other services as part of the payment, which wouldn't go forward, either.

So there would be kind of a big bump or ripple in that process.

SENATOR SMITH: So let me ask a question. What if the leases were amended to provide that after January 1, 2023, there would be no longer use of neonic -- and you said Roundup, so I'll drop "covered."

The concern I have -- the concern I have is that under the Neonic Bill, farmers have an exception. The Neonic Bill is aimed primarily at landscapers who are applying neonics on golf courses and outdoor areas that are very impactful on the pollinator population.

The farmers have discretion, the theory being that farmers need pollinators more than anybody, and that they will do the right thing. But it's not mandated that farming does not use neonics.

So I think Emile's point is still a good point, but even in the current bill, there's a one-year phase-in so that, you know, the industries can adjust.

So what if the amendment on the lease, which would have to be accepted by the leasee -- that there will be no further use of neonics on the lease property after January 1 of 2023. And that way, it's at the same time that the law -- that is going to be passed, it has support on both sides, as Adam said; it's about to go on the floor of the Assembly, it's out of Committee -- so that it would correspond with the guidance that's in the legislation.

In other words, a year from now, there won't be neonic usage on these lease properties. Let me throw that out first as my idea to deal with this. Then you would pass them today, with that one amendment that would have to be agreed to by the lease. At that point they'd have a lease and there won't be any bumps in the road. Unless someone can see some bumps.

UNIDENTIFIED SPEAKER: I think that that's a workable solution. The issue has always been trying to determine-- The providers of seeds, because it is something that's directly applied to the seeds, (indiscernible) those seeds; and with that, the abundances and availability in New Jersey, because most of the purveyors of the seeds are encoded.

So I think that would give people more than enough time to look into those things and deal with that issue specifically.

Mr. SHAUGHNESSY: Sounds good. And I would like to propose those as a formal amendment to all of these leases.

Any other members have any comments? (no response)

Any member of the public have any comments?

MS. SACHAU: Yes, I would like you to also consider that wildlife belongs in Wildlife Management Areas. Farmers do not belong in Wildlife Management Areas. They're doing the same thing as they're doing in the Amazon, where they're cutting down trees, and logging, and doing things, and putting farmers in. They're assaulting the Wildlife Management Areas by the New Jersey Division of Fish and Wildlife. They are currently doing that in many areas. And the wildlife can't even live there in peace.

And besides having the loggers there in the Wildlife Management Areas, you are putting farmers in there constantly. We all know birds and animals don't want to live around people. That area that you saved for

wildlife should be for wildlife. And to let the public use the name “Wildlife Management Area” when you’re sticking farmers in almost 70 plots is not right and it’s not accurate to the public.

Maybe you should -- you need to put some of these farmers back in *Farmland* Preservation Areas.

Thank you.

MR. SHAUGHNESSY: Thank you, Ms. Sachau, we appreciate your comments and we can all see your written comments as well.

Any other comments on this? (no response)

With Senator Smith’s amendment, do I have a motion to accept or approve No. 9?

UNIDENTIFIED: So moved with the Senator Smith amendment.

MR. SHAUGHNESSY: Thank you, motion and second.

Thank you very much, I’ll call the roll.

Chairman Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Chief of Staff Povia.

MS. POVIA: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Senator Kean.

SENATOR KEAN: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: No. 9 is approved with the amendment.

No. 10 is a stand-alone farm lease. This one is in Dennis Creek Wildlife Management Area. The DEP requests approval to execute a farm lease agreement on the land located at Dennis Creek to James E. Meyers, the tenant on the adjacent land, the land adjacent to the leased premises.

The leased premises consist of approximately 6.8 acres with no direct access to the leased premises from public way. DEP were previously advised by the Attorney General's office that it is acceptable for DEP to enter into an agreement on properties where access is available by tenants through their own adjacent land. Without access, the DEP is not able to include the leased premises in a public auction.

Some of the terms and conditions that I assume Senator Smith amended, the amendment would apply to this as well.

Do any members have any comments? (no response)

Any members of the public have any comments?

MS. SACHAU: Yes, I want to comment that I find this to be not a good idea, and they shouldn't have to lease this property to this farmer just because it's there. That's even a better place to have wildlife live than some of the other places.

And as to the number you just did, that amendment that you voted on, I didn't understand clearly exactly what you voted on, on No. 9. The whole comment was about neonics, but then you passed the whole farm leases -- the 70 farm leases, based on that same amendment? I mean, (indiscernible) that should be a separate thing. I didn't hear any comments about the 70 leases.

What was going on, on the last one? Exactly what was the motion to do? Because the motion passed so quickly on No. 9 that it's not clear to me exactly what you voted.

SENATOR SMITH: Let me be helpful. It was amended and moved with 54 leases. All 54 leases would have an amendment; and the amendment is that after January 1, 2023, there will be no further use of neonic pesticides or neonic-treated seeds.

That's what I understood.

MS. SACHAU: So that was not a vote to approve the leases.

SENATOR SMITH: It was to approve the leases with that amendment.

MS. SACHAU: You didn't state that – that it was with that amendment. I didn't hear that in the motion or second.

SENATOR SMITH: Mr. Shaughnessy?

MR. SHAUGHNESSY: Yes, thank you, Senator Smith.

So the motion was amended to include the comments that Senator Smith had previously, and just, put on the record again.

So those leases are approved, so we're now on to No. 10.

Do you have any further comments, Ms. Sachau, on No. 10?

MS. SACHAU: No.

MR. SHAUGHNESSY: Any other members of the public wish to be heard on No. 10? (no response)

If not, do we have a motion on No. 10?

UNIDENTIFIED SPEAKER: So moved with the amendment.

MR. SHAUGHNESSY: Thank you. Motion with the amendment, and second.

I'll call the roll.

Chairman Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Chief of Staff Povia.

MS. POVIA: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Senator Kean.

SENATOR KEAN: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: No. 10 is approved.

Moving on, the project DEP requests. No. 11 is Vass Farmstead/White Lake, Block: 902, part of Lot 10.

DEP requests approval to enter a lease agreement with the Township of Hardwick for the restoration, preservation, development, improvement, maintenance, operation, and interpretation of the Vass Farmstead, a historic site, and make it available for public visitation and recreational uses.

The Township is prepared to provide enhanced public interpretative programming for this historic site, listed on the New Jersey and National Registers of Historic Places, that cannot be provided by the DEP.

The terms will be for five years and an option to renew for additional three and five year terms. Because the Township is taking a direct

role in the future development, maintenance, management, operation, and investment in the property, which eliminates the oversight and those costs by DEP, the rent will be a one-time payment of \$20.

Any members have any questions about this matter? (no response)

Do members of the public have any questions?

