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# *Commission Meeting*

of

## STATE HOUSE COMMISSION

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**LOCATION:** Committee Room 12  
State House Annex  
Trenton, New Jersey

**DATE:** June 29, 2000  
9:00 a.m.

**MEMBERS OF COMMISSION PRESENT:**

Eileen K. Schlindwein, Chair  
(Representing Governor Christine Todd Whitman)  
Senator Walter J. Kavanaugh, Vice-Chair  
Assemblyman Leonard Lance  
Assemblyman Anthony Impreveduto  
Peter R. Lawrance  
(Representing Roland M. Machold)  
Michael R. Ferrara  
(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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**MS. EILEEN K. SCHLINDWEIN (Chair):** Welcome, ladies and gentlemen, to the State House Commission, June 29, 2000. May I have the reading of the Open Public Meetings Act statement?

**MR. SHAUGHNESSY (Counsel):** 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 on June 27, 2000, and posted at the offices of the State House Commission.

**MS. SCHLINDWEIN:** Thank you. May I have the attendance call, please?

**MR. McGLYNN (Secretary):** Deputy Treasurer Lawrance.

**DEPUTY TREASURER LAWRENCE:** Here.

**MR. McGLYNN:** Associate Director Ferrara.

**MR. FERRARA:** Here.

**MR. McGLYNN:** Chairman Schlindwein.

**MS. SCHLINDWEIN:** Here.

**MR. McGLYNN:** Assemblyman Lance.

**ASSEMBLYMAN LANCE:** Here.

**MR. McGLYNN:** Senator Kavanaugh is present, he just had to leave the room for a moment. He'll be right back.

**MS. SCHLINDWEIN:** And may I just say, we welcome Senator Kavanaugh wholeheartedly. We're glad to see that he is among us this morning.

I understand that there are -- we have a long agenda this morning and a lot of business to accomplish in a short period of time. We know that

it's a very heavy legislative day, and our Legislative Commission members have many issues to attend to this morning.

I understand that we have, under old business, Item No. 3 on our agenda -- it deals with an easement down in a facility in Bordentown -- and that there are a number of interested persons here today on that particular item. I want to let you know that I will be moving that to the end of the agenda to see how much time we have left and how much comment I'm able to hear today and whether we will need to -- how we will need to address that for the future.

So, with that, we will move on.

Mr. McGlynn, can you please inform us as to Item No. 1 on the agenda, which is the approval of the State House minutes?

MR. McGLYNN: Madam Chair, may I have a motion to approve the minutes of March 27, 2000, State House Commission meeting?

ASSEMBLYMAN LANCE: I move.

MR. FERRARA: Second.

MS. SCHLINDWEIN: All in favor? (affirmative responses)

MR. McGLYNN: Item No. 2, RPR 98-15. The New Jersey Department of the Treasury requests approval to lease approximately 2.5 acres of vacant land to the Township of Union for parking at the Union Train Station, located at Block 105, Lot 7, in Union Township, Union County.

As you remember, it was a matter that was on the agenda and approved on November the 18 of 1997. It was going to be a direct sale. It is now a lease.

MS. SCHLINDWEIN: Do I have a motion on that item?

ASSEMBLYMAN LANCE: Moved.

MR. FERRARA: Second.

MS. SCHLINDWEIN: Any discussion? (no response)

Mr. McGlynn, or Mr. Mazzella, if you're here, I understand that the change is a result of some additional negotiations that have been ongoing with the Kean College.

**ANTHONY R. MAZZELLA:** Yes.

MS. SCHLINDWEIN: Is there anyone who wishes to speak from the public on this item? (no response)

May I have a vote, please -- roll call.

MR. McGLYNN: Deputy Treasurer Lawrance.

DEPUTY TREASURER LAWRENCE: Yes.

MR. McGLYNN: Associate Director Ferrara.

MR. FERRARA: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Chairman Schlindwein.

MS. SCHLINDWEIN: Yes.

MR. McGLYNN: Item No. 3 is being held for the moment.

Item No. 4, Kittatinny Valley State Park, Block 134, part of Lot 31, in Andover Township.

The Department of Environmental Protection requests approval to increase the height of the communication tower to be constructed in Andover to 230 feet. The height was previously approved at 191 feet at the June 21, 1999 meeting.

MS. SCHLINDWEIN: Is there a motion?

MR. FERRARA: So moved.

MS. SCHLINDWEIN: A second?

DEPUTY TREASURER LAWRANCE: Seconded.

MS. SCHLINDWEIN: Any discussion? (no response)

Any public comment? (no response)

Call for the vote.

MR. McGLYNN: Deputy Treasurer Lawrance.

DEPUTY TREASURER LAWRANCE: Yes.

MR. McGLYNN: Associate Director Ferrara.

MR. FERRARA: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Chairman Schlindwein.

MS. SCHLINDWEIN: Yes.

MR. McGLYNN: Under new business, RPR 93-101. The New Jersey Department of Treasury requests approval to lease a DEP residential property to James Saltzman. The property is located at Block 37, Lot 8, 87 Meadow Avenue, in Franklin Township, Somerset County. The rent will be \$952 per annum.

MS. SCHLINDWEIN: Is there a motion?

ASSEMBLYMAN LANCE: So moved.

DEPUTY TREASURER LAWRANCE: Seconded.

MS. SCHLINDWEIN: Any discussion?

MR. FERRARA: Just one question, and I think probably to Tony Mazzella. It says the real property review clearance was completed on April 22, 1993. Is that correct?

MR. MAZZELLA: Yes, this is a continuation.

MR. FERRARA: Oh, okay, so they've been living there already?

MR. MAZZELLA: Yes.

MR. FERRARA: Okay, thank you.

MS. SCHLINDWEIN: Any public comment? (no response)

Call for the vote.

MR. McGLYNN: Deputy Treasurer Lawrance.

DEPUTY TREASURER LAWRENCE: Yes.

MR. McGLYNN: Associate Director Ferrara.

MR. FERRARA: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Chairman Schlindwein.

MS. SCHLINDWEIN: Yes.

MR. McGLYNN: Item No. 6, RPR 98-24. The New Jersey Department of Treasury, on behalf of the Department of Corrections, requests approval to dispose of Cedar Lodge and five acres of land. The property is located at Block 25001, part of Lot 27, in Montgomery Township, Somerset County.

MS. SCHLINDWEIN: Is there a motion?

ASSEMBLYMAN LANCE: Moved.

DEPUTY TREASURER LAWRENCE: Seconded.



MS. SCHLINDWEIN: Any discussion? (no response)

Any public comment? (no response)

Vote, please.

MR. McGLYNN: Deputy Treasurer Lawrance.

DEPUTY TREASURER LAWRENCE: Yes.

MR. McGLYNN: Associate Director Ferrara.

MR. FERRARA: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Chairman Schlindwein.

MS. SCHLINDWEIN: Yes.

MR. McGLYNN: Item No. 7, RPR 00-6. The Department of Treasury, on behalf of the Department of Human Services, requests approval to lease vacant land to the City of Vineland to be used as softball and soccer fields. The property is located at Block 474, part of Lot 1, on the grounds of the Vineland Development Center, in Vineland City, Cumberland County.

MS. SCHLINDWEIN: Is there a motion?

MR. FERRARA: Moved.

DEPUTY TREASURER LAWRENCE: Seconded.

MS. SCHLINDWEIN: Thank you. Any discussion? (no response)

Any public comment on No. 7? (no response)

Vote, please.

MR. McGLYNN: Deputy Treasurer Lawrance.

DEPUTY TREASURER LAWRENCE: Yes.

MR. McGLYNN: Associate Director Ferrara.

MR. FERRARA: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Chairman Schlindwein.

MS. SCHLINDWEIN: Yes.

MR. McGLYNN: Item No. 8, RPR 00-15. The Department of Treasury, on behalf of the Department of Law and Public Safety, requests approval to dispose of two cemetery lots located in Block 12 and 13, Lots 30 and 31, in Paupack Township, Wayne County, Commonwealth of Pennsylvania.

MS. SCHLINDWEIN: Is there a motion?

ASSEMBLYMAN LANCE: Moved.

DEPUTY TREASURER LAWRENCE: Seconded.

MS. SCHLINDWEIN: Thank you.

Any discussion?

MR. FERRARA: Yes, one quick question -- Tony's gone?

I was just wondering how they get \$978.48 as a price.

It's kind of a weird number, but I guess-- Hey, Tony, selling these two cemetery lots -- \$978.48 -- is that--

MR. MAZZELLA: The cemetery sent us the value.

MR. FERRARA: They said that's what their value was?

Fine.

Thank you.

MS. SCHLINDWEIN: Is there any public comment? (no response)

Call for the vote.

MR. McGLYNN: Deputy Treasurer Lawrance.

DEPUTY TREASURER LAWRENCE: Yes.

MR. McGLYNN: Associate Director Ferrara.

MR. FERRARA: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Chairman Schlindwein.

MS. SCHLINDWEIN: Yes.

MR. McGLYNN: RPR -- No 9, I'm sorry-- RPR 00-27. The Department of Treasury requests approval to lease a DEP residential property to Adele Pound and Brian Leonard, located at Block 959, Lot 2, 4165 Atlantic Avenue, in Allaire State Park, Wall Township, Monmouth County.

MS. SCHLINDWEIN: Is there a motion, please?

MR. FERRARA: So moved.

DEPUTY TREASURER LAWRENCE: Seconded.

MS. SCHLINDWEIN: Thank you.

Any discussion or questions? (no response)

Public comment? (no response)

Call for the vote.

MR. McGLYNN: Deputy Treasurer Lawrance.

DEPUTY TREASURER LAWRENCE: Yes.

MR. McGLYNN: Associate Director Ferrara.

MR. FERRARA: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Chairman Schlindwein.

MS. SCHLINDWEIN: Yes.

MR. McGLYNN: Item No. 10, requesting party-- The Department of the Treasury, on behalf of the Department of Human Services, requests approval to grant an easement to Cumberland County to make intersection improvements. The property is located at Block 379, Lot 3, at the intersection of Maple Avenue and Main Road, in Vineland City, Cumberland County.

