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# *Commission Meeting*

of

## STATE HOUSE COMMISSION

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**LOCATION:** Committee Room 9  
State House Annex  
Trenton, New Jersey

**DATE:** March 26, 2001  
9:00 a.m.

**MEMBERS OF COMMISSION PRESENT:**

Devon L. Graf, Chair  
(Representing Acting Governor Donald T. DiFrancesco)  
Senator Walter J. Kavanaugh, Vice-Chair  
Senator John A. Lynch  
Assemblyman Leonard Lance  
Assemblyman Anthony Impreveduto  
Maureen Adams  
(Representing Acting State Treasurer Peter R. Lawrance)  
Kathy Steepy  
(Representing Charlene M. Holzbaur)



**ALSO PRESENT:**

Edward R. McGlynn, Secretary  
Robert J. Shaughnessy Jr., Counsel

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

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## TABLE OF CONTENTS

	<u>Page</u>
Assemblyman Gerald H. Zecker District 34	1
William Liess Superintendent of Schools City of Clifton	2
Robert P. Hammer City Manager City of Clifton	3
Anthony R. Mazzella Associate Director Office of Intergovernmental Affairs Division of Property Management and Construction New Jersey Department of the Treasury	20
Tim Dillingham Director of Policy New Jersey Conservation Foundation, and Executive Director Highlands Coalition	29
Jeff Tittle Director Sierra Club New Jersey Chapter	31
rs:1-43	

MR. McGLYNN (Secretary): I'm Ed McGlynn. I'm the Secretary of the Commission. I apologize. We're a little bit late this morning.

Senator Kavanaugh, who chairs these meetings, had an emergency meeting of his own downstairs on the second floor. We'd like to wait for him, because he does such a good job chairing these meetings.

However, we do have a quorum, in that we need five members for a quorum of the Commission.

And Assemblyman Zecker is here taking coffee orders -- on behalf of the City of Clifton.

I would ask Devon Graf, from the Governor's Authority, if he would chair the meeting for the purposes of Item No. 11. We can start with that. And we'll wait for Senator Kavanaugh to come.

**DEVON L. GRAF (Chair):** Roll call.

MR. McGLYNN: Senator Kavanaugh is downstairs.

Senator Lynch.

SENATOR LYNCH: Here.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Here.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Here.

MR. McGLYNN: Assistant Treasurer Maureen Adams.

ASSISTANT TREASURER ADAMS: Here.

MR. McGLYNN: Assistant Director Kathy Steepy.

MS. STEEPY: Here.

MR. McGLYNN: Director Devon Graf.

MR. GRAF: Present.

MR. McGLYNN: Thank you.

Item No. 11 is a matter concerning the Department of Environmental Protection. The New Jersey Department of Environmental Protection, on behalf of the County of Passaic, requests approval to dispose of Lower Weasel Brook Park to the Clifton Board of Education for the construction of an elementary school. The new school facility will include a playground and indoor gymnasium for use by the general public.

Assemblyman Zecker, would you like to be heard on this issue?

**ASSEMBLYMAN GERALD H. ZECKER:** No, I have a contingency from Clifton who is much more competent and qualified to speak for the issue. We have one competent person from Clifton, the Superintendent of Schools.

**WILLIAM LIESS:** Thank you, Mr. Chairman, for having--

MR. McGLYNN: Excuse me, Mr. Superintendent, would you hit the button right in front of you? When the red light comes on, it means that it's on. (referring to PA microphone) And could you give your name and spelling, please?

MR. LIESS: My name is William Liess. I'm the Superintendent of Schools for the City of Clifton.

Thank you for giving us the opportunity to appear here today for the City of Clifton and the students of Clifton. It's a very critical issue -- additional elementary school in a district as -- growing population, is landlocked community -- very densely populated section of the city -- where this park is located. It is really a park in name only. And if you wish, I can share with you

photographs of the site. I don't know if you would like to do that, but I do have them.

It is an unused area in an area, as I said, that is densely populated, where one-third of the entire elementary school enrollment lives on that side of the City of Clifton. And that's a district with close to 10,000 students. The neighboring elementary school is overcrowded with 750 children. And the only way we can address this is the construction of a new school.

It is our intent to take an unused park and build an elementary school there and to provide, on that site, recreation facilities for the community that it really does not now have. As was stated, there would be a regulation-size gymnasium, not only for children, but for adults. There will be a community meeting room made out of what will be called a cafetorium. And there will be a playground facility. The plan is to build a children's soccer field.

So, in the end, it will take maximum use of a piece of property that's really unused and turn it into an educational facility that will be unmatched by any school in the area and at the same time provide recreation for the neighbors.

And I totally ask you to support this.

MR. GRAF: Thank you, Mr. Superintendent.

Are there any questions? (no response)

Is there anyone else who'd like to speak on this matter? (no response)

ASSEMBLYMAN IMPREVEDUTO: I'll move.

ASSISTANT TREASURER ADAMS: I think you have somebody who would like to speak.

MR. GRAF: Did you want to speak?

Would you please introduce yourself?

**ROBERT P. HAMMER:** My name is Bob Hammer, City Manager for the City of Clifton.

And the only thing I'd like to supplement Mr. Liess's presentation with was the fact that the City of Clifton will be offering replacement property that has been valued equal to or in excess of, depending on which appraisal you look at, to the property that it's being asked to replace.

Additionally, the city is committing to a \$500,000 in-line skating facility, which would be a regulation-size rink, plus an extreme skating park. The facility the city is putting into use is immediately adjacent to an existing county park.

We believe it's good public policy. It's a cooperative effort between the City of Clifton, the board of education, and the County of Passaic.

Thank you.

MR. GRAF: Motion and a second.

ASSEMBLYMAN LANCE: I think we already had a second from Deputy Treasurer Adams, so--

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Impreduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Senator Lynch.

SENATOR LYNCH: Yes.

MR. McGLYNN: We're going to wait for about five minutes for Senator Kavanaugh.

Recess.

**(RECESS)**

**AFTER RECESS:**

SENATOR KAVANAUGH: Counsel, would you read the Open Public Meetings Act, please?

MR. SHAUGHNESSY (Counsel): I'd be happy to, Senator.

In compliance with Chapter 231 of the public laws of 1975, notice of this meeting was given by way of notice filed with the Secretary of State, delivered to the State House Press Corps, and posted at the Offices of the State House Commission on March 21st, 2001.

And, by the way, the previous matter, I believe it's Item No. 11, since notice was effective, all statements were previously properly given and received by the Commission.

Thank you, Senator.

SENATOR KAVANAUGH: Thank you very much.

Mr. McGlynn.

MR. McGLYNN: Mr. Chairman, we've done a roll call, and everyone is present. We have indicated that you are now here, also.

As I stated, we have done Item No. 11 previously.

SENATOR KAVANAUGH: Do we have a motion on the--

ASSEMBLYMAN IMPREVEDUTO: Moved.

SENATOR KAVANAUGH: No, I say do we have a motion on the past meeting, as far as the minutes?

ASSEMBLYMAN IMPREVEDUTO: Move the minutes.

SENATOR KAVANAUGH: They've been moved and seconded.

Roll call.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Assemblyman Lance.

Where did he go?

He indicated he wanted to vote in favor of.

Senator Lynch.

SENATOR LYNCH: Yes.

MR. McGLYNN: Senator Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Item No. 2: The New Jersey Department of the Treasury, on behalf of the Department of Education, requests approval to grant a gas line easement to the Middlesex County Educational Services for a property located at Block 734A, Lot 46, in Middlesex County.

SENATOR KAVANAUGH: Is anyone here from the public who cares to be heard? (no response)

If not, motion, please.