MR. DeVITO: I don't have a question -- this is Emile DeVito -- I don't have a question, I just want to mention that New Jersey Conservation Foundation fully supports this concept.

Many conservation groups have been working in the White Lake area. It's a magnificent lime stony area filled with all sorts of fantastic natural resources, and the fact that the Township wants to get heavily involved in interpretation and historic preservation is just fabulous.

MR. SHAUGHNESSY: Thank you, Mr. DeVito, for your helpful comments and support.

Any other members of the public wish to be heard? (no response)

Hearing none, may I have a motion to accept No. 11?

UNIDENTIFIED SPEAKER: So moved.

MR. SHAUGHNESSY: Thank you.

Second?

UNIDENTIFIED SPEAKER: Second.

MR. SHAUGHNESSY: Thank you, motion and second; I'll call the roll.

Chairman Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Chief of Staff Povia.

MS. POVIA: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Senator Kean.

SENATOR KEAN: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: That matter is approved.

Moving on to No. 12, the Hopatcong State Park, Block 11101, Lot 1, Roxbury, Morristown.

The DEP requests approval to enter into a 20-year lease with the Township of Roxbury for the development, maintenance, and operation of outdoor recreational facilities of approximately 0.47 acres of Hopatcong State Park for the benefit of the public.

A one-time payment of \$20 and the investment being made by the Township of Roxbury for development and maintenance of outdoor recreational facilities, which eliminates DEP's costs. The township will enhance public access and amenities, including placement of benches and construction of a gazebo consistent with the municipal master plan.

Any members have any questions or comments on this? (no response)

Any members of the public wish to be heard on No. 12? (no response)

Hearing none, may I have a motion, please.

UNIDENTIFIED SPEAKER: So moved.

MR. SHAUGHNESSY: Thank you, second.

UNIDENTIFIED SPEAKER: Second.

MR. SHAUGHNESSY: Thank you, I'll call the roll.

Chairman Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Chief of Staff Povia.

MS. POVIA: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Senator Kean.

SENATOR KEAN: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: No. 12 is approved; on to No. 13.

Thundergut Pond WMA, Block 29, Lot 9, and part of Block 64,
Lot 11, Township of Alloway, Salem County.

DEP is requesting approval to enter into a 20-year lease with Ranch Hope, Inc., the tenant, on approximately 71 acres of the Thundergut Wildlife Management Area for the continued development, maintenance, and operation of outdoor recreational facilities for the benefit of the public. The tenant has leased a portion of the property since 1999, but the lease has expired.

In March 2021, NJDEP issued a Request for Expression of Interest to solicit recommendations for economically self-sustaining programming or services to promote responsible wildlife management. The tenant was the only respondent to the RFEI, and has proposed to continue to provide an outdoor experience to foster positive co-existence between humans and wildlife.

The terms of this are a one-time \$20 fee and the investment being made by the tenant for the development and maintenance of outdoor recreational facilities on the leased premises, which eliminates DEP's costs. The tenant will also commit to demolition and removal of any and all existing structures, and restoration of land at the end of the lease.

That is the matter for consideration. Do any members have any questions or concerns? (no response)

Any members of the public wish to be heard on this?

MS. SACHAU: Yes, I am against this lease to Ranch Hope.

What exactly is all the recreation that they're going to put to benefit the public on this? They put sentences like that on there without any real explanation of exactly what they mean by it, it's very general.

So they're taking land from the wildlife, again, for a profiteering (indiscernible)? That is-- We know that 26 species just expired forever from the world, and that's exactly what you're doing with this endless, endless lease of Wildlife Management Areas for logging, for profiteering. And to put something in this proposal that the New Jersey Division of Fish and Wildlife does responsible wildlife management is fake, because what the New Jersey Division of Fish and Wildlife exists for is to sell licenses for the dead bodies of many of -- much of the wildlife in New Jersey.

That is what they do, fulltime, and to say that that's responsible wildlife management and put that in writing is fakery. It's as bad as the faking that's going on from the Federal Government right now. We need to stop that kind of fakery in writing to the public of New Jersey.

New Jersey Division of Fish and Wildlife never has done responsible wildlife management. They exist to make wildlife sick; they give them no home to live on anymore. They allow endless -- as you heard -- neonics to kill them. How healthy can wildlife be -- and birds be -- when they're allowing the endless use of pesticides, herbicides, and all kinds of toxic chemicals in these areas? And then logging the trees that they need to live by?

What is going on in this Division? Why don't some of you come to some of their meetings and hear about-- I've been listening to their meetings for 25 years, and I don't like what I hear on the environment, and I don't get a penny for-- Emile DeVito does get money for what he says, I don't get a penny for it.

Thank you.

MR. SHAUGHNESSY: Thank you. If anyone from DEP wants to respond to her.

MR. CHIDLEY: Yes, this is George Chidley with the DEP office of Lease and Concessions.

They are putting together the educational -- you know, they have hunting, they have outdoor skills, canoeing, kayaking, hiking, and all those things that are all part of the programming. The Department will be coordinating with them to make sure that they're living up to the requirement.

The Division of Fish and Wildlife is very interested in having a relationship with them. It also deals with under-privileged children, who are then going to have an opportunity to be in an environment other than an urban environment, and where they will pick up these skills which will hopefully improve their position in life.

That's pretty much all I have to say about that.

MR. SHAUGHNESSY: Thank you.

Do any other members have any questions about this? (no response)

Hearing none, may I have a motion please.

UNIDENTIFIED SPEAKER: So moved.

MR. SHAUGHNESSY: Motion. Second, please.

UNIDENTIFIED SPEAKER: Second.

MR. SHAUGHNESSY: Motion and second. I'll call the roll.

Chairman Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Chief of Staff Povia.

MS. POVIA: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Senator Kean.

SENATOR KEAN: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: The matter is approved.

On to No. 14 on the agenda. This matter involves the land exchange, it's project: Colliers Mills Wildlife Management Area, Block 17601, Lots 1, 3, 4, and parts of Lot 7, Jackson Township, Ocean County.

DEP requests approval to convey approximately 43.05 acres of undeveloped land in Jackson Township, Ocean County, in exchange for approximately 86.8 acres of undeveloped land owned by the Central Jersey Rifle and Pistol Club, Inc., in Upper Freehold Township, Monmouth County.

The Club operates a private shooting club on property located adjacent. Due to the lack of property boundaries in this part of the state, portions of the area are contaminated with lead shot from overshooting of the Club's ranges. The proposed exchange will allow the Club to clean up the contaminated area at its sole expense, and establish new shotfall and safety areas to avoid future encroachment on the area.