MS. SCHLINDWEIN: Is there a motion?

ASSEMBLYMAN LANCE: Moved.

DEPUTY TREASURER LAWRENCE: Seconded.

MS. SCHLINDWEIN: Thank you.

Any discussion? (no response)

Any public comment? (no response)

Call for the vote.

MR. McGLYNN: Deputy Treasurer Lawrence.

DEPUTY TREASURER LAWRENCE: Yes.

MR. McGLYNN: Associate Director Ferrara.

MR. FERRARA: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Chairman Schlindwein.

MS. SCHLINDWEIN: Yes.

MR. McGLYNN: Item No. 11, RPR 00-31. The New Jersey Department of Treasury, on behalf of the Department of Corrections, requests approval to dispose of the Lloyd McCorkle Training School and to grant an access easement to the Montgomery Township Board of Ed. The easement is required to allow school bus and traffic access on Route 602. The property consists of 78 acres and is located at Block 25001, part of Lot 27, in Montgomery Township, Somerset County.

MS. SCHLINDWEIN: Is there a motion?

ASSEMBLYMAN LANCE: Moved.

DEPUTY TREASURER LAWRENCE: Seconded.

MS. SCHLINDWEIN: Any discussion?

MR. FERRARA: Yes, one question.

Tony, on this McCorkle School, we're just dealing with the easement, not the sale of the property itself.

Is there any negotiating going on to sell the entire property?

MR. MAZZELLA: The property negotiations are under way, and we've reached agreement on the sale price. The issue of an easement has yet to be valued, and once that's valued, that will be added to the price.

So what we're asking for approval to proceed on is the sale and the granting of the easement, value to be determined.

MR. FERRARA: And you are voting on the sale of the property also?

MR. MAZZELLA: Yes.

MR. FERRARA: Is that what I'm hearing you say?

MR. MAZZELLA: Yes.

MS. SCHLINDWEIN: Mr. Mazzella, is that the negotiations that are ongoing with the Board of Education, the Montgomery Township Board of Education?

MR. MAZZELLA: That's correct.

MS. SCHLINDWEIN: Okay, and has there been appraisals of the property?

MR. MAZZELLA: Yes, both parties conducted appraisals, and we've reached, basically, a settlement at \$4.46 million for the property.

Again, the easement was an added item in our negotiations, and we're having that valued -- that will be added to the 4.46.

MS. SCHLINDWEIN: Are there any other questions of the Commission members? (no response)

Is there any public comment or questions?

Yes, sir, please come up forward to the microphone and identify yourself for the record.

**D O N A L D W. M A T T H E W S:** My name is Don Matthews. I'm Mayor of Montgomery Township and I just -- I'm just here to show my support for this, so that's basically my comment.

MS. SCHLINDWEIN: Mayor, we welcome you, and we thank you for coming down today and for your support.

Thank you.

Anyone else? (no response)

Okay, may I have a call for the vote?

MR. McGLYNN: Deputy Treasurer Lawrance.

DEPUTY TREASURER LAWRANCE: Yes.

MR. McGLYNN: Associate Director Ferrara.

MR. FERRARA: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Chairman Schlindwein.

MS. SCHLINDWEIN: Yes.

MR. McGLYNN: Item No. 12, the Department of -- RPR 00-38.

The Department of the Treasury, on behalf of the Department of Law and Public Safety, Juvenile Justice Commission, requests approval to lease five acres of vacant land to the Township of Monroe to be used as athletic fields. The property is located at Block 53, Lot 11, in Monroe Township, Middlesex County.

MS. SCHLINDWEIN: Is there a motion?

MR. FERRARA: Moved.

ASSEMBLYMAN LANCE: Second.

MS. SCHLINDWEIN: Thank you.

Any discussion or questions? (no response)

Any public comment? (no response)

Call for the vote.

MR. McGLYNN: Deputy Treasurer Lawrance.

DEPUTY TREASURER LAWRANCE: Yes.

MR. McGLYNN: Associate Director Ferrara.

MR. FERRARA: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Chairman Schlindwein.

MS. SCHLINDWEIN: Yes.

MR. McGLYNN: Item No. 13, RPR 97-39. The Department of Treasury, on behalf of the Department of Human Services, requests approval to enter into a memorandum of understanding with the Township of Marlboro to enable a due diligence evaluation of the Marlboro Psychiatric Hospital property. The property is located at Block 159, Lot 11, in Marlboro Township, Monmouth County.

MS. SCHLINDWEIN: Do I have a motion?

MR. FERRARA: So moved.

DEPUTY TREASURER LAWRENCE: Seconded.

MS. SCHLINDWEIN: Is there any discussion or questions from the Commission members?

MR. McGLYNN: I know Senator Bennett was here before.

MS. SCHLINDWEIN: Okay.

MR. McGLYNN: Do you wish to be heard, Senator, I'm sorry?

MS. SCHLINDWEIN: Good morning, Senator.

Welcome.

**SENATOR JOHN O. BENNETT:** Good morning.

MS. SCHLINDWEIN: We're happy to see you this morning.

SENATOR BENNETT: Thank you, and I'm happy to be here.

On behalf of the Township of Marlboro, I'm also accompanied today by the Township Administrator, Joe Orlando, and Councilwoman Mary Singer, who are here to show their support for this process. The township is



most anxious to pursue an acquisition of the hospital so that they will be able to be in a position to preserve much of the property in the manner that it is now. They are negotiating in efforts to try to sell the core property and to find a worthwhile use for that, but they really want to be able to keep the overwhelming majority of the property exactly as it is now. And so they are excited to get into a due process and due diligence to be able to ascertain and continue the negotiations for the acquisition and the properties. So the township is most anxious to proceed, and we look forward to affirmative action on this to allow us to take the next steps.

MS. SCHLINDWEIN: Thank you, Senator.

I'm happy to see that the Treasury Department is working with the locality and municipality and others on this project. I understand the memorandum of understanding takes a step forward. It's not consummation of the sale today, but it's a step forward to due diligence, and we thank you for being here in support of that.

SENATOR BENNETT: Thank you.

MS. SCHLINDWEIN: Is there any other public comment or any questions from the board? (no response)

May I have a vote, please?

MR. McGLYNN: Deputy Treasurer Lawrance.

DEPUTY TREASURER LAWRENCE: Yes.

MR. McGLYNN: Associate Director Ferrara.

MR. FERRARA: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Chairman Schlindwein.

MS. SCHLINDWEIN: Yes.

MR. McGLYNN: Following matters of the Department of Human Services request, No. 14 is the Bergen County payment rate for the service period June through December of 2000.

As you know, this Commission sets the rates imposed by county psychiatric facilities pursuant to the Commissioner of Human Services' recommendations, and the rate to be imposed is -- at the Bergen County Regional Medical Center, Extended Acute Psychiatric Hospital, the inpatient rate of \$357.99 per day.

MS. SCHLINDWEIN: May I have a motion, please?

ASSEMBLYMAN LANCE: Moved.

DEPUTY TREASURER LAWRENCE: Seconded.

MS. SCHLINDWEIN: Thank you.

Any questions or discussion? (no response)

Any public comment? (no response)

Call for the vote.

MR. McGLYNN: Deputy Treasurer Lawrence.

DEPUTY TREASURER LAWRENCE: Yes.

MR. McGLYNN: Associate Director Ferrara.

MR. FERRARA: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Chairman Schlindwein.

MS. SCHLINDWEIN: Yes.

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

Item No. 15, open space, Block 575-B, Lot 41, in Woodbridge Township. The Department of Environmental Protection, on behalf of the Township of Woodbridge, requests approval to divert approximately .03 acres of municipal open space for the construction of a connector road between George Frederick Plaza and Sam Lupo Place in Middlesex County. The roadway is required as part of the State DOT approved signalization plan for the intersection of St. George's Avenue and George Frederick Plaza.

MS. SCHLINDWEIN: Thank you.

Is there a motion?

ASSEMBLYMAN LANCE: Moved.

DEPUTY TREASURER LAWRENCE: Seconded.

MS. SCHLINDWEIN: Thank you.

Any discussion? (no response)

Any public comment on this item? (no response)

Call for the vote.

MR. McGLYNN: Deputy Treasurer Lawrence.

DEPUTY TREASURER LAWRENCE: Yes.

MR. McGLYNN: Associate Director Ferrara.

MR. FERRARA: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Senator Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Chairman Schlindwein.

MS. SCHLINDWEIN: Yes.

MR. McGLYNN: Item No. 16, Garretson Road Park, Block 3501, Lot 17 and 17.01, in Bridgewater Township.

The Department of Environmental Protection, on behalf of the Township of Bridgewater, requests approval to dispose of 19.367 acres of Garretson Road Park to the Somerset Area YMCA for public recreation purposes and to a develop -- to legalize the construction of town homes.

MS. SCHLINDWEIN: Do I have a motion?

DEPUTY TREASURER LAWRENCE: I'll move it.

MR. FERRARA: Second.

MS. SCHLINDWEIN: Thank you.

Is there any question or discussion?

I did have a question myself.

Is there anyone from DEP here?

**M I C H A E L E. H E E N E H A N:** Michael Heenehan, from Green Acres, and Bill Volicky is here from the township.

MS. SCHLINDWEIN: Thank you very much.

I understand -- if I understand correctly, this is an exchange, in essence, of properties that are under Green Acres Program, that the township will be identifying certain new properties that will be protected and preserved.

MR. HEENEHAN: That's correct.

MS. SCHLINDWEIN: Come forward and just put your name on the record, please.

MR. HEENEHAN: Sure.

Michael E. H-E-E-N-E-H-A-N.

MR. FERRARA: Could I ask one question, please?

MS. SCHLINDWEIN: Certainly.

MR. FERRARA: I read that the township inadvertently sold. Does that mean that, in fact, they did not check with DEP ahead of time?

MR. HEENEHAN: That's correct.

MR. FERRARA: They went forward and sold it.

MR. HEENEHAN: That's correct.

MR. FERRARA: So they didn't know that they had to clear it with you before they did so?

MR. HEENEHAN: That's correct.

MR. FERRARA: Thank you.

SENATOR KAVANAUGH: Question -- how much did they receive from the sale?