ASSEMBLYMAN IMPREVEDUTO: Moved.

SENATOR LYNCH: Second.

SENATOR KAVANAUGH: Seconded by Senator Lynch.

Roll call.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Assemblyman Lance wished to be voted in the affirmative.

Senator Lynch.

SENATOR LYNCH: Yes.

MR. McGLYNN: Senator Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Item No. 3: The New Jersey Department of the Treasury, on behalf of the Department of Corrections, requests approval to grant an easement to GPU for a property located at Block 157, Part of Lot 34, in Monmouth County.

SENATOR KAVANAUGH: Any discussion from the public? (no response)

Motion, please.

ASSEMBLYMAN IMPREVEDUTO: Moved.

SENATOR KAVANAUGH: Moved.

ASSISTANT TREASURER ADAMS: Second.

SENATOR KAVANAUGH: Seconded.

Roll call.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Assemblyman Lance wished to be voted in the affirmative.

Senator Lynch.

SENATOR LYNCH: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Have you had any problems with your head over the weekend?

MR. McGLYNN: This is early this morning.

SENATOR KAVANAUGH: All right. Okay.

MR. McGLYNN: Item No. 4: The New Jersey Department of the Treasury, on behalf of the Department of Human Services, requests approval to grant a temporary easement to GPU for a property located at Block 601, Lots 1-6, 8-12, 14, and 16, in Burlington County.

SENATOR KAVANAUGH: Any discussion from the public? (no response)

ASSEMBLYMAN IMPREVEDUTO: Moved.

SENATOR KAVANAUGH: Moved and seconded.

Roll call.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Senator Lynch.

SENATOR LYNCH: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Item No. 5, RPR 01-34, 1181 Waterloo Road, Allamuchy Township. The New Jersey Department of the Treasury requests approval to lease a DEP residential property located at Block 1001.04, Lot 104, in Warren County to Eileen Ignaut.

SENATOR KAVANAUGH: Anyone from the public care to comment? Eight hundred dollars a month. (no response)

Motion, please.

ASSEMBLYMAN IMPREVEDUTO: Moved.

ASSEMBLYMAN LANCE: Second.

SENATOR KAVANAUGH: Moved and seconded. Go ahead.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Senator Lynch.

SENATOR LYNCH: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Item No. 6, RPR 01-35, 32-A, Jefferson Lake Road, Byram Township. The New Jersey Department of the Treasury requests approval to lease a DEP residential property located at Block 366, Lot 3, in Sussex County to Donald Dolan Jr. for a rental of \$700 a month.

SENATOR KAVANAUGH: Is there anyone from the public? (no response)

Motion, please.

ASSEMBLYMAN IMPREVEDUTO: Moved.

ASSISTANT TREASURER ADAMS: Second.

SENATOR KAVANAUGH: Moved and seconded.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Senator Lynch.

SENATOR LYNCH: Yes.

MR. McGLYNN: Senator Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Item No. 7, RPR 01-37, 6 Hamblen Lane, in Allamuchy Township. The New Jersey Department of the Treasury requests approval to lease a DEP residential property located at Block 901, Lot 8, in Warren County to David and Linda Bell with a term of \$800 per month.

SENATOR KAVANAUGH: Anyone from the public? (no response)

Motion, please.

ASSEMBLYMAN IMPREVEDUTO: Moved.

ASSISTANT TREASURER ADAMS: Second.

SENATOR KAVANAUGH: Moved and seconded.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Senator Lynch.

SENATOR LYNCH: Yes.

MR. McGLYNN: Senator Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Item No. 8, RPR 01-38, White house, Farm Residence No. 1, in Marlboro Township. The New Jersey Department of the Treasury requests approval to sell the Whitehouse, located on the grounds of the Marlboro Psychiatric Hospital, Block 157, Lot 34.02, in Monmouth County to Recovery Management Services, Inc., to be used as a drug and alcohol abuse treatment facility.

SENATOR KAVANAUGH: Anyone from the public wish to-- (no response)

Motion, please.

ASSEMBLYMAN IMPREVEDUTO: Moved.

ASSEMBLYMAN LANCE: Second.

SENATOR KAVANAUGH: Moved and seconded.

Roll call.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Senator Lynch.

SENATOR LYNCH: Yes.

MR. McGLYNN: Senator Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: The following matters are from the Department of Environmental Protection.

No. 9 is Strada Park, Block 45, Lot 8.02, in West New York, and Memorial Park, Block 74, part of Lot 6, in West New York. The New Jersey Department of Environmental Protection, on behalf of the Town of West New York, requests approval to convey 1.93 acres of Memorial Park to the West New York Board of Education for the construction of a new middle school. Strada Park, comprising .17 acre, will also be deeded to the Board of Education to become part of their administrative offices.

This matter was requested to be listed by Assemblyman Impreveduto and Assemblyman Sires. It is very important to the city.

SENATOR KAVANAUGH: Assemblyman Impreveduto, is there any cost that we're talking about here?

ASSEMBLYMAN IMPREVEDUTO: Not that I know of, no.

SENATOR KAVANAUGH: This is a transfer at no cost.

ASSEMBLYMAN IMPREVEDUTO: Just a transfer. Yeah.

SENATOR KAVANAUGH: I hope they remember that when their taxes get there.

MR. McGLYNN: They are swapping a significant portion of another park to do this project. And it's needed for school purposes.

ASSEMBLYMAN IMPREVEDUTO: Yeah, it's the town -- landlocked town.

SENATOR KAVANAUGH: We always try to help.

Roll call, please.

MR. McGLYNN: Did we have a motion?

SENATOR KAVANAUGH: Yes, from Assemblyman Impreveduto, seconded by Devon.

MR. McGLYNN: Thank you. I'm sorry.

Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Senator Lynch.

SENATOR LYNCH: Yes.

MR. McGLYNN: Senator Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Item No. 10 is the Rocky Brook Park, Block 29, Lot 13, in Millstone Township. The New Jersey Department of Environmental Protection, on behalf of Millstone Township, requests approval to legalize an existing easement at Rocky Brook Park that was granted to Bell Atlantic approximately 10 years ago.

SENATOR KAVANAUGH: Anyone here from the public? (no response)

Motion, please.

ASSEMBLYMAN IMPREVEDUTO: Moved.

SENATOR KAVANAUGH: Second.

Okay. No. 10, please.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Senator Lynch.

SENATOR LYNCH: Yes.

MR. McGLYNN: Senator Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: No. 11 we have done.

Item No. 12 is the Horse Park of New Jersey in Upper Freehold Township. The New Jersey Department of Environmental Protection requests approval to amend its lease with the New Jersey Department of Agriculture for the operation of the Horse Park of New Jersey to include agriculture related

events in order to expand the range of programs offered to the public at this facility in Monmouth County.

SENATOR KAVANAUGH: Anyone from the public? (no response)

Motion, please.

ASSEMBLYMAN IMPREVEDUTO: Moved.

SENATOR KAVANAUGH: Second.

Roll call.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Senator Lynch.

SENATOR LYNCH: Yes.

MR. McGLYNN: Senator Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Item No. 13 is the Indian Lane East Park, Block 32, part of Lot 14, in Montville Township. The New Jersey Department of Environmental Protection, on behalf of the Township of Montville, requests

approval to grant a .40 acre easement to the Municipal Utilities Authority to construct a gravity-fed sewer line through a portion of the Indian Lane East Park, in Morris County.

SENATOR KAVANAUGH: Anyone from the public? (no response)

Motion, please.

Motion.

ASSEMBLYMAN IMPREVEDUTO: Moved.

SENATOR LYNCH: Second.