The terms are as follows: If the proposed land exchange is approved, the result will be 86.8 acres of land added to the Pleasant Run Wildlife Management Area, which is just over twice as much acreage being gained by the DEP than is being disposed of. The Club is also going to clean up the DEP Tract within 18 months of this exchange, install a shot curtain or curtains to prevent future overshoot, and accept the conservation restriction on the DEP Tract, and provide advanced notice to the Department if it decides to sell its property at any time in the future.

Those are the terms that the Division has proposed. Do any members of the Commission have any problems or questions?

UNIDENTIFIED SPEAKER: I have a question.

Are we not requiring them to clean up the pollution as part of this deal? And if not, why not?

MS. YEANY: This is Judith Yeany from the Green Acres program. I believe the terms that Mr. Shaughnessy just recited indicate that the cleanup will be cleared within 18 months of the exchange.

UNIDENTIFIED SPEAKER: Yes, I heard that, but is it a requirement or is it a handshake, you know, voluntary agreement?

MS. YEANY: Well, we have not -- we would consider that if the Commission adopts that term, that it's enforceable. We haven't exchanged any deeds. We can figure out how to express that in the documents for the transaction to make it enforceable.

UNIDENTIFIED SPEAKER: Okay. Because, I mean, currently with the agreement that you have, if they didn't clean it up within 18 months what would you be able to do?

MS. YEANY: Well, currently we don't have an agreement and the contamination was done outside of the property lines. So I think if there were concerns about clean up. It would be up to the DEP to have to undertake that clean up and have to seek whatever recourse we have under the statute against the Club -- which is what we're trying to avoid through the exchange.

I think part of the incentive-- The summary that the Commission included -- that because the Club has successfully completed clean-ups in the past on the (indiscernible) property-- And the Club President and Club attorney can give you more information about that.

But I think if we were to work this into the documents for the exchange, they would be jeopardizing their titles to the property if they didn't

honor that commitment, which I think would be incentive to (indiscernible) at that time.

UNIDENTIFIED SPEAKER: And how extensive is the pollution? Is it in ground water, it is a threat to anyone? Or is it contained? Do you know?

MS. YEANY: So, unless this Club (indiscernible) contamination (indiscernible) is any indication of ground water contamination, they -- the Commission -- would report to characterize it, but I'll let them give that detail.

MR. SHAUGHNESSY: Thank you, Ms. Yeany, for your comments (indiscernible).

I just want to add, as an aside, it's not unusual for deeds not to be prepared until after the State House Commission meeting. I think various departments await State House Commission approval, and if there are any positions put by the Commission, they would be incorporated into the deed after the approval.

Sorry to take your time, but may we hear from the Club?

BYRON LOYER: Yes, my name is Byron Loyer; I am Chairman of the Board of Central Jersey Rifle and Pistol Club.

We have done four previous cleanups; we've spent in excess of \$4 million. When we found this problem-- The Club's been in existence since 1960. (technical interference)

UNIDENTIFIED SPEAKER: And so, Mr. Loyer, I think we lost you.

DUANE O. DAVIDSON, ESQ: Mr. Chairman, this is Duane Davidson (indiscernible). I am the attorney appearing on behalf of the

Central Jersey Rifle and Pistol Club, and maybe I can pick up, because I see Mr. Loyer has somehow muted himself. But if I can pick up from where we are.

I have been involved on behalf of the Club for the last 7 years in negotiations with DEP. (technical interference)

Mr. Loyer indicated that the Club has cleaned up other areas (indiscernible), because in 2004 they had an extensive environmental investigation done of this property, which took three years to complete. That revealed that there was some contamination from the shotgun ranges that ended up on DEP property. That was the (indiscernible) from the 1960's, which was corrected in the 1990's.

I would not say it is extensive contamination; there is no evidence it went into any groundwater, based on the environmental report that the Club had. They have spent \$4 million cleaning up, under four sets of contracts, this property.

The contract proposal to clean up DEP was \$1,06,000 to clean it up. They are a Club of 3,500 members who are well able, financially, to undertake this. So they experienced (indiscernible), they will accept the responsibility we thought we had -- we accepted the responsibility. We will have this done within 18 months of the transfer exchange.

UNIDENTIFIED SPEAKER: Thank you very much, I'm satisfied with the rules we have memorialized in whatever agreement we have, that they're going to take care of this. I don't oppose this resolution.

MR. SHAUGHNESSY: Any other members have any questions or comments concerning this matter? (no response)

Hearing none, do any members of the public wish to be heard on this?

MS. SACHAU: Yes, Barbara Sachau.

I don't think that you're representing the public very well if you're willing to let this club do it afterwards. Why not make them clean it up right now, before you've given the authorization at all?

I don't see why the public has to be accommodated here at all. This Club (indiscernible) to clean up all these cleanups, (indiscernible) has a problem with cleanups, and it should be cleaned up along the way.

And I don't think -- I think they show a lack of public care in not cleaning up along the way and having to go to this, and then promising later on to do.

I would not, I would not -- I would not vote for this. Tell them to clean it up now.

Thank you; bye.

MR. SHAUGHNESSY: Mr. Chairman--

MS. POVIA: I didn't unmute myself, I had a question on Assemblyman Moriarty's point prior to the last comment. I just wanted to jump back to the clarification.

MR. SHAUGHNESSY: Yes, Ms. Povia.

MS. POVIA: So, just to be clear, because the land isn't titled yet to the Club, they aren't cleaning it up, but they have committed to cleaning up in 18 months.

If, for some reason -- although I understand the commitment here and don't doubt it -- if for some reason it is not cleaned up in 18 months,

does the DEP -- is there a reverter to the deed, or will it be an enforcement policy after 18 months?

Just want a clarity on that.

MR. SHAUGHNESSY: I don't know. (indiscernible)

UNIDENTIFIED SPEAKER: We have not discussed whether there will be (indiscernible) now. What I indicated earlier was that in my opinion, this will be put back into (indiscernible) if the Club does not adhere to it. I think jeopardizing those (indiscernible) property. I think Mr. Davidson has indicated that the Club is willing to accept various terms and conditions on this transaction, and since they are confident they can accomplish the cleanup within 18 months (indiscernible) that they're going to adjust that.

MR. DAVIDSON: Duane Davidson appearing on behalf of the Club.

We can accept consequences that would be in the deed of conveyance (indiscernible), to make the cleanup. Now, we would need -- one of the things that has been in the previous of the four cleanups is that it was undertaken during winter weather. And so technically, (indiscernible) and I tell them, they don't fully understand that the cleanup could not be continued until the weather broke. And one of the concerns that we had was this approval process, unless it is approved, there's the waiting period for DEP to convey the property, so when that conveyance occurred and this is approved, it could end up being in the middle of winter, which will delay the cleanup.