MR. HEENEHAN: The YMCA sold for \$600,000, and the area of the condos that was parkland sold for approximately \$1.5 million.

SENATOR KAVANAUGH: 2.1 total?

MR. HEENEHAN: Right.

SENATOR KAVANAUGH: To the borough or to the township?

MR. HEENEHAN: Yes.

SENATOR KAVANAUGH: And what is the value of the 31 acres or 32 acres?

MR. HEENEHAN: It's about 2.2 -- it's a little bit more than what the property sold for.

SENATOR KAVANAUGH: Inflated figure or true figure?

MR. HEENEHAN: The replacement property was appraised at 250.

SENATOR KAVANAUGH: Thank you.

MS. SCHLINDWEIN: Are there any other -- is there any public comments? (no response).

Call for the vote.

MR. McGLYNN: Deputy Treasurer Lawrance.

DEPUTY TREASURER LAWRENCE: Yes.

MR. McGLYNN: Associate Director Ferrara.

MR. FERRARA: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Senator Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Chairman Schlindwein.

And Assemblyman Impreveduto--

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: --we are on Item No. 16.

MS. SCHLINDWEIN: Yes.

MR. McGLYNN: Item No. 17, Manasquan Wildlife Management Area, Block 830, part of Lot 1, in Wall Township.

The DEP, on behalf of the Division of Fish and Wildlife, requests approval to dispose of .0674 of an acre in Monmouth County for the location of a sanitary sewer pumping station.

MS. SCHLINDWEIN: Is there a motion?

MR. FERRARA: Moved.

ASSEMBLYMAN IMPREVEDUTO: Second.

MS. SCHLINDWEIN: Thank you.

Any discussion from the Commission? (no response)

MR. McGLYNN: Deputy Treasurer Lawrance.

DEPUTY TREASURER LAWRENCE: Yes.

MR. McGLYNN: Associate Director Ferrara.

MR. FERRARA: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Senator Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Chairman Schlindwein.

MS. SCHLINDWEIN: Yes.

MR. McGLYNN: Item No. 18, the Raritan Confluence Reservoir Site, Block 42, Lot 8.01, in Branchburg Township.

The DEP, Division of Parks and Forestry, requests approval to lease one acre of land to an adjacent funeral home for overflow parking, which is a temporary diversion from its public purpose.

DEPUTY TREASURER LAWRENCE: Move that.

ASSEMBLYMAN LANCE: Second.

MS. SCHLINDWEIN: Is there a second?

MR. FERRARA: Second.

MS. SCHLINDWEIN: Any questions or discussion?

Senator Kavanaugh?

SENATOR KAVANAUGH: Is there anyone here that is familiar with this?

MR. FERRARA: Tony must be.

MR. McGLYNN: I'm sorry, would you just identify yourself again and spell your name for the record?

**J E A N N E D O N L O N**: Jeanne D-O-N-L-O-N, from the Green Acres program.

SENATOR KAVANAUGH: Do you have to be Irish to work for the Green Acres? (laughter)

MS. DONLON: Or marry one.

SENATOR KAVANAUGH: This location -- is this on 202?

MS. DONLON: Yes, it is in Branch.

SENATOR KAVANAUGH: On the right-hand side there?

MS. DONLON: Yes, exactly. Right next to that funeral home. It was a parcel that was purchased for the Raritan Confluence Reservoir back in the '70s.

SENATOR KAVANAUGH: It's not going to jeopardize the value of continuous property if we do this one acre? How many acres are left in there?

MS. DONLON: In that particular lot there are -- it's a total of eight acres in that lot.

SENATOR KAVANAUGH: In the block?



MS. DONLON: In that lot. Then there is one other parcel that we own adjacent to that, which as is this one, are in their natural state. They have some scrub trees, etc., growing up. So no, I sent someone to look at it, there seems to be no impact on the other properties. And also, it's temporary to relieve an emergent situation with parking.

SENATOR KAVANAUGH: It's five years?

MS. DONLON: Five years.

SENATOR KAVANAUGH: But then there's an option for--

MS. DONLON: For five more at the option of the Department -- the sole option of the Department.

SENATOR KAVANAUGH: Because that's highly valued commercial property there.

MS. DONLON: Absolutely.

SENATOR KAVANAUGH: And \$600 a month rental fee -- even though it's a parking lot, if you're going to jeopardize the rest of the property and to reduce the value -- you're pulling out something that is in a package.

MS. DONLON: Yes, but there is no intent at all on the part of the Department to dispose of any of that property. It will be -- continue to be in State ownership, I mean, whether that reservoir will be constructed -- certainly not in my lifetime, but eventually there will probably be a need for it.

So there's no intention to dispose of it, Senator.

SENATOR KAVANAUGH: Thank you.

MS. SCHLINDWEIN: Is there any other public comment or questions?

ASSEMBLYMAN IMPREVEDUTO: I guess currently there is not enough parking for this funeral home?

Is that the purpose of this?

MS. DONLON: I'm sorry, I didn't hear you.

ASSEMBLYMAN IMPREVEDUTO: It's going to be used for parking for--

MS. DONLON: Overflow parking.

ASSEMBLYMAN IMPREVEDUTO: From the funeral home?

MS. DONLON: From the funeral home.

ASSEMBLYMAN IMPREVEDUTO: What will the funeral home do after the five years is up?

MS. DONLON: I think the funeral home is-- Well, they have a five year--

ASSEMBLYMAN IMPREVEDUTO: After the 10 years is up?

MS. DONLON: After the 10 years is up, I would think the funeral home, should they continue with their land office business, will have to seek other -- another site, because apparently it's now causing a traffic -- dangerous traffic condition, they say, when they have a large funeral.

So I think that would be their only option.

ASSEMBLYMAN IMPREVEDUTO: Thank you.

MS. SCHLINDWEIN: Any other questions? (no response)

Call for the vote.

MR. McGLYNN: Deputy Treasurer Lawrance.

DEPUTY TREASURER LAWRENCE: Yes.

MR. McGLYNN: Associate Director Ferrara?

MR. FERRARA: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Senator Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Chairman Schlindwein.

MS. SCHLINDWEIN: Yes.

MR. McGLYNN: Item No. 19 is the Columbia Lake Wildlife Management Area, Block 21.01 (*sic*), Lot 7, in Knowlton Township.

The DEP, through the Division of Fish and Wildlife, requests approval to grant a 1293-square-foot easement for driveway access to a residential dwelling which has been utilizing this access for approximately 50 years.

MS. SCHLINDWEIN: Is there a motion?

ASSEMBLYMAN LANCE: Moved.

ASSEMBLYMAN IMPREVEDUTO: Second.

MS. SCHLINDWEIN: Thank you.

Any questions or discussion? (no response)

Any public comment? (no response)

Call for the vote.

MR. McGLYNN: Deputy Treasurer Lawrance.

DEPUTY TREASURER LAWRENCE: Yes.

MR. McGLYNN: Associate Director Ferrara.

MR. FERRARA: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Senator Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Chairman Schlindwein.

MS. SCHLINDWEIN: Yes.

MR. McGLYNN: Item No. 20, the Columbia Lake Wildlife Management Area, Block 47, Lot 1 and a portion of 1.01, in Knowlton Township. The DEP, through Fish and Wildlife, requests approval to lease a house and six acres of land to Knowlton Township in Warren County. The township will sublease the property to the Garden State Heirloom Seed Society.

MS. SCHLINDWEIN: Is there a motion?

ASSEMBLYMAN LANCE: Moved.

MR. FERRARA: Second.

MS. SCHLINDWEIN: Thank you.

Any questions or discussion? (no response)

Any public comment? (no response)

Call for the vote.

MR. McGLYNN: Deputy Treasurer Lawrance.

DEPUTY TREASURER LAWRENCE: Yes.

MR. McGLYNN: Associate Director Ferrara

MR. FERRARA: Yes.

MR. McGLYNN: Assemblyman Lance

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Assemblyman Impreveduto

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Senator Kavanaugh

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Chairman Schlindwein

MS. SCHLINDWEIN: Yes.

MR. McGLYNN: Item No. 21, the Wharton State Forest, Block 6102, Lot 4, Parcels 8A and 8B, Block 6104, Lot 2, Parcel R8C, in Winslow Township.

The DEP, through Parks and Forestry, requests approval to grant two temporary construction easements to the Department of Transportation to make intersection improvements at the intersection of Route 30 and Spring Garden Road in Camden County.

MS. SCHLINDWEIN: Is there a motion?

ASSEMBLYMAN LANCE: Moved.

DEPUTY TREASURER LAWRENCE: Seconded.

MS. SCHLINDWEIN: Thank you.

Any questions or discussion? (no response)

Any public comment? (no response)

Call for the vote.

MR. McGLYNN: Deputy Treasurer Lawrence.

DEPUTY TREASURER LAWRENCE: Yes.

MR. McGLYNN: Associate Director Ferrara.

MR. FERRARA: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Senator Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Chairman Schlindwein.

MS. SCHLINDWEIN: Yes.

MR. McGLYNN: Item No. 22, Cape Island Wildlife Management Area, part of Block 7.01, Lot 510, in Lower Township.

The DEP, through Fish and Wildlife, requests approval to lease a 12-acre parcel of land in Cape May County to the Lower Township for 10 years to serve as soccer fields.

MS. SCHLINDWEIN: Do I have a motion?

MR. FERRARA: So moved.

ASSEMBLYMAN IMPREVEDUTO: Second.

MS. SCHLINDWEIN: Thank you.

Any questions or discussion?

Senator Kavanaugh?

SENATOR KAVANAUGH: Is it written up in such a way that the soccer fields revert to the State after the 10-year period?

MR. McGLYNN: I think it is written so that it will remain, if not soccer fields, a wildlife area associated with recreational users of the track, is how it's actually worded, Senator.

SENATOR KAVANAUGH: So the value -- it's only a value, then, to Lower Township?

MR. McGLYNN: Hold on for one second. Well, the compensation has stated there will be habitat management on adjacent fields for the benefit of migratory birds. So there is additional property located -- there is a 12-acre parcel of land included, I'm sorry, next to it, I'm told.