SENATOR KAVANAUGH: Moved and seconded.

Roll call.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Senator Lynch.

SENATOR LYNCH: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Item No. 14 is the Tuckahoe Wildlife Management Area, Block 203, Lots 14 and 15, part of those lots, in Corbin City. The New Jersey Department of Environmental Protection, on behalf of the Division of Fish and Wildlife, requests approval to exchange 10 acres of the 4033.23 acre Tuckahoe Wildlife Management Area with the City of Corbin City for 41.82 acres adjacent to the Tuckahoe Wildlife Management Area and \$20,000 in cash.

SENATOR KAVANAUGH: Public? (no response)

Motion.

ASSEMBLYMAN IMPREVEDUTO: Moved.

SENATOR KAVANAUGH: Moved and seconded.

Roll call.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Senator Lynch.

SENATOR LYNCH: Yes.

MR. McGLYNN: Senator Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Item No. 15 is the Wigwam Brook Open Space, Block 48, part of Lot 1302, in Monroe Township. The New Jersey Department of Environmental Protection, on behalf of the Township of Monroe, requests approval to dispose of 1.40 acres of the Wigwam Brook Open Space to an adjacent developer. The township inadvertently sold the property to the developer who made road improvements up to the park's edge.

SENATOR KAVANAUGH: Anyone from the public? (no response)

Motion, please.

SENATOR LYNCH: Moved.

SENATOR KAVANAUGH: Moved and seconded.

Roll call.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Senator Lynch.

SENATOR LYNCH: Yes.

MR. McGLYNN: Senator Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Item No. 16 is Jenny Jump State Forest Park, Block 501, Lots 2 and 3, Block 502, Lots 5 and 6, Block 701, Lot 3, in Allamuchy Township. The New Jersey Department of Environmental Protection, Division of Parks and Forestry, requests approval to enter into an agricultural lease in Warren County with Lawrence V. and Carol Freeborn. The lease term will be for five years and may be renewed for an additional five years.

SENATOR KAVANAUGH: Anyone from the public? (no response)

Motion, please.

Motion.

MR. GRAF: Moved.

SENATOR KAVANAUGH: Moved and seconded.

Roll call.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Senator Lynch.

SENATOR LYNCH: Yes.

MR. McGLYNN: Senator Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Item No. 17 also is Jenny Jump State Forest, Block 602, Lots 30 and 31, Block 203, Lot 2, in Allamuchy Township. The New Jersey Department of Environmental Protection, Division of Parks and Forestry, requests approval to enter into an agricultural lease in Warren County with Keith Drake. The lease term will be for five years and may be renewed for an additional five-year period.

ASSEMBLYMAN IMPREVEDUTO: I have a question.

SENATOR KAVANAUGH: Question.

ASSEMBLYMAN IMPREVEDUTO: We're leasing this for \$20 an acre?

SENATOR KAVANAUGH: It almost sounds like the Hamburg Mountain deal. (laughter)

MR. McGLYNN: The answer is yes.

SENATOR KAVANAUGH: We're going to do that here in the Commission.

This is a rental instead of a sale. I think land, when their -- any cropland -- it's like \$16 to \$25 an acre.

Farmer Brown over there next to -- Assemblyman Lance -- he comes from a farm country -- the value--

ASSEMBLYMAN LANCE: We lost the farm in the Lance family around 1900. My great-grandfather, I think, drank too much. (laughter)

MR. McGLYNN: Just, if I may, from the fact sheet that was provided to me, the public benefit is that the public benefits from having a local farmer that sells his products locally and remediation of unused fields into tillable fields. The alternatives would be to let the fields overgrow and receive no compensation for the use of that at all.

The annual compensation for the agricultural land, in the amount of \$20 per acre of cropland -- for a total of about \$2000 per lease year-- The fair market rental value for the agricultural land shall be determined by the DEP based on the State Farmland Evaluation Advisory Committee's yearly farmland assessment every two years.

SENATOR KAVANAUGH: I have a number of farms in my district, also property that's on the old Six Mile Run Reservoir. And that's going for \$15 to \$18 an acre. So \$20 seems appropriate. It's a five-year-- At the end of the five, the only thing is, you could possibly, if you want to put it in the lease -- that there would be a cost-of-living increase in there, so the next five years wouldn't be at \$20.

MR. McGLYNN: I think that's what the Agricultural Commission recommends back to the Commission.

SENATOR KAVANAUGH: All right. Fine.

Thank you.

MR. McGLYNN: You're welcome.

SENATOR KAVANAUGH: Satisfied, Assemblyman?

ASSEMBLYMAN IMPREVEDUTO: Yeah. Whether you get \$20 or \$21 for the cost-of-living, it wouldn't make much of a difference. I'm just curious to know-- I mean, where I come from, you wouldn't get an acre for

\$20. You wouldn't get-- It's just hard for me to understand how you would lease an acre. I mean, it would seem to me that the better way to go would be a percentage of the crop. But that's whatever it is.

SENATOR KAVANAUGH: That's called communism when they do it that way.

ASSEMBLYMAN IMPREVEDUTO: No, that's how we, the State of New Jersey, lease their property tax on businesses, if you recall.

SENATOR LYNCH: It's called sharecropping.

ASSEMBLYMAN IMPREVEDUTO: Yeah, want a piece of the action.

SENATOR KAVANAUGH: Could we have a motion, please?

ASSEMBLYMAN LANCE: I will move this.

SENATOR KAVANAUGH: It's been moved and seconded.

Roll call.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Senator Lynch.

SENATOR LYNCH: Yes.

MR. McGLYNN: Senator Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Item No. 18 concerns Washington Crossing State Park, in Hopewell Township, Mercer County. The New Jersey Department of Environmental Protection, the Division of Parks and Forestry, requests approval to enter into a five-year lease with the Association of New Jersey Environmental Commissions for the use of Apartment A in the Blackwell House to be used as a resource center and meeting room for conservation and friends-of-the-park groups. The lease may be renewed for an additional five years.

SENATOR KAVANAUGH: This is \$5 for five years. That's also a pretty good deal -- a dollar a year.

Motion.

ASSEMBLYMAN LANCE: So moved.

SENATOR KAVANAUGH: It's been moved -- seconded.

ASSEMBLYMAN IMPREVEDUTO: Second.

SENATOR KAVANAUGH: Roll call.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Senator Lynch.

SENATOR LYNCH: Yes.

MR. McGLYNN: Senator Kavanaugh.

SENATOR KAVANAUGH: Yes, considering we're very environmentally minded on this Commission.

MR. McGLYNN: Item No. 19 concerns the Cheesequake State Park, Block 22, Lots 15-21, in Perth Amboy City. The New Jersey Department of Environmental Protection, Division of Parks and Forestry, requests approval to enter into a three-year lease with International Urban Partners, LLC, for 2451 square feet of office space. The lease may be renewed for an additional three-year period. The annual compensation shall be \$37,990.50.

SENATOR KAVANAUGH: Now we're getting up there.

I just heard, for a piece of history, Senator Lynch's father and my uncle-- It was their legislation that named it Cheesequake State Park 70 years ago. What a mind I have. (laughter)

MR. McGLYNN: Need a motion.

SENATOR KAVANAUGH: Motion.

ASSEMBLYMAN IMPREVEDUTO: Moved.

SENATOR KAVANAUGH: Seconded.

Go ahead.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Senator Lynch.

SENATOR LYNCH: Yes.

MR. McGLYNN: Senator Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Item No. 20 concerns the White Lake Wildlife Management Area, Block 902, Lot 10, in Hardwick Township. The New Jersey Department of Environmental Protection, on behalf of the Division of Fish and Wildlife, requests approval to enter into a 20-year lease with Warren County for the preservation and restoration of the historic Vass Farmstead, in Warren County.