I don't anticipate there will be any necessity to increase the time period for 18 months; it was made in a generous fashion in order to

accommodate some weather patterns or difficulty that could occur with the cleanup.

To address, I guess, the fact that the Club should do the cleanup now, I just want to give additional background. I referenced that there was a recruit from the Environmental (indiscernible) Commission, and the Club has (indiscernible) in 2004. (indiscernible) in 2007.

That showed the deposition on adjacent DEP property. Immediately -- I can't say immediately. But the Club went to DEP -- not the DEP coming to the Club -- and said, "You're polluting our property." The Club went to DEP and negotiations began, "How do we clean it up?"

There was a proposal to lease the land so we could have access to clean it up; a right of access so we could have the ability to clean up. There was a purchase of the land -- outright purchase -- so the Club could clean it up. Those negotiations were long, and what ended up was DEP indicating to the Club that they would be in favor of a land exchange. Then they made the determination for what land would you want us to exchange, and that's when the Club went after, if you will, went after the property in Upper Freehold that the DEP had been negotiating and unable to reach agreement.

The Club then negotiated that purchase, they agreed to do additional things that a typical seller of land would not do if the transaction was approved, and has considered those funds spent in purchasing and addressing the DEP issues with this property in Upper Freehold Township. The Club has showed its proper citizenship in (indiscernible) and she can characterize that as fully cooperative of the DEP in this entire process, so we can have access for any cleanup of this property.

BRITTA FORSBERG: Mr. Chairman, can I speak to the members of the public?

MR. BRAZ: Of course.

MS. FORSBERG: Good afternoon; thank you for the opportunity to speak. My name is Britta Forsberg, I am the Executive Director of Save Barnegat Bay, and I decided to join this call today because we have -- we are basically opposed to this land deal, as we feel that it is giving away our land to a polluter.

So for background, in terms of our position, Save Barnegat Bay is a 50-year-old basically Ocean County nonprofit environmental group whose mission is to protect and restore the Barnegat Bay. So with that (indiscernible) everyone on the call, the public, the members of the Commission, any media that might be here, the organization was formed in 1971, it was a chapter of the Izaak Walton League of America, which is the oldest conservation organization in the United States and it was formed by (indiscernible).

And so our Board of Directors, as decisionmakers in the organization since the very beginning and throughout our 50 years, have been hunters. And essentially, we believe in the proper responsibility and responsible hunting of our land and our marshes and our waterways. The organizations both Federally and locally has been involved with abatement of lead pollution and concerns of lead pollution on our land.

And for this particular case, I think we feel like the cross-contaminates have cost us \$3 million in pollution, but that was their responsibility to do. And there's a Wildlife Management Area behind the--

I'm actually very familiar with the area, having shot my first shotgun down the street at the (indiscernible) Gun Club.

But we do have a responsibility of taking care of our sportsmanship and the properties that surround it. I'm not really sure -- the organization Save Barnegat Bay feels like these folks should clean up the State land, the Wildlife Management Area, and they should put in the drain in the back of the property to take care of the Wildlife Management Area.

There should be shot curtains installed, and they should be cleaning up the land. This essentially sends a message that people can be irresponsible as (indiscernible) in our area, and we don't feel like this is a fair deal for the public.

So we're not opposed to the gun club, we're not opposed to people being out in the woods and enjoying themselves. But, however, we do feel they need to be responsible, and this deal is giving away Wildlife Management Area. If this deal is to go through without other conditions that should be considered, it should be a requirement on the deed that the land remains natural, in its natural state, as it is today once it's cleaned up; that there's no clearing allowed, no development allowed. The Club doesn't get to benefit in some way from that land, converting it into additional gun areas.

Also, we would also be in favor of (indiscernible) revisions if the Club was to attempt to transfer or change or sell that land that the deed (indiscernible) to the State of New Jersey and be contested.

I thought of, as an analogy -- in Ocean County we have Ciba-Geigy, a long history of Ciba-Geigy (indiscernible) relentless (indiscernible) polluters. No, we really wouldn't have polluters, we would ask the DEP as the agency to enforce against the polluters, ask them to clean up, and then

take care of their land and the adjacent land appropriately. If the adjacent land was a private property holder, they wouldn't be willing to give away their land.

I just want to share those thoughts. I appreciate your time.

MR. SHAUGHNESSY: Thank you--

UNIDENTIFIED SPEAKER: Mr. Shaughnessy, may I address a couple of those comments?

MR. SHAUGHNESSY: Yes, (indiscernible)

UNIDENTIFIED SPEAKER: We received similar comments in the public hearing for this proposal; we conducted two public hearings for the members of the Pinelands Preservation Alliance. They had similar concerns about whether this was setting a precedent to not force the polluter to clean up, or to automatically exchange land to repel this type of problem.

We did address those comments in detail, and the (indiscernible) comments, included in the summary, provided to the members. And one of the points we made in there was that we didn't necessarily endorse the land exchange for every contamination encroachment issue, but we felt it was appropriate in this location. And this should be the (indiscernible) survey lines are notoriously difficult in this part of the state. And there definitely were survey errors and boundary misunderstandings in this area.

It also was not entirely clear to us the plan in which the DEP would be responsible for the cleanup if they did not engage in this exchange, or were exempt from certain discharges that happened before a certain year. But this was the continuing situation that extended past the cutoff date, and since that happened, we might have continued to be responsible for the cleanup.

So (indiscernible) this is a situation where agreeing to this land exchange would result in a voluntarily cleanup instead of finding ourselves in potentially an adversarial situation to get the cleanup accomplished, even though the court has been very forthcoming and cooperative.

There-- So, we made it very clear in response to comments that this is not a standard operating procedure for dealing with a contamination issue, but we felt it was appropriate in this particular situation. (indiscernible) development of the property, we also (indiscernible) comments that this area is highly regulated by the Pinelands. We had several conversations with the Pinelands Commissioner, and he assured us that the Club had maximized its development potential on this site already with previous expansion of the range and the facilities, and that adding this acreage to the site would not made the property more developable.

However, to address concerns that people still have about tree clearing and the possibility of future development, the Club has already agreed to a conservation restriction in the area to be conveyed except to the extent that it needs to be reserved for the cleanup and (indiscernible).

So I think we've addressed some of those concerns already. But the Club has already agreed to these conditions. And, you know, I did want to emphasize that this is not -- this is not automatically how we would treat a situation in that location. There are a lot of ranges around the state; I think we'd need to evaluate each one of them case-by-case, if we found that there was encroachment by lead shot onto a property.

MR. SHAUGHNESSY: Do any other members have any other questions or comments?

MR. LOYER: (indiscernible)

MR. SHAUGHNESSY: We lost you before, I'm sorry.