SENATOR KAVANAUGH: 35 acres?

MR. McGLYNN: Correct, 35 is correct.

MS. SCHLINDWEIN: And it's my understanding that this is a lease for 10 years?

MR. McGLYNN: Correct.

SENATOR KAVANAUGH: They own 35 acres, we are going to give them an addition of 12 acres for soccer fields. The soccer fields at the end of 10 years-- What happens to them?

MR. McGLYNN: Maybe someone from DEP is here that can indicate that.

MS. DONLON: Yes.

Jeanne Donlon, from the Green Acres Program -- yes -- may I answer your question? I'm sorry, I didn't hear it.

SENATOR KAVANAUGH: What happens at the end of 10 years?

MS. DONLON: At the end of 10 years, then--

SENATOR KAVANAUGH: Could you push your button -- your red light? (referring to PA microphone)

MS. DONLON: Red light?

MR. McGLYNN: That's it.

MS. DONLON: I thought I was so loud everyone could hear me.

At the end of 10 years, then the Department will have the option to evaluate whether this is an appropriate lease, whether the management of the fields has been a benefit to the wildlife, because certain mowings at certain times benefit grassland birds. And so, the other thing is that there is the intention to tie this into an ecological program with the high school, which is right next to these soccer fields, although they will not be the tenants on the soccer fields. But nevertheless, it will be a dual program there.

SENATOR KAVANAUGH: Well, I've gone into some of the wildlife areas and bird watching, and what have you, and I really don't see where soccer fields are conducive to migratory birds. Now, if you can work that out, that you can talk to the birds that they're going to stick around, but there's a lot of noise and activity on soccer fields.

I mean, is this the best thing -- we're not going to have someone from the wildlife come in and say, "What did you do that for?"

MS. DONLON: The Division of Fish and Wildlife in their -- particularly in their endangered species program, is very active in this area, in Cape Island Wildlife Management Area, and they have reviewed it thoroughly. They are not one to easily lease their property, as you probably know. And so they feel that there will be a benefit because of the management practices that will be required.



SENATOR KAVANAUGH: Okay, as long as you're happy.

MS. SCHLINDWEIN: I understand that there is also going to be parking made available. Is there inadequate parking at the current time?

MS. DONLON: That's correct.

There is no parking that has been prepared for cars, etc. -- gravel, etc., so that will be done at the expense of the town, and that parking will be available to all users, birders, etc., throughout the year.

So they will get that benefit, too.

MS. SCHLINDWEIN: Is there any other questions?

ASSEMBLYMAN IMPREVEDUTO: I think, though, Mr. Chairman, that we do have evidence, in fact, that noise does not scare away the migratory birds. If you look at any of the soccer fields, golf courses, or football fields throughout the State of New Jersey, you will notice that the Canadian Geese, which is a migratory bird, doesn't seem to worry about the noise created. (laughter)

MS. SCHLINDWEIN: Is there any public comment? (no response)

Thank you.

Call for the vote.

MR. McGLYNN: Deputy Treasurer Lawrance.

DEPUTY TREASURER LAWRENCE: Yes.

MR. McGLYNN: Associate Director Ferrara.

MR. FERRARA: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Senator Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Chairman Schlindwein.

MS. SCHLINDWEIN: Yes.

MR. McGLYNN: And Assemblyman Lance has indicated he wishes to be voted in the affirmative.

Item No. 23, the South Branch Wildlife Management Area, Block 16, part of Lot 7, in Washington Township. DEP requests approval to dispose of .304 of an acre located in Morris County to the adjacent property owner to rectify an encroachment of a portion of his parking lot into adjacent State land.

MS. SCHLINDWEIN: Do I have a motion?

ASSEMBLYMAN IMPREVEDUTO: Moved.

DEPUTY TREASURER LAWRANCE: Seconded.

MS. SCHLINDWEIN: Thank you.

Any questions or discussion? (no response)

Any public comment? (no response)

Call for the vote.

MR. McGLYNN: Deputy Treasurer Lawrance.

DEPUTY TREASURER LAWRANCE: Yes.

MR. McGLYNN: Associate Director Ferrara.

MR. FERRARA: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Senator Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Chairman Schlindwein.

MS. SCHLINDWEIN: Yes.

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

Item No. 24, the Delaware and Raritan Canal State Park, Block S-484, in Hamilton Township. DEP, Division of Parks and Forestry, requests approval to renew a utility easement with PSE&G for a 230 kV -- I didn't know what that meant, so transmission line crossing with access road -- for a term of 20 years in Mercer County. This is a current utility easement in place now for 32 years.

MS. SCHLINDWEIN: Do I have a motion?

ASSEMBLYMAN IMPREVEDUTO: Moved.

DEPUTY TREASURER LAWRANCE: Seconded.

MS. SCHLINDWEIN: Thank you.

Any questions or discussion? (no response)

Any public comment? (no response)

Call for the vote.

MR. McGLYNN: Deputy Treasurer Lawrance.

DEPUTY TREASURER LAWRANCE: Yes.

MR. McGLYNN: Associate Director Ferrara.

MR. FERRARA: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Senator Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Chairman Schlindwein.

MS. SCHLINDWEIN: Yes.

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

Item No. 25, Delaware and Raritan Canal State Park, Block S-484, in Hamilton Township. DEP, Division of Parks and Forestry, requests approval to renew a utility easement with PSE&G covering a combination of multiple easements for a 138 kV and 230 kV transmission line crossing and a 20-inch encased gas main crossing for a term of 20 years in Mercer County. There is a current utility easement in place now for 40 years.

MS. SCHLINDWEIN: Do I have a motion?

ASSEMBLYMAN IMPREVEDUTO: Moved.

DEPUTY TREASURER LAWRANCE: Seconded.

MS. SCHLINDWEIN: Any questions or discussion? (no response)

Any public comment? (no response)

Call for the vote.

MR. McGLYNN: Deputy Treasurer Lawrance.

DEPUTY TREASURER LAWRANCE: Yes.

MR. McGLYNN: Associate Director Ferrara.

MR. FERRARA: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Senator Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Chairman Schlindwein.

MS. SCHLINDWEIN: Yes.

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

Item No. 26, Delaware and Raritan Canal State Park, Block 3601, in Lawrance Township. DEP, Division of Parks and Forestry, requests approval to renew a utility easement with PSE&G for a 100-foot-wide Trenton-Navy Lab 138 kV transmission line with access road for a term of 20 years in Mercer County. There is a current utility easement in place now for 49 years.

MS. SCHLINDWEIN: Do I have a motion?

ASSEMBLYMAN IMPREVEDUTO: Moved.

DEPUTY TREASURER LAWRANCE: Seconded.

MS. SCHLINDWEIN: Moved and seconded-- Any discussion?

(no response)

Any public comment? (no response)

Call for the vote.

MR. McGLYNN: Deputy Treasurer Lawrance.

DEPUTY TREASURER LAWRANCE: Yes.

MR. McGLYNN: Associate Director Ferrara.

MR. FERRARA: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Senator Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Chairman Schlindwein.

MS. SCHLINDWEIN: Yes.

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

No. 27, Delaware and Raritan Canal State Park, Block 60 and 7, in Franklin Township. DEP, Division of Parks and Forestry, requests approval to renew a utility easement, again with PSE&G, for 500 kV and 230 kV transmission line crossing for a term of 20 years in Somerset County. There is a current utility easement in place now for 27 years.

MS. SCHLINDWEIN: Do I have a motion?

ASSEMBLYMAN IMPREVEDUTO: Moved.

MR. FERRARA: Second.

MS. SCHLINDWEIN: Any discussion? (no response)

Public comment? (no response)

Call for the vote.

MR. McGLYNN: Deputy Treasurer Lawrance.

DEPUTY TREASURER LAWRENCE: Yes.

MR. McGLYNN: Associate Director Ferrara.

MR. FERRARA: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Senator Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Chairman Schlindwein.

MS. SCHLINDWEIN: Yes.

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

Madam Chair, items 28 through 33 are all State Park leases. We can do them en masse, if you'd like to?

MS. SCHLINDWEIN: If these are all residential leases--

MR. McGLYNN: Correct.

Well, I'm not sure they are all residential leases, but I believe they are all State leases -- I think they are residential leases, yes.

MS. SCHLINDWEIN: Okay.

MR. McGLYNN: Item No. 28, Delaware and Raritan Canal State Park, Block 9, Lot 19, in Franklin Township. DEP, Department of Parks and Forestry, requests approval to grant a residential lease in Somerset County to Sally Suydam for a term of five years at an annual compensation in the amount of \$10,200.

Item No. 29, Delaware and Raritan Canal State Park, Block 57, Lot 13, in Franklin Township. DEP, Division of Parks and Forestry, requests approval to grant a lease to Somerset County to the New Jersey Parks and Recreation Association, a nonprofit corporation of the State of New Jersey, for a term of five years with an annual compensation of \$6000.

Item No. 30, Kittatinny Valley State Park, Blocks 128, 129, and 130, in Andover Township. DEP, Division of Parks and Forestry, requests approval to grant an easement to Sussex County -- I'm sorry, to PSE&G -- for a 230 kV transmission line crossing with access road for a term of 20 years. Annual compensation is \$100.

Item No. 31, Allamuchy Mountain State Park, Block 402, Lot 2 in Allamuchy Township. DEP, Division of Parks and Forestry, requests approval to grant an agricultural lease in Warren County to Larry and Carol Freeborn for a term of five years with an annual compensation of \$20 per acre of cropland and \$12 an acre for pastureland, for a total of \$1960.

Item No. 32, Allamuchy Mountain State Park, Block 901, Lots 24 and 25, in Allamuchy Township. DEP, Division of Parks and Forestry, requests approval to grant an agricultural lease in Warren County to Thomas Kucharski for a term of five years at a compensation for agricultural land in the amount of \$20 per acre for 40 acres of cropland, totaling \$800 for the first two lease years terms, and then additional moneys as the terms go on.

Item No. 33 is Allaire State Park, Block 959, Lot 1, in Wall Township. DEP, Division of Parks and Forestry, requests approval to lease to Allaire Village, Incorporated, a nonprofit corporation, two houses and a garage shed in Monmouth County, for a term of 10 years at a one-time payment of \$10, and the investment to be made by tenant in the maintenance and improvement of the property.