SENATOR KAVANAUGH: Anyone from the public? (no response)

Motion, please.

ASSEMBLYMAN LANCE: I will move that.

SENATOR KAVANAUGH: It's been moved and seconded.

Roll call.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Senator Lynch.

SENATOR LYNCH: Yes.

MR. McGLYNN: Senator Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: The following matters concern the Department of Transportation requests.

Item No. 21 is Route 78 Westbound at Milepost 41, Hillcrest Road Overpass, in Warren Township, Somerset County. The New Jersey Department of Transportation, Bureau of Major Access Permits, Wireless Communications Unit, requests approval to erect a wireless communications facility on an existing bridge structure on State-owned property.

SENATOR KAVANAUGH: My question is, as the legislator from that district is, something has been reviewed by the community. I mean, we tried to put a few other towers up, and there was an outcry from the citizens. And now you're talking about a wireless communication on a bridge.

MR. McGLYNN: A meeting was held with the Mayor and township committee on December 7 of 2000.

SENATOR KAVANAUGH: And they're in accord.

MR. McGLYNN: Well, here's the quote that was provided to the State House Commission: "The community did not foresee any problems with the attachment of the existing bridge structure."

SENATOR KAVANAUGH: I just-- I'm not trying to cover myself, but I would just have these -- the elected officials are in favor of it, I'll vote to release it, but I don't want to get into a chicken fight over a wireless setup.

Can we have a motion, please?

MR. McGLYNN: Excuse me. I'm sorry. Do you want a condition that the local officials have approved this?

SENATOR KAVANAUGH: Yes. Why should we take the blame?

MR. McGLYNN: You're correct.

SENATOR KAVANAUGH: Motion, please.

ASSISTANT TREASURER ADAMS: So moved.

SENATOR LYNCH: Are we requiring local officials adopt some formal resolution?

SENATOR KAVANAUGH: No, no, Senator. In my district--

SENATOR LYNCH: That would create a new piece in this process.

SENATOR KAVANAUGH: All I'm saying is that we have clarified that it's been -- township, they'll approve this type of -- pass approval by the elected officials, because we--

SENATOR LYNCH: But don't we assume that if they're given notice of these proceedings and that this is taking place, and they have no objection, that there is tacit approval?

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: It is my understanding, Senator, if I may, that there's a whole procedure that's been established. And I have read the book; it's pretty extensive.

Mr. Mazzella is here from Property and Lease Negotiations. Maybe he can explain--

SENATOR KAVANAUGH: Let's do so, yes.

**ANTHONY R. MAZZELLA:** Good morning, Senator.

We adopted regulations -- guidelines with respect to installing communications towers and communications equipment on State property. The standard that we adopted has to do with new tower installations requiring a resolution by the municipality. However, prior to proceeding with the application, such as this would be, on installing equipment on an already existing structure, the DOT, in this case, did have conversations with the municipality. Although there was no requirement to pass any resolution, there was no objection raised by the township in this particular case. In the event that there was, we would do whatever was necessary to mitigate any concerns and proceed from there.

SENATOR KAVANAUGH: All right, because these towers are cash cows. It's amazing the money that -- when you start putting aerials on a tower.

MR. MAZZELLA: Yes.

SENATOR KAVANAUGH: Get more than -- they get \$10,000 a week -- not a month or a year.

But, okay.

Assemblyman Lance.

ASSEMBLYMAN LANCE: Thank you, Mr. Chairman.

This is a matter, generically, that has come before this Commission many times. As I understand it, if there's a new tower on State property, the municipal governing body has to give its assent. Is that accurate, Mr. Mazzella?

MR. MAZZELLA: That's correct.

ASSEMBLYMAN LANCE: And you're now telling the Commission that where you're changing the size of a tower on already existing--

MR. MAZZELLA: When we are installing communications equipment on an already existing tower or structure, we provide notification to the municipality to the extent that there's any issue. We do not require a resolution to be passed by a -- the municipality or any specific approval or disapproval.

ASSEMBLYMAN LANCE: Would it be too onerous on the Treasury, and other agencies of government, to require a similar affirmative action of the governing body, as is required for a new tower?

MR. MAZZELLA: I don't know. I can check with the various agencies.

ASSEMBLYMAN LANCE: And all these matters come before us. Is that right?

MR. MAZZELLA: That's correct.

ASSEMBLYMAN LANCE: Perhaps, moving forward, we ought to require municipal approvals. If something changes five feet, I'm not necessarily sure we should require municipal approval. Would that come before us if it were just a modest modification?

MR. MAZZELLA: If it would amend the existing agreements or in some way alter preexisting contracts, yes, it would.

SENATOR KAVANAUGH: Tony, I have a question.

How big is the existing tower?

MR. MAZZELLA: In this case, it's an installation on an overpass. It's an antenna rod that's being installed. In fact, if you look in the package, there's a photograph of what this particular installation includes.

SENATOR KAVANAUGH: I saw it.

MR. MAZZELLA: I don't believe that the aerial itself is much more than about 20 feet. There are some DOT people here who may have a little more information.

SENATOR KAVANAUGH: We don't want to kill this to death here, but--

All right. Any other questions? (no response)

Motion.

ASSISTANT TREASURER ADAMS: Moved.

SENATOR KAVANAUGH: Second.

MR. GRAF: Second.

SENATOR KAVANAUGH: Seconded.

Roll call, please.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Senator Lynch.

SENATOR LYNCH: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

And the next one is the same--

MR. McGLYNN: Project 2 -- yes--

No. 22, Project 208, Northbound, at Milepost 7.7, Ewing Avenue, Franklin Lakes Borough, Bergen County. The New Jersey Department of Transportation, Bureau of Major Access Permits, Wireless Communications Unit, requests approval to erect a wireless communications facility on an existing sign structure on State-owned property.

SENATOR KAVANAUGH: Motion, please.

ASSEMBLYMAN LANCE: Moved.

SENATOR KAVANAUGH: Second.

MR. GRAF: Second.

SENATOR KAVANAUGH: Roll call.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Senator Lynch.

SENATOR LYNCH: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Item No. 23 is a project on Route 80, Parcel 73, 73A, and 93, in Saddle Brook. The New Jersey Department of Transportation, Bureau of Right of Way, Property Management Unit, requests approval to lease a rectangular parcel of vacant land, containing 10,000 square feet of space, located in Bergen County.

SENATOR KAVANAUGH: Anyone from the public? (no response)

Motion, please.

ASSEMBLYMAN IMPREVEDUTO: Moved.

ASSISTANT TREASURER ADAMS: Second.

SENATOR KAVANAUGH: Moved and seconded.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Senator Lynch.

SENATOR LYNCH: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Chairman, just one question on the tower issue. Do you want Property Management to report back to us in a month after making a determination by checking with Departments as to what problems there might be, or how would you like to--

SENATOR KAVANAUGH: They can communicate with you as Secretary.

MR. McGLYNN: Thank you.

SENATOR KAVANAUGH: The next question-- We're finished now, or I think. Is there anything else that was added to the agenda?

MR. McGLYNN: There was your item, which we have on as other business.

SENATOR KAVANAUGH: Right.

MR. McGLYNN: And the next matter would be to sit as the Division of Pensions.

SENATOR KAVANAUGH: Judicial retirement.

MR. McGLYNN: Correct.

SENATOR KAVANAUGH: But I would like to make a note for those that are just here a moment, that when we're finished with this business, we will have a discussion on a previous matter that was taken up with this Commission back in 1986 regarding Hamburg Mountain for the Judicial Retirement System.