MR. LOYER: Byron Loyer, Chairman of the Board, Central Jersey Rifle and Pistol Club.

I have been involved with the Club for the past 20 years; I've been Chairman of the Board for the past 15. I have been the head of every project we've done at the Club, okay. We're very, very good stewards of the land, that's why we've done the cleanups. Right now, we're at 4,100 members -- not 3,500, okay -- we have a lot of people joining from all over the state.

We try and stay ahead of things. In other words, we've got a stewardship program in place, we did that. We spent over \$30,000 to have the environmental study done. Also, the land that we purchased in Upper Freehold, the state couldn't come to terms with the owners; we had to spend \$35,000 to have the property surveyed because it butted up against 15 different pieces of property.

We are very committed to doing this. Again, when we found out-- Back in 1960, when the Club was formed, the surveys weren't very good then, in those days. They went by a tree or a rock, or this or that. Well, when we found out, when we did our environmental study, that we were encroaching on other peoples' land, we went to the State and let the State know this. How do we rectify this? And this is where we've come to at this point. I think it's a win-win for both us and the State, because they're gaining 88 acres to add to a beautiful area out in Upper Freehold. It's a little bit short on land, so another 88 acres would help them.

We're more than willing to work with the State. Like I said, I've been the head of all the environmental cleanup projects, we have

(indiscernible) to do it. As long as the weather cooperates with us, we will have this done within -- probably by this summer.

Okay, so that's all I want to say.

Thank you very much.

A N D R E W G O L D, ESQ.: Mr. Chairman, may I comment?

MR. BRAZ: Yes.

MR. GOLD: All right, this is Andrew Gold with the Pinelands Preservation Alliance.

We remain opposed to this deal, certainly as it stands. As others have stated, I just -- we don't think the State should be rewarding pollution of public land. I mean, as it stands, it seems that's what this represents; the private party that polluted publicly owned land, and now, instead of being required to clean it up upfront, can just take over that property.

So I mean, at a minimum, I think this should be rejected or, at a minimum, tabled for now to make sure that there's an enforcement mechanism in place before any deal is approved.

Another issue, too -- something I'm not understanding concerning the shot concern. If this deal passes and the gun Club takes over the portions of DEP property that it contaminated, what is going to stop that from happening again -- I mean, if that becomes part of the gun Club? Something I'm not clear on is the shot curtain -- where is that being installed to prevent further contamination of that same property that will be conveyed to the gun Club, or beyond that?

MR. LOYER: The shot curtain is going to be approximately 50 feet high and encompasses the whole-- It's going to cost us \$700,000 to install the shot curtain. What it does is, it captures the lead from the shotgun

shooting, it goes through the ground, on plastic, and it gets cleaned up. It's encompassing about 1,500 feet long and 50 feet high. And it's easy for us to clean up the lead then. We don't pollute anything.

MR. DAVIDSON: Mr. Chairman, Duane Davidson from the Rifle and Pistol Club.

The restriction that the Club has agreed to have (indiscernible) is one that prohibits any (indiscernible) defined in a municipal land use (indiscernible). That is the all-encompassing definition.

The only exception is (indiscernible) development within necessary activities to clean up the (indiscernible) shot. That is the only exception for the development prohibition.

So (indiscernible) put it in standard facilities. They're getting this to supply the buffer that they have built upon a previous survey. And the shot curtain will further assure that there is no additional shot which goes on their shotgun range. Which even the survey discrepancy-- The shotgun range is still totally on the gun club property. The only thing which occurred was (indiscernible) than they were based on the survey, and the last shot will be cleaned up on the property -- that will now be theirs -- (indiscernible) cannot develop.

MR. SHAUGHNESSY: Any other comments from the gun club or the public?

JASON HOWELL: Hi everyone, Jason Powell, Pinelands Preservation Alliance. I'm a public relations advocate for Pinelands Preservation Alliance.

This is a really bad deal for the public of New Jersey. One thing that was mentioned, that there is groundwater contamination, or at least

there's evidence of it. Well, lead is highly mobile in acidic soil and acidic water, and that's what we have in the Pinelands.

The DEP has had no plan to enforce this cleanup until this very meeting. I think that this resolution should be tabled, like Andrew said, at minimum -- or outright rejected because of that lack of preparation.

Just as a simple narrative -- if I dumped toxic waste on my neighbor's property, and I said, "Wow, that's too bad, maybe if you give me that property and also all that other property around your house that I wanted for a long time--" Because this isn't just about giving away public property that's been contaminated. They're also giving away the public access, which is the road into (indiscernible) and multiple other parcels in that area.

So if I said to my neighbor, "Hey, I would really like it -- maybe I'll clean it up, you just have to give me your property and then I'll take care of it," I don't think anybody would take that seriously, and I don't think that you as the Commission should take that offer seriously.

This is just a giveaway of public land to private individuals, and I think it's unacceptable for the State to do that.

Thank you.

UNIDENTIFIED SPEAKER: Mr. Shaughnessy, I need to clear up a few (indiscernible) the character erosion that the DEP didn't have (indiscernible) to enforce the 18 months.

The way the approvals work is the Commissioner approves them and you make a recommendation for the Commission to approve. The documents that we submitted to the Commission in support of this request that were approved by our Assistant Commissioner had to go through

(indiscernible) to the clean up (indiscernible) and the terms and conditions that we're asking the Commission to adopt.

We consider those terms and conditions to be (indiscernible). Assemblyman Moriarty asked that (indiscernible). I think even if it weren't in the deed, it's something we could enforce, but we could certainly get more explicit in the deed; we could consider whether it's appropriate, or we would be happy to consider whether (indiscernible) if that's triggered and you get the property back, would DEP be out (indiscernible) in Upper Freehold property back to the Club, (indiscernible) it would go back (indiscernible).

I'm not sure if (indiscernible) accomplishing (indiscernible), but the DEP would consider any terms and conditions that the Commission and the Commissioner approve (indiscernible).

So I don't think that it's (indiscernible) we didn't have a plan to enforce that restriction.

MR. POWELL: We have not seen a plan to enforce the restriction; that's the first I'm hearing of it.

MR. DeVITO: This is Emile DeVito, New Jersey Conservation Foundation. I have one quick question, and a number of comments.

My question is: Are all 40 acres that are proposed to be transferred contaminated?

UNIDENTIFIED SPEAKER: I don't believe so, but (indiscernible)

MR. LOYER: Can I chime in on that? Approximately 5 acres.

We're trying to create a buffer, okay. That's why the shot curtain is there, and anything that goes passed the shot curtain will still be on the

property as conveyed to us. So in the future if we do have to do another clean up, we will clean it up.

And by the way, there's no wetlands involved in this whatsoever.