MS. SCHLINDWEIN: Do I have a motion to move items 28 through 33?

ASSEMBLYMAN IMPREVEDUTO: I'll move that.

MR. FERRARA: I'll second it.

MS. SCHLINDWEIN: Any questions or discussions?

SENATOR KAVANAUGH: Question.

MS. SCHLINDWEIN: Senator Kavanaugh.



SENATOR KAVANAUGH: On the maintenance improvement of these rental properties, is that the responsibility of the State or the tenant?

**F R A N K H I L L M A N:** Frank Hillman, on behalf of the Division of Parks and Forestry.

That's the responsibility of the Allaire Village Association. The moneys that they derive from leasing those properties will be used to improve those properties. And any excess moneys will be used in the improvement of Allaire Village.

SENATOR KAVANAUGH: All right, if we go back -- there are some others here other than Allaire.

What about those -- the Suydam property?

MR. HILLMAN: Right, all those moneys go to the general treasury. We have no money to respond-- Maintenance responsibility, except for structural and utility, are the responsibility of the tenant. Structural and utility responsibilities are the responsibility of the Department.

SENATOR KAVANAUGH: Major renovations?

MR. HILLMAN: Major renovations, yes, sir.

SENATOR KAVANAUGH: Now, the other thing is, back a number of years ago when these leases were coming forward, we had discussed both on easements of PSE&G on the kV lines and now with these -- have they been reviewed?

I note here there is some acreage at \$20 an acre for cropland. Is that \$20 down? Is that the fair market value throughout the state, or is that for an individual project?

MR. HILLMAN: Well, they're by an area, but we have found, pretty basically, an agricultural land at \$20 an acre for cropland, \$12 an acre for graze land is the average. We coordinate that with fair market rental values and the Department of Agriculture. The fair market rental value regarding easements for public service -- we have actual surveys done, and they vary throughout the state. As you can see, some of them are very high compared to what they were paying, and some of them are still moderate.

SENATOR KAVANAUGH: More expensive dirt? (laughter)

MR. HILLMAN: More expensive communities, sir.

SENATOR KAVANAUGH: Thank you.

MR. HILLMAN: Thank you.

MS. SCHLINDWEIN: Any other questions? (no response)

Any public comment? (no response)

Call for the vote.

MR. McGLYNN: Deputy Treasurer Lawrance.

DEPUTY TREASURER LAWRANCE: Yes.

MR. McGLYNN: Associate Director Ferrara.

MR. FERRARA: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Senator Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Chairman Schlindwein.

MS. SCHLINDWEIN: Yes.

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

Item No. 34, which are Department of Transportation requests, project Route 9, Section 21, Parcel VX284, in Howell Township.

The New Jersey Department of Transportation, Bureau of Right of Way, Property Management Unit, requests approval to sell, by direct sale, a site located in Monmouth County. The site contains .107 acres plus or minus and is not developable due to its size, and the highest and best use would be as an assemblage to the adjacent owner. Sale price is \$23,500.

MS. SCHLINDWEIN: Is there a motion?

SENATOR KAVANAUGH: So moved.

MR. FERRARA: Second.

MS. SCHLINDWEIN: Any questions or discussion? (no response)

Any public comment? (no response)

Call for the vote.

MR. McGLYNN: Deputy Treasurer Lawrance.

DEPUTY TREASURER LAWRENCE: Yes.

MR. McGLYNN: Associate Director Ferrara.

MR. FERRARA: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Senator Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Chairman Schlindwein.

MS. SCHLINDWEIN: Yes.

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

And Senator Kavanaugh just kicked me or punched me, one of those. (laughter)

Items 34 through 38 are all sale of DOT property. We already did 34. I'll do 35 through 38, Madam Chair, with your permission?

MS. SCHLINDWEIN: Yes, Mr. McGlynn.

MR. McGLYNN: Okay, No. 35 is Route 38, Section 3, Parcel X1, in Hainesport Township. DOT, Property Management Unit, requests approval to sell an irregular-shaped parcel of vacant land with frontages on Route 38 and Hainesport Road in Burlington County. The area is slightly below grade and wooded and contains 1.573 of an acre. Site -- recommended sale price -- it will be sold at public auction sale price to be \$111,700.

Item No. 36, Route -- County Route 517, Section RS-389 (108), Parcel VX58D2 in Sparta Township. The Property Management Unit requests approval to sell an irregular-shaped parcel of vacant land located at the southeast corner of the intersection of Route 517 and Route 181 in Sussex County. The site contains approximately .219 acre. It will be sold at public auction with a recommended sale price of \$47,700.

Item No. 37 is Route 76, Section 1, Parcel VX832H2, in Camden City. The Bureau of Right of Way, Property Management, requests approval to sell a triangular-shaped parcel of vacant land located in Camden County consisting of 1156 square feet to the adjacent property owner with a recommended sale price of \$1000; and No. 38, Route 35, Section 12, Parcel

VX3R3C3, in Perth Amboy. The Bureau of Right of Way, Property Management, requests approval to sell a triangular-shaped parcel of vacant land containing 2614 square feet located in Middlesex County by direct sale to an adjacent property owner at a price of \$2500.

MS. SCHLINDWEIN: Is there a motion?

SENATOR KAVANAUGH: So moved.

MS. SCHLINDWEIN: Thank you.

ASSEMBLYMAN IMPREVEDUTO: Second.

MS. SCHLINDWEIN: Any discussion or questions on these items? (no response)

Any public comment? (no response)

Call for the vote.

MR. McGLYNN: Deputy Treasurer Lawrance.

DEPUTY TREASURER LAWRENCE: Yes.

MR. McGLYNN: Associate Director Ferrara.

MR. FERRARA: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Senator Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Chairman Schlindwein.

MS. SCHLINDWEIN: Yes.

MR. McGLYNN: And Assemblyman Lance wishes to be voted in the affirmative on all of those.

We now may sit as the Judicial Retirement Board on three items. First, we need a motion to approve the minutes of the meeting held on March 27, 2000.

ASSEMBLYMAN IMPREVEDUTO: I'll move that.

SENATOR KAVANAUGH: Are you going to move to go into Executive Session first?

MS. SCHLINDWEIN: Is there any need for an Executive Session?

SENATOR KAVANAUGH: Do you have anything?

MR. McGLYNN: No.

MS. SCHLINDWEIN: There's no need for an Executive Session.

MR. McGLYNN: No, okay.

I'm sorry, we had a motion by Assemblyman Impreveduto on the minutes, and a second?

Who seconded, please?

MR. FERRARA: I'll second it.

MR. McGLYNN: Deputy Treasurer Lawrance.

DEPUTY TREASURER LAWRENCE: Yes.

MR. McGLYNN: Associate Director Ferrara.

MR. FERRARA: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Senator Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Chairman Schlindwein.

MS. SCHLINDWEIN: Yes.

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

We have the financial statements of March 31, 2000, and the confirmation of death claims, retirements, and terminations.

I do not remember -- bear with me for one second.

Yes, we needed an approval of both the financial statements and the confirmation of death, retirement, and termination claims.

MS. SCHLINDWEIN: And we can do those in one action?

MR. McGLYNN: Yes.

MS. SCHLINDWEIN: Do we have a motion?

ASSEMBLYMAN IMPREVEDUTO: I'll move.

DEPUTY TREASURER LAWRENCE: Seconded.

MS. SCHLINDWEIN: Thank you.

Any questions or discussion? (no response)

Public comment? (no response)

Call for the vote.

MR. McGLYNN: Deputy Treasurer Lawrence.

DEPUTY TREASURER LAWRENCE: Yes.

MR. McGLYNN: Associate Director Ferrara.

MR. FERRARA: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Senator Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Chairman Schlindwein.

MS. SCHLINDWEIN: Yes.

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

Senator Kavanaugh, you were present for Items -- or you asked to be marked present for Items 1 through 15, exclusive of Item No. 3, which we're going to discuss in a minute. They were all approved by motion. Do you wish to be recorded in the affirmative?

SENATOR KAVANAUGH: Yes, please.

MR. McGLYNN: And Assemblyman Impreveduto, the same for you?

ASSEMBLYMAN IMPREVEDUTO: I would request the same.

MR. McGLYNN: Okay, now we're going to turn to Item No. 3, Madam Chairwoman.

MS. SCHLINDWEIN: Yes, thank you, Mr. McGlynn.

Item No. 3 is a matter of old business. There was an action by the Commission at its March 27, 2000 meeting, which approved certain easements at the property owned by the Department of Law and Safety, Juvenile Justice Commission, in Bordentown Township.

It has come to the Commission's attention that there is some public interest in this item. We do not intend to take any action on this item today, but I want to afford some opportunity to anyone who is present here today to briefly identify what your concern is.

Is there anyone here who wanted to speak on Item No. 3?

Good morning.



Please come forward and identify yourself for the record.

**JOHN E. HARRINGTON, ESQ.:** Good morning.

First off -- do I go like this (indicating) to start the red button, so you can hear me? (referring to PA microphone)

My name is John Harrington. I'm the attorney, and I represent the Township of Bordentown.

Today also, I have as a fellow colleague, the mayor and the engineer from the City of Fieldsboro, and I'm going to hand out to the members here, or at least to somebody to circulate, a written version of my oral comments on behalf of the township. If you need more, I have some here. I have one for the city, as well. I'll keep that to the side.

Let me first thank you for allowing us this opportunity to speak with respect to this proposed -- what I perceive to be a proposed transfer of property in the Township of Bordentown, from the Juvenile Justice Commission to the City of Bordentown.

I say proposed because we run under the impression that, procedurally, this was simply a proposal and had not been approved by the Commission. The statute I read, at least, required at least a 14-day notice -- advance notice to the host community, in this instance the Township of Bordentown, that the proposed transfer was going to take place to give us an opportunity to review the proposal and submit comments. Not having received that notice until a couple of days before, or around the March meeting, we were not aware that there had been an approval, so I'm glad that no action was taken. And I noticed it from the reading of the minutes that it

was a conditional approval. So we are asking that you keep an open mind, in terms of some of our comments.