MR. McGLYNN: We need a motion to approve the minutes of the meeting held on December 11.

ASSEMBLYMAN IMPREVEDUTO: Moved.

ASSEMBLYMAN LANCE: Second.

SENATOR KAVANAUGH: It's been moved and seconded.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Senator Lynch.

SENATOR LYNCH: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: We need a motion to approve the financial statements as of December 31, 2000.

SENATOR KAVANAUGH: Is there a motion?

ASSEMBLYMAN IMPREVEDUTO: Moved.

SENATOR KAVANAUGH: Second.

ASSEMBLYMAN LANCE: Second.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Senator Lynch.

SENATOR LYNCH: Yes.

MR. McGLYNN: Senator Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: We need a motion to confirm the death claims, retirements, and determinations.

ASSEMBLYMAN IMPREVEDUTO: Moved.

ASSEMBLYMAN LANCE: Second.

SENATOR KAVANAUGH: Moved and seconded.

Roll call.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Senator Lynch.

SENATOR LYNCH: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: You also have in your packet the publication -- the proposed publication of amendments to the New Jersey Administrative Code 17:10-5.11, which concerns the dates of retirement of a judge, and this would add one day, actually -- the judge's 70th birthday.

We need a motion to approve the publication, if it is so desired by the Commission.

ASSEMBLYMAN IMPREVEDUTO: Moved.

ASSISTANT TREASURER ADAMS: Second.

SENATOR KAVANAUGH: It's moved and seconded.

Roll call.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Senator Lynch.

SENATOR LYNCH: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: And also, we need a motion to -- I think it's to approve -- just to accept the annual report of the actuary, which is in your packets.

ASSEMBLYMAN IMPREVEDUTO: Moved.

ASSISTANT TREASURER ADAMS: Second.

SENATOR KAVANAUGH: Roll call, please.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Senator Lynch.

SENATOR LYNCH: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: That concludes the agenda items that were itemized. But there is a matter concerning other business, Mr. Chairman, which you requested we have a discussion about.

SENATOR KAVANAUGH: For the members of the--

Back in '86, at that time Walter Foran and Alan Karcher were both members, who are now deceased. Senator Russo was a member who has left the Legislature. And the administrative people have also all left -- the Treasury and Budget.

To give you a little background, the property was sold by the State House Commission for approximately \$675 an acre. And it was 1200-and-

some acres -- 880-some thousand dollars. It was sold with the conditions that it would be maintained in a pristine state. It was stated that the property could not be used in any density calculations that would permit on-site development. And as we went through, there were questions.

Rick Abrams (phonetic spelling) was our counsel -- or secretary at that time. And there were things that were brought up. There was a Mr. Waughless (phonetic spelling) that felt that the State was getting the proper amount of money -- land -- back at the tax -- the public -- we'd still have access to the land.

It was also concluded that housing could not be included for recreational purposes or other. And I'm just trying to briefly bring you up to date.

Mr. Abrams assured Mr. Kershmire (phonetic spelling) -- Mr. Abrams being our counsel, said that no residential housing would be built on the land. A court would decide punishment if any violation occurred. And there would be no illegal water pumping. And then he agreed that the issues, as we moved on -- regarding the Vernon Township authorities, since it would be a home rule setup. It was appraised at-- The land had been appraised at \$837,000. It was 1240 acres. And it was to be utilized for recreation-conservation, fish and game purposes only. Recreation-conservation purposes meant the use of the land for parks, natural areas, historic areas, forest, camping, fishing, water reserves, wildlife, reservoirs, hunting, boating, etc., etc.

And it stated not building the houses. In fact, Mildred Trump Barry (phonetic spelling) -- and then John Barry, (phonetic spelling) I believe,

was her husband, were the attorneys. But it was sold to a great American, which was a fellow by the name of Gene Mulvihill.

After we sold it, we found out that he was a convicted felon. And I guess he did his time and got some money on the side. He was the one. But he bought the property for 800-some thousand. And just recently, he turned around to Intrawest and sold the property for somewhere between \$5 and \$6 million. Now there's a great deal of development.

That's just to bring you up to date. I was just wondering--

Do we have anybody here who's in favor of the project? (no response) No one cares to speak in favor of it? (no response)

How many do we have that are opposed to the project? (no response) Do we have any people, because we are limited on time -- the legislators have committees coming up, then we have a session later.

Is there anyone here that -- take two or three spokespersons who would like to speak? (affirmative response)

Okay. Come forward, and take two chairs.

If you could identify yourselves.

What I'm asking for is that you limit your talk to 10 minutes. If it's longer than that, we shut you down.

**TIM DILLINGHAM:** Okay.

I'll be very brief, Mr. Chairman.

Thank you very much.

My name is Tim Dillingham. I am the Director of Policy for the New Jersey Conservation Foundation. I also act as the Executive Director for

the Highlands Coalition, which is a coalition of 85 -- conservation land -- natural resources oriented groups working in northwestern New Jersey.

I want to thank you, Mr. Chairman, for a couple of things. One, for obviously holding the forum today. This is a very significant issue that not only is important because of the need to enforce and maintain the commitment that the Legislature and the State House Commission made in 1986 to protect the natural resources, but I think, also, on the broader issue of the public's faith in the open space programs in New Jersey, particularly the use of conservation easements and how well they'll be defended when large, well-moneyed, powerful developers come along and decide that they would like to use what, in essence, is public land for their own private gain.

And as you said, just to give, perhaps, some of the Commission members some idea of the scope of what's being discussed here, Intrawest is a Canadian-based ski development company. They have recently gained local approval from the Township of Vernon for a general development plan, which grants them 15 years worth of vested rights and development for some 1633 units of residential commercial development and condominiums and lodges, a tournament scale golf course, access roads, sewers, utility lines, a water tank, and a commercial village at the base of the mountain.

Much of this activity takes place on top of Hamburg Mountain. The golf course, in particular -- the sewer lines and roads are slated to be in the areas that were restricted by the State House Commission.

And it's our concern and our view that if the development goes forward, it will radically transform Hamburg Mountain from a largely natural area, which is characterized by critical wildlife habitat and superb passive

recreational values, into an exclusive residential development that's devoid of any of the conservation and natural resource values that the State sought to protect.

I think your synopsis earlier on is absolutely accurate. There's been a very aggressive attempt to reinterpret the deed restrictions, to expand them to allow this golf course development, in particular, but the sewers and the roads that would support the residential and commercial development on top of the mountain.

I think your synopsis of what the discussion was by the State House Commission and by the Legislature is well borne out by the record. The special law that authorized the sale was conditionally vetoed by Governor Kean, who sent it back to the Legislature with an explicit restriction and requirement that the deed be cumbered by a limitation on the use of the land.

In the State House Commission's deliberations, Treasurer O'Connor, at that time, held off action and ordered that the deed be more fully articulated so that the uses are there.

I think it's pretty clear reading the record of this -- and putting it into context of both the historical use of the wildlife management area, which was acquired in the early '40s and used for hunting, hiking, and the debate that surrounded it, that it was not the State House Commission's intent to allow for it -- tournament golf course set to be the centerpiece of a large, exclusive residential development on top of this land. That's clear -- line that's being touted now by Intrawest. And clearly, it's very important.

If you all can send a message to the Attorney General's Office, in particular -- has not taken action to enforce this easement. They did send some

very strong signals late last year, while the town was considering the development -- approvals -- going so far as to ask the town to hold off on it. Vernon Township chose to ignore that advice.

Since then, they have not taken an enforcement action. And, in fact, the Conservation Foundation and the Sierra Club and several other environment groups had to litigate this to enforce the easement in the State's absence.