MR. DeVITO: So let me just make a couple of points.

I can't-- I don't understand why you need 35 acres of buffer. But even if you did need 35 acres of buffer, the State can draw a line anywhere it wants -- it doesn't have to go by existing lot lines. So I don't understand the need for a 40-acre transfer.

My other question, though -- my other comments, I'll just go through them. This land is Pinelands Preservation Area, the 40 acres. So it seems to me -- and I know that I think Judeth mentioned that there were discussions with the Pinelands Commission -- that it would seem to me that cleaning up hazardous waste requires a development application for the Pinelands Commission and the plans to be approved by them.

And also, since it is Pinelands Preservation Area, there's no option to ever have this forest -- which has never been agriculture or anything like that -- this forest has to remain as forest, this 40 acres. So if there is a cleanup that takes away qualities of the forest, such as the leaf litter or the shrubs, or the soil, that it has to be restored in order to meet Pinelands regulations. It has to remain as forest since it is in the preservation area.

I think there needs to be a reverter. The part about if the Club ever wanted to sell the land they have to notify the DEP -- that strikes me as being really bad for the public. If the Club ever wants to sell the land they shouldn't be able to, they should have to give it back to the DEP.

And also, I'm a little concerned about the 80 acres. I looked on the historic area photographs, and a good portion of it is apple orchards or

some kind of an orchard. Once it was all farmland, and some of it was orchards, which means it could be contaminated with lead arsenate. Much of the orchards in that part of New Jersey are contaminated with lead arsenate, so I'm a little concerned that some of the land that's being traded might be contaminated, which I think needs to be checked out.

So overall, I think there are some missing pieces to this, and I think it should be tabled and all of these pieces should be investigated. I don't think it should be 40 acres; I don't see how that's possible. It should be absolutely clear that the forest can never be removed and the 40 acres can never be developed -- Pinelands Preservation Area cannot be used for active recreation, there can't be off-road vehicle tracks, there can't be more ranges installed or any type of forest clearing. It should be left completely as forest, and it should be deed-restricted as such if it was to be transferred. But I don't think 40 acres needs to be transferred.

And I think that's all I have to say.

Thank you.

MR. LOYER: Can I say something about the 40 acres? The 40 acres isn't one piece, there are three pieces of property. One was where a driveway comes in; we're trying to -- we're going through State (indiscernible) and small sections like that, which is the two acres. We have another part of the property that is 10 acres, that we're trying to create a buffer on that side. So it's not 40 acres in one particular piece.

MR. SHAUGHNESSY: Any other comments?

ASSEMBLYMAN MORIARTY: Can I just add that the motion -- this would include a requirement in the deed to clean up (indiscernible), with that I'm happy if that could be part of the motion.

UNIDENTIFIED SPEAKER: Not a problem for DEP; I don't think it's a problem for the Club.

MR. LOYER: It is not a problem for the Club.

MR. SHAUGHNESSY: Motion by Assemblyman Moriarty, (indiscernible) the deed concerning this.

Do I have a second?

ASSEMBLY DiMAIO: Second. This is Assemblyman DiMaio.

MR. SHAUGHNESSY: Motion and second.

I'll call the roll.

Chairman Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Chief of Staff Povia.

MS. POVIA: Abstain.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: A couple of comments before I vote.

First, the DEP is our gold standard for environmental protection. And I brought up the point that there were concerns, since they are the deed title owners of some of the property that's contaminated, that they could (indiscernible) be the responsible party, since they're the owners, to clean up the property. And the DEP has the extra funds as all the other agencies in State Government -- not much.

They have a responsible party; some would argue, well, maybe they're not so responsible because they contaminated the property. But I different think that there were different standards and different understandings about pollution decades ago.

And it seems like the history that was recited to us about the gun club stepping up to the plate on various occasions to try and be responsible, I think, have some merit. They are not the normal polluter that pollutes or goes bankrupt, or, you know, does the Texas two-step or does whatever to avoid responsibility. They are saying, "We are willing to be responsible," and to pay their money to clean it up.

It sounds, from (indiscernible), there are comments that there are significant development restrictions, that the State is not giving them a piece of property that's going to become a new warehouse for the State. And I think at some point you have to try to balance all these equities.

The final equity that comes to my mind is that the people in the State of New Jersey are getting cleanup done, and not at their cost, no matter who is responsible for it. You don't have the gun club saying they're going to go bankrupt and buy another piece of property someplace else; they're trying to be responsible.

And I do think the additional restrictions suggested as part of the deed is in the same category as, it's probably extra; we probably have these issues covered. But I do think the most practical approach to the environment is let's get cleaned up.

So I vote yes.

MR. SHAUGHNESSY: Thank you, Senator Smith.

Senator Kean.

SENATOR KEAN: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: I just want to say, I agree with everything that Senator Smith said. And I want to -- I think there's been a

little bit of hyperbole here, because I think this (indiscernible) appears to have been not polluters that took a bunch of drums of chemicals and just poured them onto the ground.

I think they understand things have occurred, there were different surveys from the past. Some of this may be inadvertent; they're willing to step up to the plate, clean it up, be responsible for it.

We're getting double the acreage in return.

I'm a yes.

UNIDENTIFIED SPEAKER: Like a land swap.

MR. SHAUGHNESSY: And then Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes, I agree. I think the Club is being responsible with these actions and not running away.

I am a yes.

MR. SHAUGHNESSY: The Amendment and condition is approved.

SENATOR SMITH: Mr. Shaughnessy, can I interrupt for one second?

Unfortunately, I am now late for another event that I must attend. I have reviewed the entire agenda, and I agree with the transfers and other considerations that the State House Commission would like to go forward with.

So I would like to be recorded in the affirmative for future items -- the only exception being the Judicial Retirement Commission, I'm not 100 percent sure what is on their agenda.

So if you record me in the affirmative, I will respectfully request leave to exit the meeting.

MR. SHAUGHNESSY: Okay, we appreciate that. That will bring us down to still a quorum. So we can move forward, and we will count your votes accordingly.

SENATOR SMITH: Thank you, sir.

MR. SHAUGHNESSY: So what we are going to do now is move -- hopefully quickly -- on to No. 15, which is Laurel Hill Park, Block 1, part of Lot 3, Secaucus, Hudson County.

The DEP, on behalf of the County of Hudson, requests approval to allow the conveyance of a bridge easement to New Jersey Transit Corporation, on 2.445 acres of parkland as part of the Portal North Bridge Project to replace the existing and aging Portal Bridge.

The proposed bridge easement would be used to construct, maintain, operate, and reconstruct bridge piers and foundations to support the new bridge structure and platform.