MS. SCHLINDWEIN: May I just interrupt you a moment?

MR. HARRINGTON: Sure.

MS. SCHLINDWEIN: Just procedurally, as far as the Commission meeting of March 27, I understand that that was an open public meeting, and it was noticed according to the Open Public Meetings Act.

MR. SHAUGHNESSY: That's correct.

MS. SCHLINDWEIN: The action taken was -- did approve an easement, and it's my understanding that there was some additional review committee deadlines. But that's not a hearing process per se, it's an internal, departmental process, and that condition of that deadline had been satisfied and expired by itself, and there was no need to come back to the Commission for any additional approvals or follow-up in that regard.

So that's my understanding of the procedure of where we're at. We're willing to hear public comments, but it's my understanding that there's no additional action required for that easement.

MR. HARRINGTON: Again, more on the -- along the lines of explanation and elucidation, rather than discursive dialogue, allow me to suggest, somewhat interestingly, that Section 1.8 of the statute provides for written notice to the Township of Bordentown 14 days prior to the action is jurisdictional. I believe that it applies to the power of the Commission, but that's really not the gravamen of the basis for my concern here or the township's concern.

I think we have a few fundamental concerns. Firstly, there is no question that there is no municipality that I'm aware of, unless they have no residents, that appreciates the location of incarceration facilities within its borders. So therefore, I recognize that there are -- there's somewhat of an overlay of a NIMBY to the concerns of the township in the eyes of some individuals associated with the proposed transfer, but the-- Having stated that, I think it's important to note that the Township of Bordentown, as a host community for the Juvenile Justice Facility, not only has this facility within its borders, but adjacent to the township, in Chesterfield Township, is a major prison, and I forget the name of the prison right now, but it's adjacent to the township's borders.

We heard about the proposed expansion of the Juvenile Justice Facility by way of a newspaper, thereby generating considerable opposition in the town to the proposed transfer, and also -- excuse me, not to the proposed transfer, to the proposed expansion, and we had been attempting to obtain information from the State of New Jersey all along. We've been attempting to obtain hearings. We've been attempting to request that they come before our boards because it's not allowed by our zones. I recognize that there is an issue here, in terms of the relation between the State of New Jersey and the township, as to the ability to expand a state facility vis-à-vis local zoning. We realize that that's out there, and that's the subject matter of our litigation against the State of New Jersey.

The difficulty is that the township, for the past year or more, has been trying to have the Juvenile Justice Commission adopt regulations pursuant to its master plan, as per the Administrative Procedures Act, to

specify how you determine to locate a facility and what criteria you use to expand one. If we are preempted from having a site plan review or traditional local review, then we think that there should be some review process that's open to the public, whereby we have an opportunity to be heard.

This is the first time in a year and a half we had an opportunity to be heard in any public forum anywhere, dealing with this issue. And admittedly, the water issue is a small part of it. This is the first time.

So let me echo my original comments in thanking you for allowing us this opportunity.

However, I believe that the transfer is misplaced. In addition to the reasons I articulated in the -- in my letter and the attachments giving the reasons, the City of Bordentown has no jurisdiction in the Township of Bordentown to operate. It has no power. It doesn't exist. The appropriate entity that should be requesting this transfer -- accepting the transfer would be the Township of Bordentown. We are the ones who control our water system in town, and we are the ones who deal with our residents. We're the ones who deal with our property owners in terms of water.

The City of Bordentown has no authority in our township. It is a water provider to our residents via a contract we have with them. The contract requires that we be consulted and that we sign off on all proposed water provisions in our township. We've never been consulted about this. There are serious water concerns that will be addressed by the engineer from Fieldsboro. Some of them will be addressed by him in terms of whether or not this proposal adequately meets the water needs of the area, not to mention the facility itself. Indeed, I noted that the New Jersey Department of

Environmental Protection has basically rejected, or conditionally rejected, the city's application as being administratively incomplete because they are lacking the necessary information.

We are also opposing that application because we think, in addition to it being administratively incomplete, the City of Bordentown cannot provide water to anyone in our town without our consent.

So I do not -- I repeat myself. We are requesting the Commission to not grant this transfer to -- from the Juvenile Justice or the State to the City of Bordentown because it should be to the township and not to the city. And it's a very important matter of governmental relations and governmental law.

SENATOR KAVANAUGH: Excuse me a second, Mr. Harrington.

MR. HARRINGTON: Sure.

SENATOR KAVANAUGH: Could you explain -- there is both a Township and a City of Bordentown?

MR. HARRINGTON: Yes, the Township of Bordentown is a -- is separate from the City of Bordentown. This facility is located in the Township of Bordentown. The City of Bordentown--

SENATOR KAVANAUGH: The security for some of them?

MR. HARRINGTON: Yes, the City of Bordentown has a water system, and they are proposing to extend that water system to this facility through our boundaries. They must traverse county, state, and local roads, to name a couple of places they must go.

I'm not totally familiar with the geography, by the way, in terms of the roads, but I do know that it's within our township.

SENATOR KAVANAUGH: They're getting water now?

MR. HARRINGTON: I believe they are, yes.

SENATOR KAVANAUGH: So they're going to increase the pipe size. Is that what it is?

MR. HARRINGTON: I believe it's increasing the size of the pipe and adding a pumping station -- or pressure system, and a couple of other items.

SENATOR KAVANAUGH: What is the distance?

MR. HARRINGTON: I'm going to say about a half a mile, but I better rely on the engineer in the audience.

SENATOR KAVANAUGH: What is your water company there?

MR. HARRINGTON: Pardon me?

SENATOR KAVANAUGH: What is your water company?

MR. HARRINGTON: The water company is the Township of Bordentown. We have a contract with the City of Bordentown to provide water to our residents. Typically, when -- if this were not this facility, and someone was developing a piece of property, putting in 10 or 15 homes, and they needed to put in the water pipes and so on, our planning board would review the application and the subdivision and site plan along with the water lines. And once it was approved by us, we'd refer it to the City of Bordentown for input, and when the approval was granted, we would amend our contract by way of a letter to them saying, "Please provide water to this area."

They would then -- they meaning the developer, would extend the lines to wherever they had to at their own expense. Those lines would become the property of the Township of Bordentown by operation of law. We would then have title and be able to transfer that title to maintenance and use

thereof, to the city during the period of time when the city was providing water.

Theoretically, we could start our own water company and enter into a relationship with the American Water Company, and they can come in and put in their own pumps and their own world, and we can just disassociate with the City of Bordentown, which I think further illustrates my point that the township has been left out of the loop, both literally and figuratively and legally here, with respect to this water line.

SENATOR KAVANAUGH: Through you, Madam Chair.

MS. SCHLINDWEIN: Yes, Senator.

SENATOR KAVANAUGH: This is the American Water Company?

MR. HARRINGTON: No, this is the City of Bordentown. They own their own pumps. They are a wholly owned utility.

SENATOR KAVANAUGH: Where do they get their water, out of wells?

MR. HARRINGTON: Out of wells, yes.

SENATOR KAVANAUGH: Independent of the--

MR. HARRINGTON: Correct.

Independent of us and independent of any other private water provider.

SENATOR KAVANAUGH: So the bottom line here is, the township is trying to play a wild card here to stop the growth of the prison?

MR. HARRINGTON: Well, I would characterize it more as this is one of our arrows. We've been trying to get-- We have-- When you read my document, you'll see we've tried 8 to 10 things in order to be heard.

SENATOR KAVANAUGH: But I mean what you're doing -- through you, Madam Chair?

MS. SCHLINDWEIN: Yes, Senator.

SENATOR KAVANAUGH: What you're doing here is -- to be very frank about it, you don't want an expansion of the facility?

MR. HARRINGTON: Correct.

SENATOR KAVANAUGH: So you can come to us as a Commission, stating all these other factors, objecting to it, saying, "Don't let them expand it". Because a year from now, you'd never know the pipe's in the ground, but you just don't want that extra water to go down there. But you'll enable them to have growth.

MR. HARRINGTON: That's true, but that's because it's our policy -- governmental policy is it's not in conformance with our zone. It's against the wishes of our residents. They've never applied to the township for a site plan review or a zoning board of adjustment review. They've never adopted criteria to specify the reasoning as to why this facility is being located. There is no Administrative Procedure Act process. There was no public forum granted. We've requested of the Juvenile Justice Commission, the Department of Treasury, the New Jersey DEP, Department of Community Affairs, and anyone reviewing the project that they consider our objections as a contested case so that we at least can have a judge review it.



SENATOR KAVANAUGH: How long has it been that you've had development in the area, in close proximity to the correction facility?

Are there any new homes in close proximity?

MR. HARRINGTON: I don't know the answer to that.

SENATOR KAVANAUGH: Because it's always-- I find it frightening that-- As I was Chairman of the Appropriations Committee, and people would come to me and ask for walls because they built their house along 287 or 78. I think that it's the responsibility of the builder to put up those sound barriers. Now, if the facility has been there -- the correction facility, and you haven't really had any problems, is it the NIMBY effect now?

MR. HARRINGTON: No, I don't think it's a case -- I think you're highlighting something that I glossed over in the beginning because I had it written, but I want to explain it to you.

Ten years ago, I just arbitrarily picked that date because it could be eight, it could be fifteen, but it's ten years ago, the facility as we presently know it -- the size of it, was taken over by the State of New Jersey from -- it was known as the Johnstone Training Service Center. Locally we called it the home for wayward boys. I mean, I don't know if that's a real term, but that's what it used to be called.

SENATOR KAVANAUGH: I was never there.

MR. HARRINGTON: Pardon me?

MR. FERRARA: It was developmentally disabled -- it was a DMR program -- Division of Mental Retardation, which is now DDD, Division of Developmentally Disabled -- the Johnstone Training and Research Center.

MR. HARRINGTON: We looked at it as giving an opportunity to boys who had behavioral problems, perhaps criminally oriented, to give them a shot in life. And that kind of residents, if I may use that term, of the facility seem to give no trouble to the township. It was in a location that that type of resident was not a problem. It wasn't smack dab in the middle of -- it wasn't like a group home, in the middle of a lot of residential areas.