As I said, that sends a very troubling signal to a very popular program, the Million Acre Program -- both farmland and open space acquisition, a great portion of which is going to depend on conservation easements, much of which are going to utilize the same definitions that were used in this one.

The public needs to be assured that when public moneys are invested in those lands, that they're going to stay that way and they're not going to be diverted into private use.

So I'd just, once again, like to thank you.

Any weighing in that you can do on this issue to try to move it would be much appreciated.

SENATOR KAVANAUGH: Thank you very much.

Another point before the next gentleman starts: This property was acquired, initially, by the State through fish and game licenses. That's how we bought the land, is fish and game people purchased the license, and we bought the property.

Yes, sir.

**JEFF TITTLE:** Jeff Tittle, Director, New Jersey Chapter, Sierra Club.

I'm here representing our 23,000 members, but also, our hundred members or so that live in the Vernon area that are absolutely upset and concerned about the proposed development on Hamburg Mountain.

And why we're here, and why this legislative body needs to take a strong position-- This is the third time that my group, in the last 10 years, has had to fight some type of development on that land. Just a few years ago, there was a proposal for luxury log cabins that we had to fight. And we had to go to court at that time. Our previous director led that battle back then.

But when this land was transferred, we actually opposed it back then, too. It was one of the saddest days in New Jersey's history, when we take two square miles of public land and sell it off to someone like a Gene Mulvihill.

The only guarantee that we had that this land wouldn't be obliterated was that deed restriction that this body -- in on that transfer. And we have to have that deed restriction enforced, because it means that we have to maintain our Green Acres programs and our lands.

We have to make sure that the sanctity of public trust that's been given us is upheld. We have to make sure that one of the ugliest developments in New Jersey does not use public lands for its utility infrastructure, whether it's water towers, waterlines, sewers, roads, power lines, parking, golf courses, clubhouses, gas lines, cable lines, and etc., cutting up through some of the most pristine woodlands in the State of New Jersey. In fact, this tract backs up onto, and is part of, a 50,000 acre area of woods that takes the Hamburg Mountain Wildlife Management Area, the Pequannock Watershed, and Wawayanda State Park. It's the biggest block of woods we have north of the Pinelands. And for that to be cut up is just, I think, unconscionable. Also, this development is the

largest proposed development the State has ever seen over -- on top of a mountain.

If you look at New Jersey at the 1200 foot line, we've got High Point Monument and cabins up at Stokes State. They want to put up to 1000 units on top of that mountain. It would be visible from the Appalachian Trail. It will scar the mountain. In fact, I thought they should call the development, what used to be the former name for some of the property, change it a little bit, call it Great Gouge, because you can't build that kind of development on those kinds of slopes on those lands without gouging out that mountain.

And the road network to go up there will gouge and scar the side of that mountain. That will be visible from High Point Monument, which was erected as a tribute to New Jersey's veterans. And it will be the only really visible thing from atop of that mountain outside of the woods that we have.

So I really implore you to send a letter, send a resolution, whatever it takes to get the State of New Jersey to enforce that deed restriction, because if we do not, it makes a mockery out of all the open space that we want to buy. I mean, we want to get another million acres. We just got a million acres. And if we can take those lands and use it for development, it just says to us and to everyone else that there's something wrong in the program and that the Legislature needs to take charge and make sure that the integrity of the Green Acres Program, the integrity of public open space is maintained for now and forever.

Thank you.

SENATOR KAVANAUGH: Thank you very much.

Before the members have an opportunity to respond, if we go back to the notes in the minutes of the meeting, Mr. Barry assured the Commission -- this is taken from the transcript -- Mr. Barry assured the Commission the land will be devoted exclusively to conservation and recreational usage.

Assemblyman Karcher, who has passed away, who was very vociferous when he was talking in this matter, asked Mr. Barry about the future possibility of the construction of condominiums on the mountain. Mr. Barry assured the Commission that the land would be preserved.

So, if the situation that -- Alan was way ahead of realizing that we were probably going to get a rude awakening. But if I remember correctly, he voted against the sale of this property. And in his memory, I think we should try to carry on and keep something that -- one thing we can't get any more of, and that's land.

Does anyone care to speak?

Senator Lynch.

SENATOR LYNCH: After these many months of notice to the Department of Environmental Protection and the Attorney General's Office, are you saying that they have not given any written analysis or opinion on the applicability of the restriction here?

MR. DILLINGHAM: Yes, Senator.

SENATOR LYNCH: They have nothing in writing.

MR. DILLINGHAM: The most recent thing we have in writing from the Attorney General's Office--

Let me say first, last fall, when the Vernon Township Planning Board was considering the approval of this, they raised -- in a series of letters,

raised very serious concerns about the consistency of this. Once the approval had been granted, there wasn't any further communication.

SENATOR LYNCH: But was there any response in writing from the Attorney General's Office at that time to the township?

MR. DILLINGHAM: No.

SENATOR LYNCH: So they have not rendered any opinion or given any analysis.

MR. DILLINGHAM: They have not taken a position on the merits or the fundamentals of the project itself.

SENATOR LYNCH: How about--

SENATOR KAVANAUGH: Excuse me a second.

There was a letter that was transmitted to Assemblyman Garrett. It was a very ambiguous letter. It was really -- the legalese, is the way I understand it.

MR. DILLINGHAM: Oh, I'm sorry. I took the question to be recently.

SENATOR LYNCH: No, anytime since the notification was received by them that there was a proposed development hearing.

MR. DILLINGHAM: No, not in the year 2000. There is a letter that is out there from Deputy Attorney General John Renella in 1995 responding to a question by Assemblyman Garrett about whether or not the golf course was an allowable use. That project never came to fruition, as Jeff mentioned. It was actually overturned in court due to the fact that the subdivision approval was illegally granted. So it never got to the point of actually challenged outside of this opinion being offered in response to--

SENATOR LYNCH: With regard to the current configuration of this project, there is nothing in writing from the Attorney General's Office and/or the Department of Environmental Protection.

MR. DILLINGHAM: No, in fact--

SENATOR LYNCH: Why has the Department of Environmental Protection--

MR. DILLINGHAM: Well, that's a very good question. In fact, the-- As I said earlier, the conservation community has been forced to exercise its rights, under the Environmental Rights Act, to pursue the enforcement of this deed restriction in the absence of action by the State. We were very, very troubled by that lack of response. Additionally, there have been wetlands permits, which have been issued to the applicant, to Intrawest, that we've had to appeal, because we feel that those have been issued illegally and in contradiction to the rules and regulations.

It is troubling to us that they would not -- they have not moved, they have not taken a position on what we think is a very clear violation of the intent of these deed restrictions. I will say that--

SENATOR LYNCH: So they've issued various regulatory permits, but they have never addressed the issue of the deed restriction?

MR. DILLINGHAM: That's right. The only statement that we've had from them recently in the year 2001 has been a motion or a response to a motion by Intrawest to dismiss the lawsuit brought by the conservation community saying that it was groundless, that there was no standing under the law, that there had been no impact. The State did weigh in on that.

I'm saying that at the very least, if there were real issues here which needed to be debated in that in that letter, they say, "We have not taken a position on the consistency of this proposal with these deed restrictions, but the court ought to hear those questions"--

MR. TITTLE: And in February, the groups that are involved in the original litigation did a supplemental litigation -- we're actually naming the State and the DEP in it for not enforcing their deed restriction and not taking a position which they should have. I mean, this is a very critical piece of property. I think the State has very clear rights here. And both the Attorney General's Office and the Department of Environmental Protection need to, and I think should be implored to, take a position to uphold those deed restrictions.