To compensate for the proposed diversion, the County proposes to accept a total of \$233,800 cash compensation from NJT, New Jersey Transit. The County will deposit \$54,800 into the Garden State Preservation Trust Fund for future land acquisitions, and use the remaining \$179,000 for the rehabilitation of Laurel Hill Park.

That is the matter for consideration. Do any members have any questions or comments? (no response)

Hearing none, any members of the public need to be heard on this matter?

MS. SACHAU: Yes, Barbara Sachau.

Going back one, on No. 14. Lead shot has been known to be a pollutant for the last 25 years. Just for your information.

Thank you.

MR. SHAUGHNESSY: Thank you, Ms. Sachau.

Other comments on No. 15? (no response)

If not, may I have a motion on No. 15, please.

UNIDENTIFIED SPEAKER: So moved.

SMR. SHAUGHNESSY: Motion second?

UNIDENTIFIED SPEAKER: Second.

MR. SHAUGHNESSY. Motion seconded. I'll call the roll.

Chairman Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Chief of Staff Povia.

MS. POVIA: Yes.

MR. SHAUGHNESSY: Senator Smith -- pardon me, Senator Smith is marked in the affirmative.

Senator Kean.

SENATOR KEAN: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: No. 15 is approved.

No. 16: Hartshorne Woods Park, Block 786, part of Lot 1, Middletown, Monmouth County.

DEP, on behalf of the County of Monmouth, requests approval to allow the diversion of 0.3538 acres of Hartshorne Woods Park, in

connection with Monmouth County's Intersection Improvements at County Route 8A and County Route 8B.

The proposed diversion involves the dedication of 0.3538 acres of Hartshorne Park, in fee, as a road right-of-way to allow for the construction of a roundabout to address public safety concerns at the intersection.

To compensate for the proposed diversion, the County proposes to dedicate for recreation and conservation purposes a total of 1.8519 acres of replacement land.

That's the matter up for consideration on No. 16.

And members have any questions or comments? (no response)

Hearing none, any members of the public wish to be heard on No. 16?

ROBERT MOSS: Yes, this is Robert Moss, from Bloomfield. I didn't see where you can raise your hand, so I just spoke.

I know it's late; I stumbled across this last night at midnight. I will try to be concise and coherent.

One of the replacement parcels is a part in Upper Freehold, a part of Block 49, Lot 3. Use of this parcel is not authorized by statutes or regulations. I'll go through it quickly, and I guess I can look up-- I have not sent in a comment, I will elaborate in written comment.

But the deed for this parcel, when Upper Freehold bought this parcel, it specifically states that it is being purchased as banking -- as bank land for compensation for future diversions out of Green Acres.

This is not authorized. The deed actually cites -- the Green Acres regulations, at 7:36-2610, and particularly parenthesis "N" as in Nancy -- but

that section does not authorize -- that section authorizes banking when there is -- when a parcel is being purchased for a pending diversion.

This is not a pending diversion. They bought this land in 2017. There were no diversions pending -- I checked, I went through the State House Commission minutes for 2017 and 2018. Upper Freehold had no diversions pending for which this parcel or any part of it could be used as a compensation.

So the regulations allow this banking only when there's a pending diversion. Here, in 2017, they reportedly reserved this land for banking even though there was nothing pending. Now, they want to come and use it. That is not permitted by the regulations. I will also note that they referenced the Monmouth County Open Space Trust Fund, the conservation where allowable -- the money can be allowed only to buy parcels to be used for conservation purposes.

Conservation is not the same as banking, because banking does not increase the total amount of reserved open space. Banking is specifically land to be used up when other land is diverted, and the Green Acres regulations, of course, are strict so that if you bank 100 acres and you're going to use it for Green Acres diversions, not all of the bank will be taken up.

In other words, 100 acres purchased for banking and for compensation for Green Acres purchases could be 25 percent of it -- 25 acres could go to compensation land, maybe as much as 50. It depends on the Green Acres regulations. But not all of that 100 acres will be used to increase the amount of open space. So the New Jersey statute -- I don't have the name of the statute, but it's New Jersey 40:-12-151, and so on, does not -- it permits

land to be purchased by counties for conservation but not for banking; they're not the same thing.

And I just, as a general remark, the way the statutes and the regulations are written it doesn't explicitly say -- like in the Monmouth County's Open Space Program -- it doesn't explicitly say you can't use it for banking. But you know, the people who wrote these statutes and regulations were not contemplating public officials playing games with the law. This piece, Block 49, Lot 3 in Upper Monmouth, is not eligible to be used for replacement land.

You can't go to court with this, our courts are corrupt -- if anyone wants to challenge me on that statement, please contact me outside of that meeting.

And that will be all I have. I will send it more detailed comments with more specific references.

Thank you.

MR. SHAUGHNESSY: Thank you, Mr. Moss.

MS. YEANY: Mr. Shaughnessy, Jeff Beekman, an attorney for Monmouth County, is on the call and I think might be able to address the eligibility issue as it pertains to this particular diversion.

JEFFREY P. BEEKMAN, ESQ.: Thank you, Ms. Yeany. This is Jeffrey Beekman; I am Special County Counsel for the County of Monmouth.

So let me be clear. The banking metric referred to by Mr. Moss has nothing to do with the diversion itself. That banking situation for this project deals solely with setting aside the tree mitigation for the project. That has nothing to do with the diversion acreage -- which, the diversion acreage is being purchased in a site immediately adjacent to the existing Hartshorne

Woods Park. And we've been through the vetting process of all that with DEP, as well as through our processes, that were needed before we got to the State House Commission.

So there is a portion of that lot in Upper Freehold that was carved out for tree mitigation only. So there's -- and I don't remember off the top of my head the actual acreage that was associated with that, but it has been carved out, and that is permitted by the regulations, as we understand it, for tree mitigation purposes.

There are separate projects in the Crosswicks Creek Watershed that (indiscernible) property -- we call it Upper Freehold -- that will be utilized toward the future banking. This project in general, the diversion itself, is related to a site in Middletown, directly adjacent. The property is owned by the Jersey Central Power and Light Commission, and that is the replacement land being utilized for this roadway improvement.

MR. SHAUGHNESSY: Thank you--

MR. MOSS: If I may say -- that's not what the deed says. The deed says, and let me quote, the page number I have is 4577, in book OR9252, "Further, pursuant to NJAC," that's semicolon 56, that's 2610, that's the one they cited I said before. And particularly, the parenthesis small letter "n," "The land conveyed herein, as set forth in the attached description, is intended to be used as compensation for future disposals or diversions of Green Acres incumbered land. By banking the lands for such purposes as are authorized," and so on, they go to significant public benefit and all that.

So there's nothing about trees there.

MR. BEEKMAN: I stand by my statements.