But 10 years ago the nature changed -- started to change. Instead of that type of a resident, we now began to receive the residents who were convicted of more serious crimes.

It went to -- there's no difference between a 17-year-old killer and a 21-year-old killer. The person is still dead and people are still afraid, from the standpoint of the township. In 1998, this was all brought to light because Jamesburg, or the Township of Monroe, I think where Jamesburg is, I'm not too sure on that, had an uproar over some prison breaks and some concerns that were up there. And the proposal was to transfer, frankly, that population to the Township of Bordentown. And we're opposed to that. We're not opposed to the Johnstone Training Center or the ability to give young kids an opportunity to be rehabilitated who have basically what I call minor societal, behavioral problems compared to killers, rapists, and sex offenders. But we are definitely opposed to that type of population being at this facility, and this expansion is geared for that purpose.

It's not just a NIMBY under those circumstances. It becomes a genuine sense of fear that's in the township, as to the type of individual that could be let loose or escape in our community. The same fears and anxieties

that the Township of Monroe residents felt, we feel. The same concerns that are out there, in terms of any prison, we experience.

If this were in the middle of a rural area, where there was no one living within 10 miles, it's one thing, but there are thousands upon thousands of people living very close to this place.

SENATOR KAVANAUGH: So that's my question earlier--

MR. HARRINGTON: They've been there for a long time.

SENATOR KAVANAUGH: You haven't had -- you didn't have a thousand people in Bordentown 20 years ago.

MR. HARRINGTON: Oh, yes we did.

Sure we did.

We have the city, excuse me, the Township of Bordentown, the Bossart area and another area up and through there. Up until about 1992, the population of the township was about 3000 or 4000. And in the past five years, about 1500 new people have moved in, more on the -- to the outskirts of where this area is. But this has always been in a settled area.

And the people in the settled area is the basis for the knowledge that I have now, that it used to be the Johnstone Center and it was a place for wayward boys, and the quality of the offenders changed.

MS. SCHLINDWEIN: Mr. Harrington, as I'm sure you know, the jurisdiction or oversight of this Commission is really limited to the property interests that we're dealing with.

MR. HARRINGTON: There's no question about that.

MS. SCHLINDWEIN: In this particular case, the easement, and not the larger policy issues that really lie behind it.

MR. HARRINGTON: Sure.

MS. SCHLINDWEIN: And our obligation, really, is to look at the benefit to the State of the narrow property transaction. And my comment to you is, you know, regardless of the use of that property, there's benefit to having water service. It's a basic, necessary service to improve a property, whether it's a senior citizen residence or whatever kind of residence it is.

MR. HARRINGTON: But it already has the water service.

MS. SCHLINDWEIN: Well, there's still a benefit. Again, you're making a distinction on the uses, you know, and tying that in with the property interests, and we're not here to judge that. That's a different forum to really address the larger scale property policy interest.

MR. HARRINGTON: I agree with you. I mentioned it in passing because I thought it was an issue you needed to be aware of, as to why there's this opposition.

MS. SCHLINDWEIN: I understand your desire for a public forum and to express your concerns, and we don't really have before us -- obviously, we can't digest--

MR. HARRINGTON: Of course.

MS. SCHLINDWEIN: --your correspondence, and we don't have all that background before us as to the many myriad of policy issues behind there -- behind this question. We simply focus on the one -- the property interest--

MR. HARRINGTON: Well, and the property--

MS. SCHLINDWEIN: I guess I would simply, maybe request that if there's anything you feel on that narrow property question--

MR. HARRINGTON: Sure.

MS. SCHLINDWEIN: That maybe you can focus--

MR. HARRINGTON: Ma'am, I was responding to your questions. My purpose here was to tell you, I don't think that the statute can be followed for a variety of reasons.

Firstly, the underlying thrust of the statute is that you're selling property that's not needed for public purpose. Clearly, this is needed for a public purpose. The conveyance of the sale is the same concept. This is being transferred to a government outside of our government. It would be similar to the Township of Marlboro coming into the Township of Bordentown and determining to operate a water company and just buying ground from the State of New Jersey and start to provide water to our residents. It's not the kind of property interest transfer that the State of New Jersey can statutorily grant under these conditions. It must be granted to the Township of Bordentown. It must be granted to -- or we must be the one who should be considered to the recipient because it's within our corporate boundaries.

No other government can operate in our township but us. No one else. No other government, except for the county, of course. No other government, no other municipality can come into the Township of Bordentown and operate jurisdictionally, in terms of providing a service to our residents with that -- we do that. We're not being considered for that purpose.

So basically, I'm saying to you that (a) this is a property interest that the State of New Jersey must find, as a matter of fact, is not needed for public purposes, and clearly, that's not the case, because everything I heard is

that this is indeed needed for a public purpose, which is the expansion of a State property.

That having been stated, then the relationship should be between us and the township, and the State of New Jersey should come to the township and say, "You own the township, you regulate your streets, you're the ones who are responsible for providing water service to the corporate and residential individuals in your township, we need this easement." And then we negotiate with them on these other matters that are extraneous to this. It wouldn't be the first time in life that -- transfer of property interest were considered within the overall package of other concerns that would be resolved.

To repeat myself, I don't think this is the kind of a property interest the State can transfer because it is indeed needed for public use, and secondly, you clearly can't transfer it to the City of Bordentown because they have no power in our township.

MS. SCHLINDWEIN: Mr. Harrington, I know you raise some legal issues that we would -- we need to ask the advice of counsel on, and I'm sure counsel will need to get all the facts and take time to look at that.

MR. SHAUGHNESSY: Absolutely.

MS. SCHLINDWEIN: So we're not going to be commenting on any of that today.

MR. HARRINGTON: Obviously.

I am, by the way, raising them some in the article and some orally, and I would supplement it by sending to counsel the actual citations and so on that give more meat to what I was saying.

MS. SCHLINDWEIN: I think that would be very helpful for us and maybe can serve all of our time -- I don't know if you have any additional materials--

MR. HARRINGTON: No.

MS. SCHLINDWEIN: --besides your submission today--

MR. HARRINGTON: Submission is --

MS. SCHLINDWEIN: --that could be reviewed and the Commission could determine--

MR. HARRINGTON: I will discuss it with the client, and I will also -- to whom do I send the--

MR. SHAUGHNESSY: I'm counsel to the Commission. It's -- and I can provide you with my card after the meeting.

MR. HARRINGTON: Okay, good.

Sure.

I appreciate it, and thank you very much for allowing us this opportunity to share with you our concerns, which sometimes rise to the level of frustration.

As a matter of fact, they are frustrations. They don't rise to it, they are.

Thank you very much.

MS. SCHLINDWEIN: Thank you, Mr. Harrington.

Is there anyone else?

**EDWARD G. TYLER SR.:** Good morning.

MS. SCHLINDWEIN: Good morning.

MR. TYLER: Ed Tyler, Mayor of Fieldsboro.

First, I'd like to thank you for the opportunity to address you.

My concerns are a little bit different than Mr. Harrington's and Bordentown Township. And with all due respect to the residents and the governing body of Bordentown Township, this institution impacts on my municipality, since it is directly behind my residential population.

Bordentown Township surrounds my municipality. It's the smallest municipality in Burlington County, which is why there is so much concern here.

Unlike Bordentown Township, Fieldsboro has found the Juvenile Justice Commission, and prior to them the Department of Corrections, to be very good neighbors in the time that they've run these facilities.

There are a few items that were said, I don't think Mr. Harrington had the complete facts on, but since I have more knowledge, I also work for the Juvenile Justice Commission, and more specifically, I work in this particular institution.

This institution is a maximum-security institution for juvenile offenders, and has been ever since it was taken over from the Johnstone Research and Training Center. I've lived in Fieldsboro all my life, so I'm well aware of the type of clients that were serviced in Johnstone, as well as the type of clients that are serviced in the Juvenile Justice or Department of Corrections now under the Juvenile Justice Commission. They are the more violent of the clients that are served in the juvenile population. I'm perfectly comfortable that that facility is run by competent individuals. It has been ever since it opened.



I'm perfectly confident that that facility is completely secure, as anything can be completely secure, and I will also add there has never been an incident in that institution.

Again, my residents -- my residential area is bordering this facility, where people can stand out their back doors and see this facility. Had this land been in Fieldsboro's corporate limit, I don't think there would be an issue or a problem sitting here about having the facility there. But since no one seems to want to annex it, we'll have to take what we have.

The pipe originally that's coming to Johnstone was changed and is owned by Fieldsboro, and has never been deeded over to Bordentown City for either their maintenance or for their ownership. It was requested by them, but we have declined to do that. The initial pipe that was put in Johnstone had their own pipe and they had a major fire over there and it destroyed one of their main buildings. The State was operating on the other side of the property, and I'm talking about the maximum-security unit. They -- we received a grant. After we enlarged our internal lines, we still didn't have adequate pressure. The city kept saying to us that it must be, then, the service line coming from Bordentown City, which is about a mile between Bordentown City and Fieldsboro, the township laying in between.

We received grant funding and put in a new line, a 10-inch main, running from Blacks Creek, in Bordentown's corporate limits, through Bordentown Township. Johnstone then connected both sides of their facility -- there's buildings on both sides of the road -- to our pipe. We continued to run that 10-inch line to a meter pit, which was moved from the city corporate limit to our corporate limit, and then connected our internal pipes.

Now, having said that this is a 10-inch line, we still have never received adequate water pressure from Bordentown City Water Department. They are well aware of this. The State, as a matter of fact, was going to take legal action against the Bordentown Water Department to provide them with adequate water pressure. They still don't have adequate water pressure. There has been a number of tests. I understand there were at least two studies made stating that, as a matter of fact, even with the State kicking in the money for the new line going from Blacks Creek to the water tower, it still will not provide adequate water protection to operate their sprinkler systems in this new facility. They had then asked for an additional study, which indicated that they should build a tower or add in a pumping system, which I believe they are going to add in a pumping system.