SENATOR LYNCH: Mr. Chairman, do you know of any explainable reason why there's nothing rendered -- no opinion rendered here by either the DEP or the Attorney General's Office?

SENATOR KAVANAUGH: No, there was a letter -- memorandum that was sent to Mike Catania, who was the Deputy Commissioner back in 1986 -- May of-- It was through Gerry Burke from Howard Geduldig -- I think that's his name -- from Regulatory Services. And they -- all the things that-- It was a question about the operation of the facilities. And they, once again, said that conservation, fish and game, use of lands of parks, natural services, nothing about the construction that goes through--

SENATOR LYNCH: You're referring to a 1986 memo?

SENATOR KAVANAUGH: Yes. There's nothing since. We had -- 1990 -- a status put forth -- supported by the purchase price, which is only a fraction of fair market value -- originally purchased by the State in 1940 with

the proceeds of sale of hunting and fishing licenses. And it was to be put as a public hunting and fishing ground. And then -- March 14, 1988 planning board meeting in Vernon Township-- At that time, they called for the construction of 300 condos, 170 -- 30 single family homes, a golf course, golf course entry route, golf course parking lot on the lands formerly owned by the State of New Jersey so that we had -- Herold and Haines, who are -- I guess they're representing Tim's group here.

MR. DILLINGHAM: All of us -- all four of us, yes.

SENATOR KAVANAUGH: They have interpreted--

I put this under here for you to read it at your leisure, if you want to review this, or we can make copies. If you want to do that, we can make copies for all the members.

I think it's something-- My concern is, the government gets so big, and when we do things, it just kind of slips through the cracks.

SENATOR LYNCH: I can't-- It's not fathomable for me to understand how, with the request from you and others, why the Department, as well as the Attorney General's Office, is not rendering an opinion.

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

That's another thing.

SENATOR LYNCH: Have you requested an opinion from them?

SENATOR KAVANAUGH: We've asked, and the letter went to Garrett, and there's nothing since.

SENATOR LYNCH: Have we currently requested an opinion from the DEP or the Attorney General's Office on this deed restriction and implacability?

MR. McGLYNN: Since I have been Secretary of the State House Commission, which is approximately three years, we have not requested that opinion.

SENATOR LYNCH: Well, how about Senator Kavanaugh?  
Have you requested it?

SENATOR KAVANAUGH: No, not currently, but what I think, if it's all right with the rest of the Commission, I would like to ask for that, with the support of the body rather than as an individual.

Is that agreeable?

SENATOR LYNCH: It's fine with me. It just seems to me that anyone could have requested this along the road. And it doesn't make any sense that they haven't stepped up and rendered an opinion.

SENATOR KAVANAUGH: Certainly, there's been enough discussion on this matter. We used to have Jim Hall, (phonetic spelling) who's left us. Jim used to--

Tim, you could--

MR. DILLINGHAM: Well, Mr. Chairman, I was just going to say a couple of things. One, is I think the Bergen *Record* got it right. This is sort of the outstanding question: Will the State stand up to the developer? And as you read that record that you mentioned, the closer you are to the State House Commission and the Legislature's actual decision in 1986, the clearer it is.

Mr. Geduldig's memo says, "Passive recreational uses, which shall leave the land in its natural state." And as it gets farther along, and becomes less and less under your purview, less -- farther away from that, there starts to be these attempts to push it and to broaden it and to allow more and more to happen.

And as Jeff said, there's been several runs at development, which is clearly, clearly contrary to what the deed restriction is all about. And it is unfortunate that Intrawest seems to have been able to stall the process to date, now. The State had an opportunity to respond, under the Environmental Rights Act, that the environmental groups had to give them 30 days prior to our being able to initiate actions. So, in that time, they could have done that.

So it's very troubling to us that they have not acted.

MR. TITTLE: They also were noticed by the original zone change and application areas. Not only do they hold a deed, which makes them -- restriction, which automatically makes them notice, but they're an adjoining property owner, as well, which they were noticed. They are well aware of the situation there. So it's a great concern.

SENATOR KAVANAUGH: A member of the firm was the attorney for Vernon.

MR. DILLINGHAM: He was a planning board attorney.

SENATOR KAVANAUGH: Donald Ross.

MR. TITTLE: And a Sierra Club member.

MR. McGLYNN: I wonder, Mr. Chairman, if I may, I think there is a little bit of confusion, and I did have the opportunity to read the file that goes back now to 1986 that is held by Property Management. And I think there

are two issues that are out there. One is the concern that, I think, the 1995 opinion that was given to Mr. Barry essentially says that this may be a permitted use. I don't know that it's definitive to its permanent use, but it says it may be a permitted use.

Second, I think--

SENATOR LYNCH: Addressing, specifically, the deed restriction issue.

MR. McGLYNN: Yes.

MR. TITTLE: Only on the golf course.

MR. McGLYNN: As to whether or not the golf course is permitted. I'm not talking about the condos.

SENATOR KAVANAUGH: There's 200-and-some acres.

MR. McGLYNN: Right.

And the second issue, I think, is that there is still confusion concerning where the final jurisdiction lies, vis-à-vis the deed restriction, in that there are some clauses, and I'm not siding on anything here -- but there are some clauses that say it may be the municipality's responsibility to determine what can be put at this location.

SENATOR LYNCH: Who makes that determination? It seems to me the Attorney General has to be involved to make a determination.

SENATOR KAVANAUGH: Senator, what it was-- At that time, everything was being glossed over and shined up. Alan-- Assemblyman Karcher-- He was, as they say, vociferous in his position. We have to make sure that this is done properly, because this is our intent. And it was to be taken that way.

I'm speaking for someone who's dead, but I know what he wanted. I know what we all wanted. What we were told by Mr. Barry, who was the attorney-- He assured us. They talked to us like suede shoe salesmen. I couldn't believe, when I got out of there -- I knew what was going on. And we were almost hoodwinked by this group. Mulvihill turned out to be an expert at doing it. So now, I think it's important, because they said, "Let us burden. Let us make the final decisions, because we have the best interest in the community. We have some blocks."

Senator Littell was very distressed when I brought the Hamburg Mountain thing up. The legislation that was put in-- They said, "Oh, yeah. We have to have legislation to permit this for growth and all." It was Assembly Bill 3685, sponsored by Littell, Haytaian, and another dead person, Weidel. So this is going back. And that was for jobs. That's what they're saying -- we're going to have it for jobs.

So the State House Commission has authorized, through its--

SENATOR LYNCH: I've got a Judiciary--

SENATOR KAVANAUGH: Okay. Thank you. Well, we'll get this to you.

Are you in agreement that we can request as a Commission?

SENATOR LYNCH: Sure.

SENATOR KAVANAUGH: Okay.

Thank you, Senator Lynch.

All right. Is there any other discussion on this matter?

MR. McGLYNN: May I--

SENATOR KAVANAUGH: Yes, you certainly may. You're getting paid.

MR. McGLYNN: Thank you.

Is this a suggestion that a meeting be held with our Deputy Attorney General and someone from the Attorney General's Office and myself to try and get a resolution as to what the position is of the Attorney General, which is certainly, I think, a little bit contrary right now, or how would you like the--

SENATOR KAVANAUGH: My concern is that the Attorney General, who is in that position at this time, has no knowledge whatsoever of what had transpired. He's going to look at it and say, "Well, it says this. It says that." Maybe, as far as-- I was assured -- Rick Abrams -- he's in Washington now-- I was assured by him that they weren't able to do anything on the property -- fish and game, recreation, passive areas. What they're going to do-- They're going to denude the mountain and they're going to put 1600 condominiums--

ASSEMBLYMAN IMPREVEDUTO: Mr. Chairman, can I make a recommendation that a letter go to the Attorney General's Office that says on what this body feels was the intent of that deed restriction back in 19-whatever it was and that the intent was just what you're saying it is, and then indicate the -- that we feel that this is not -- the current proposed use is not within the jurisdiction or not within the purview of that deed restriction?