MR. MOSS: And I do too, okay.

Thank you.

MR. SHAUGHNESSY: Anything further from anyone on this matter? (no response)

Hearing none, do I have a motion to No. 16?

UNIDENTIFIED SPEAKER: So moved.

MR. SHAUGHNESSY: Thank you.

And second.

UNIDENTIFIED SPEAKER: Second.

MR. SHAUGHNESSY: I'll call the roll.

Chairman Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Chief of Staff Povia.

MS. POVIA: Yes.

MR. SHAUGHNESSY: Senator Smith -- pardon me, Senator Smith is in the affirmative; previously reviewed as (indiscernible).

Senator Kean.

SENATOR KEAN: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: No. 16 passes.

We are on to No. 17: Smith Road Sheep Farm, Block 736, part of Lot 901, Township of Parsippany-Troy Hills, Morris County.

The DEP, on behalf of the Township of Parsippany-Troy Hills, requests approval to allow the diversion of a total of .164(+/-) acres of Green

Acres encumbered parkland, in connection with the Township's Well 20 Replacement Project. The proposed diversion is needed to allow for the construction and maintenance of a production well and pump house to replace the Township's decommissioned Well 20.

To compensate for the diversion, the Township proposes to remit \$19,312 to Green Acres for deposit into the Garden State Preservation Trust Fund.

That is the matter up for consideration. Do any members have any comments or concerns? (no response)

Hearing none, any members of the public wish to be heard on No. 20 -- pardon me, No. 17, that is? (no response)

Hearing none, may I have a motion please.

UNIDENTIFIED SPEAKER: So moved.

UNIDENTIFIED SPEAKER: Second.

MR. SHAUGHNESSY: Motion and second.

I'll call the roll.

Chairman Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Chief of Staff Povia.

MS. POVIA: Yes.

MR. SHAUGHNESSY: Senator Smith has been marked in the affirmative.

Senator Kean.

MR. SHAUGHNESSY: Senator Kean.

SENATOR KEAN: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: That is approved.

The last DEP request is No. 18: Jumping Point Park, Block 143, Lot 2, Rumson, Monmouth County.

DEP, on behalf of the Borough of Rumson, requests approval to allow the diversion of a total of .01 acres of parkland in connection with the New Jersey Natural Gas Sea Bright Reinforcement Project, and the New Jersey American Water Shrewsbury River-Rumson to Sea Bright Water Main Crossing Project.

The diversion will consist of the conveyance of a two-foot-wide subsurface easement to New Jersey Natural Gas for the operation and maintenance of a natural gas main, and a two-foot-wide subsurface easement to New Jersey American Water for the operation and maintenance of a drinking water main.

To compensate for this diversion, the Borough will receive \$35,000 in monetary compensation from both NJNG -- New Jersey Natural Gas -- and New Jersey American Water, for a total of \$70,000 in monetary compensation.

Do any members have any questions or comments about this?
(no response)

Any members of the public wish to be heard on this matter? (no response)

Hearing none, may I have a motion please.

UNIDENTIFIED SPEAKER: So moved.

Mr. SHAUGHNESSY: Thank you.

UNIDENTIFIED SPEAKER: Second.

MR. SHAUGHNESSY: Motion second, I appreciate it.

Chairman Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Chief of Staff Povia.

MS. POVIA: Yes.

MR. SHAUGHNESSY: Senator Smith has already been marked in the affirmative.

Senator Kean.

SENATOR KEAN: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: Okay.

So now we're finally on to the Division of Pension and Benefits requests. To do so, we must have a motion to adjourn as the State House Commission and convene as the Judicial Retirements and Board of Trustees.

Motion?

UNIDENTIFIED SPEAKER: I make that motion.

MR. SHAUGHNESSY: Second?

UNIDENTIFIED SPEAKER: Second.

MR. SHAUGHNESSY: Motion and second, thank you.

All in favor?

ALL: Aye.

MR. SHAUGHNESSY: Any opposed? (no response)

Hearing none, it's been approved.

Sitting now as Judicial Retirements and the Board of Trustees.

There are three items on the agenda.

First is approval of the minutes of the meeting held on June 23, 2021.

May I have a motion for that?

UNIDENTIFIED SPEAKER: So moved.

UNIDENTIFIED SPEAKER: Second.

MR. SHAUGHNESSY: Okay. All in favor?

ALL: Aye.

MR. SHAUGHNESSY: Any abstentions?

UNIDENTIFIED SPEAKER: I abstain, I was not here.

UNIDENTIFIED SPEAKER: I abstain, I was no here either.

MS. POVIA: This Jo-Ann; also abstaining.

MR. SHAUGHNESSY: Okay, we have votes in the affirmative and abstentions marked. Thank you very much.

Next, on to No. 2, confirmation of death claims, retirements and survivor benefits. It is listed in the amendment as packages.

Do I have a motion for that?

UNIDENTIFIED SPEAKER: Motion.

MR. SHAUGHNESSY: Second?

UNIDENTIFIED SPEAKER: Second.

MR. SHAUGHNESSY: Okay, I'll call the roll on this one.

Chairman Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Chief of Staff Povia.

MS. POVIA: Yes.

MR. SHAUGHNESSY: Senator Smith has abstained, I think.
Senator Kean.

SENATOR KEAN: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: No. 2 is approved.

The final one is receive -- to receive the financial statements for
February to June 2021.

May I have a motion for that receipt?

UNIDENTIFIED SPEAKER: So moved.

MR. SHAUGHNESSY: Thank you.

Second?

UNIDENTIFIED SPEAKER: Second.

MR. SHAUGHNESSY: I will call the roll.

Chairman Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Chief of Staff Povia.

MS. POVIA: Yes.

MR. SHAUGHNESSY: Senator Smith has abstained on this
portion of the agenda.

Senator Kean.

SENATOR KEAN: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: That matter is approved.

Now I just need a motion to reconvene as the State House Commission.

Motion?

UNIDENTIFIED SPEAKER: So moved.

MR. SHAUGHNESSY: Second?

UNIDENTIFIED SPEAKER: Second.

MR. SHAUGHNESSY: All in favor?

ALL: Aye.

MR. SHAUGHNESSY: We're back as the State House Commission, and is there any other further business? Does anyone have any other business to discuss?

UNIDENTIFIED SPEAKER: Move to adjourn.

MR. SHAUGHNESSY: Okay, motion.

Second?

UNIDENTIFIED SPEAKER: Second.

MR. SHAUGHNESSY: All in favor?

ALL: Aye.

MR. SHAUGHNESSY: Thank you very much.

We are adjourned.

UNIDENTIFIED SPEAKER: Thank you, Mr. Shaughnessy.

(MEETING CONCLUDED)