MR. McGLYNN: My only concern about that is that I don't know where -- who the parties are to the litigation at this point. Is DEP a party to the litigation, and is the Attorney General defending DEP, saying that is this permitted use -- or the local authorities have the--

MR. DILLINGHAM: The State of New Jersey has been brought--  
And at the risk of practicing law-- I'm not a lawyer. So I will just--

ASSEMBLYMAN IMPREVEDUTO: You'd probably do a lot  
better.

SENATOR KAVANAUGH: It would be cheaper.

MR. DILLINGHAM: Yes, cheaper. Absolutely. I won't ask you  
for any mountaintops.

But they have been brought into this suit primarily because they are  
a necessary party to this, as the holders of the deed. Obviously, our action is --  
and our beef is primarily with the town of Vernon and with Intrawest for  
proposing it.

I think that Assemblyman Impreveduto's suggestion is a good one  
in that, obviously, the State will have to respond to the complaint, legally, but  
in that, they will have to, at some point in those events, give us their opinion on  
the deed restriction.

I think that the problems that you raised -- that Mr. McGlynn, in  
the ambiguities that might be associated with it, come out of trying to read this  
divorced from a context in which it was developed. And I think a letter  
expressing the State House Commission's perspective as to what their position  
was at the time that the restrictions were written would help inform the AG in  
their process.

SENATOR KAVANAUGH: I would feel comfortable if the Chair  
on the Appropriations Committee, and a member of this State House  
Commission, if he, as an attorney, would give us a few words -- Assemblyman  
Lance.

ASSEMBLYMAN LANCE: Thank you, Mr. Chairman. I agree with what environmentalists have just said. And certainly, we have the responsibility to point out to other agencies of State government, based upon our institutional memory, what occurred. And it's very good that Senator Kavanaugh remembers personally, because he has served in the Legislature with such distinction for such a long time.

But regardless of the individual memory of any single legislator, there is a written record as to what this Commission thought.

Is that accurate, Mr. McGlynn?

MR. McGLYNN: To the best--

I'm sorry, yes, there is. And in fact, I think Senator Kavanaugh has something which I have not seen. And that is, I think, the transcript of the meeting in 1986.

SENATOR KAVANAUGH: One thing is, our meetings at that time were hand transcribed. Now we're doing it electronically.

ASSEMBLYMAN LANCE: I would suggest, and I assume this is Assemblyman Impreveduto's motion -- but I would suggest that we go on the record by writing a letter to both the Attorney General of New Jersey and the Commissioner of the Environmental Protection, reciting what we did, institutionally, in the middle 1980s regarding this matter.

ASSEMBLYMAN IMPREVEDUTO: And what, in fact, our intent -- or what, in fact, the intent of this body was at that point in time by putting that deed restriction--

ASSEMBLYMAN LANCE: And the intent of this body was to preserve that parcel of land, as it has been explained to me. I was not here, obviously.

ASSEMBLYMAN IMPREVEDUTO: Going by the transcript, Walter. You were here.

SENATOR KAVANAUGH: I was here. I almost, last year, wasn't here anymore. (laughter)

MR. McGLYNN: I guess my concern would be, and Mr. Shaughnessy can answer this -- our counsel-- Does that jeopardize, in any way, the ongoing litigation where the State of New Jersey is as a party to the litigation? I mean, is that something that we should talk about in executive session for legal advice, or--

MR. SHAUGHNESSY (Counsel): I think, first, I, obviously, was not around at the time. And I'm not familiar with the litigation of which you speak or the status of the litigation. So I really don't know what the Commission would put forth in a letter either, Senator. What I've heard today gives me some glimpse of it. Perhaps it's something that we could discuss in executive session to do that. But I'm kind of working in a vacuum here, with all due respect.

ASSEMBLYMAN LANCE: Senator, could we request of our staff to review quickly what was done in 1986?

Is time of the essence, gentlemen, here?

MR. TITTLE: Yes, we believe so.

SENATOR KAVANAUGH: I'm just concerned that there's going to be some sort of court action taken by individuals who are not knowledgeable and listening to people that were involved.

I mean, Gene Mulvihill-- I didn't realize the devil was allowed in the area. But he's probably going to come back. They'll bring him -- resurrect him. I just wish we could resurrect Alan Karcher and Walter Foran. And I can maybe--

I don't know whether-- Is there anyone here who was there at the time? I mean, there was a -- there was a number of people that came there and pleaded with us not to trust these individuals. And we thought we were smarter than they were. And we sold this-- It was \$675 acre. And the funny thing is, I myself, as a developer, had just paid -- it was around \$6000 an acre for property in Somerset County. And I was saddened by the fact that I didn't buy it for \$675.

It's unbelievable that anybody in their right mind would think that we sold land at that price and then to allow somebody to develop it. We've got to be fools to let that happen. It just doesn't happen. And any court that now views it and doesn't realize the intent -- the reason why it was sold for that price -- turns around and says, "Oh, you can do all these things." They want to put in a mile of sewer and a mile of roads going through the property. They've got to make a -- 10-foot wide to put that stuff in. It's just going to destroy the property. And the fact that they're putting in residential units. They're just -- and telling us we've got it and we'll do what we want. And it's just not right.

MR. McGLYNN: How about a request of a complete review of the record going forward from the date that was first considered. And I know it was

considered, at least according to my records, six or seven other times -- or at least mentioned six or seven other times in the record at State House Commission meetings with a request that it be reviewed with the understanding that it is, at least -- you, as a former member of the Commission, and now the Chairperson, who believes what the intent of the passage was, and that was that this would not be developed in the fashion that has been recommended.

SENATOR KAVANAUGH: Exactly.

MR. McGLYNN: But that would give someone the opportunity to completely review the record. And I think it would be on -- the onus would be on them -- and to show you that, in fact, something different occurred than what your recollection was.

SENATOR KAVANAUGH: I think also, we should have an opportunity with Rick Abrams -- people so they come back. I would be really, seriously distressed if I would think that if Abrams -- if Abrams was writing these restrictions and sitting down having cocktails with all the -- don't put this in, don't put that in. I don't think Rick would do that.

MR. McGLYNN: No.

SENATOR KAVANAUGH: I don't think he'd do that.

So that the restrictions were meant, and we told them, "Make sure that they're good and tight, because we don't want anything to happen," and now weasel around what they read in the restrictions.

MR. McGLYNN: Is my proposal a fair proposal?

SENATOR KAVANAUGH: Sounds good, barrister.

MR. McGLYNN: Do we need a motion to do--

SENATOR KAVANAUGH: Certainly.

Motion by anyone?

Tony?

ASSEMBLYMAN IMPREVEDUTO: Moved.

SENATOR KAVANAUGH: Moved and seconded.

MR. McGLYNN: All in favor, please signify by indicating aye.

(affirmative responses)

SENATOR KAVANAUGH: Including Senator Lynch.

MR. McGLYNN: Anyone opposed? (no response)

SENATOR KAVANAUGH: Thank you all for coming. I think maybe we can get something in motion here.

MR. McGLYNN: If I may, we meet quarterly. So our next meeting will be sometime towards the last week of June. And we will keep you apprised, Mr. Dillingham and Mr.--

Leave a card with me, because, I mean, I'll get a hold of you.

**(MEETING CONCLUDED)**