Now, I say I believe because no one seems to want to give me any information. And I seem to be the friendly person out of the whole bunch. I'm having a very difficult time obtaining any calculations or copies of any studies, from either Bordentown City, and I do have documentation asking for this information from the Mayor and the clerk, or from the Attorney General's office who, up until the issue with the water, has been extremely open to providing any information on what they were doing at that facility. I'm not even here opposing per se the easement going to the facility, but I am here opposing granting any easement without any opportunity to check the calculations on how the water system is going to impact on my residents. My residents are on the end of the line. This is a dead-end system. My residents seem to be getting anything that trickles down, or in this case, doesn't trickle down.

We have been placed on grid for tankers to come in. We had two major fires in our town. You hook up one fire truck to any hydrant in our town, nobody has water. This doesn't make sense. We are paying adequately to Bordentown City, our provider, to give us this water. We have been -- I say we have been, I have been assured, and I've been mayor for 12 years, out 4 and I was in 8, so I'm well aware of what's going on here -- and I have been assured by Bordentown City that we would be provided adequate water pressure and volume when they ultimately made a loop to connect from Bordentown Township out by a place called the Turnpike Exchange down around and connecting into the line of Fieldsboro, which is the southernmost part of Bordentown Township and almost totally unpopulated. This has not taken place, and if this line, the easement per se, going from the building out to Route 130, to then allow it to go across Route 130 and then down Route 130 to connect the development that's going to take place either by the low-income development down in the southern end of Bordentown Township, which is basically right next to Fieldsboro on our southernly side, or to a major development which is going on at Crystal Lake.

Now, I understand that there is documents that have went to either Bordentown City, from the developer at Crystal Lake and/or to the DEP, which we're attempting to try to get now. I understand a permit was conditionally, Mr. Harrington's point was correct, conditionally disapproved, but we don't have copies of any of this. And this is impacting on us. And I'm having a very difficult time, since everything was done with such cooperation on the part of the State and I felt extremely comfortable with it -- I'm having a very difficult time to continue to have confidence, and assume that the

State's going to do it for me, that they have my concerns at heart, they have my residents at heart and don't worry about it, we're going to take care of you. Well, it seems like nobody's taking care of me. And certainly, if I don't do something now, I'm not taking care of my residents. And this is exactly what has prompted me here.

I don't particularly care if you give the easement across State property. I mean the legal issues, they are not my issues. The properties in Bordentown Township -- I am not here to say or claim any authority over Bordentown Township or within their corporate limits, but I am very concerned about the corporate limits and the residents of my municipality. Granting that easement across the property will allow them to continue.

I heard a gentleman speak about playing a wild card to stop the institution. I'm playing a wild card, and I'll tell you right up front to stop this water line until I can get some calculations that my engineering people can review to say to me, don't worry about it, you may not get the pressure now, but they have other things in mind, or Ed, don't worry about it, this line is going to give you additional pressure. I know that the line coming in, and I'm not an engineer, is going to be 12 inch.

Now initially, that line was going to come right down to Blacks Creek from the water tower in Bordentown, and the State's paying for it -- Quite a nice chunk of change I might add -- and connect into what I will consider my 10-inch water line that's lying in Bordentown Township's corporate limits. That line has now been changed and is going to have, from what I understand, and again, I can't prove any of this yet, three connections within the corporate limits of Bordentown City. Now, I don't know whether

connecting those three places is going to draw off water or add water on. I haven't the faintest idea. I haven't seen any calculations. The bid is out, and I had the Mayor of Bordentown City tell me and his clerk that they don't even have a file on anything pertaining to any water line coming down Burlington Street.

Now that line continues down -- 12 inch hooks into my 10 inch, then goes into the Johnstone complex, which their internal lines were going to be 10 inch. Somehow that got raised to 12 inch. My understanding was they still got 8-inch valves in there. Now, I'm not an engineer, but if you have 12 inch running into 10 inch and then you have 8 inch valves, how much is that restricting the flow? I don't know, is it restricting at all? I really don't know, but I've not been given the opportunity to do that. You have the power sitting here and it may or may -- it may be a stretch of the imagination to hold up on this easement to allow me and the public the opportunity to get those calculations, I don't know. I don't sit in your seat. But I am asking and requesting that you do exactly that.

MS. SCHLINDWEIN: Mayor, as far as your request for information, the records of this Commission, as far as our action, I think those that are publicly available, I'm sure Mr. Mazzella can assist you with obtaining. Now, I don't know if that's going to be sufficient for the level of detail that you are seeking as far as what pipes connect to what pipes and what water pressure is planned.

I can appreciate your desire to have that information so that you can assure your constituency that their need for water is also being protected and considered. I would urge you to continue to make those requests. I don't

-- is it -- Mr. Mazzella, is it the Department of Law and Public Safety who is involved in these discussions, or where would the Mayor be directed for additional information that he is seeking?

MR. MAZZELLA: I'll be happy to try and coordinate the discussion with the appropriate agencies. Our Department, as well, is involved in the construction management issues associated with this project and to the extent that that information can be provided in a public forum, we would be happy to share.

MS. SCHLINDWEIN: Okay, it sounds like it's a question of knowing the facts at this point and not necessarily an objection per se. You just need additional information at this point.

Is that correct, Mayor?

MR. TYLER: Actually, I oppose any action taken until my questions are resolved. It's not a conditional thing. I have already sent and talked to the Attorney General's office and my attorney has -- the town's attorney has sent a request and they're telling me that these documents are not under the Freedom of Information Act and that a legal technicality that we -- they don't have to give them to us since they're not records to be kept.

I mean, it's just getting to the point that I believe that I'm starting to get the runaround, and that's starting to really offend me, No. 1. And I didn't even know about this meeting until yesterday. I didn't even know about any action that was taken in March. You know, I don't seem to be told about any action about anything. And I haven't even asserted the ownership of the pipe that all this water's coming through yet, but I think that that might even be necessary. I really don't know.

I'm trying to really be as friendly about this as possible. If you have any ability to have any authority to hold this up -- hold this process up, that's what I'm asking.

MS. SCHLINDWEIN: Mayor, the action was taken -- there was action at the March 27th meeting. We're not taking action today.

MR. TYLER: That was conditional action, I understand?

MS. SCHLINDWEIN: The conditions were not subject to any further preapproval, if I understand that, and they simply take effect upon happening of certain events which occurred.

MR. TYLER: What would you then perceive -- and I know you certainly aren't in a position to give legal advice, but you know your procedures better than I do -- what would you suggest I do?

MS. SCHLINDWEIN: I don't think we're in a position to answer that. You would need to seek your own counsel.

MR. TYLER: Okay, thank you very much for your time.

SENATOR KAVANAUGH: Mayor, there is one thing. I've been out sick for about a year, so I wasn't at that meeting. Normally, what would be done, where there were concerns expressed by the citizens, or the elected officials of a community or area of communities, we would hold that. And I'm not sure why a voting action was taken, I didn't -- I wasn't here to vote. But if there was concerns expressed, normally it's held over, and when I saw it as Item 3 today on our list, it showed that, you know, there was going to be a review and so, you know, it's just like spinning our wheels discussing it now, if we don't have anything to do with it.

I certainly commiserate with your concerns if through our counsel, and with Tony, and others, we can get this rectified, but it would only be out of the goodness of our heart rather than any authority we would have. But our office and the Commission, as a member, we certainly can try to assist you, instead of you having to be flying in the wind there.

MR. TYLER: Well, I appreciate that.

SENATOR KAVANAUGH: Tony is a person that is very responsible, and he'd be glad to help you. You know Mr. Mazzella?

MR. TYLER: Yes.

Thank you very much, and thank you for your time.

MS. SCHLINDWEIN: Thank you, Mayor.

Thank you for coming down.

Is there anyone--

MR. TYLER: Oh, by the way, can I get a transcript of these proceedings?

MS. SCHLINDWEIN: Yes, transcripts are made, and we'll make a note of that to have one sent to you.

MR. TYLER: Thank you.

MS. SCHLINDWEIN: Is there anyone else?

MR. HARRINGTON: Could I just supplement, ma'am, since the last comment concerned me -- the condition of approval?

I didn't quite understand what you said until now.

John Harrington, again, for the record.



I'm going to send a letter to your counsel that I don't think you could have acted back way when. I'll go on explaining why legally you cannot do that.

Secondly, I think policywise that the Senator is accurate, you've got public opposition, and I'd like you to consider today revoking that approval until these matters are addressed adequately so the public is assured, regardless of one's belief as to the expansion. Today is a day where you can take that action because this is a hearing, it's duly noticed. And I'd like you to consider that on behalf of the township to give us the comfort factor, and the city obviously would need a comfort factor in terms of its own objections, and you could always schedule it again after due notice and we can appear with everyone arguing over the apple.

MS. SCHLINDWEIN: Thank you, Mr. Harrington.

I think what we are going to do is take it under legal advice, and we'll move from there.

MR. HARRINGTON: My problem, ma'am, just so I'm clear on the record for whatever appeals I have to take, is that you have taken an action, and by your words earlier the conditions, if they are met, they can be met on a Tuesday afternoon in a cloud and it happens. And so I'm hoping--

MS. SCHLINDWEIN: I don't think those were my words, Mr. Harrington, but I think, under advice of counsel, we'll leave it at that.

MR. HARRINGTON: So the answer is no to the request to reconsider your earlier approval of this?

MS. SCHLINDWEIN: That's not on the agenda for today.

We were willing to hear your comments so that we could determine whether additional procedures are necessary. We're going to take it under legal advice and make a further determination.

MR. HARRINGTON: Thank you.

**ELAINE C. SCHWARTZ:** May I just -- come forward?

MS. SCHLINDWEIN: Yes, please come forward and identify yourself.

MS. SCHWARTZ: My name is Elaine Schwartz. I'm the Deputy Attorney General for the State of New Jersey.

I will be brief.

I just want to address a few issues that have been raised as we're standing here.

I want to note that there has been legal action filed by the Township of Bordentown. The judge ruled in favor -- against the State of New Jersey -- the judge ruled in favor of the State of New Jersey. That is currently on appeal.

An awful lot of these issues that were raised today are part of that litigation, or should have been part of that litigation, and could have been raised at the time of the original complaint. And having either addressed those issues, originally with the State of New Jersey Courts, or failing to raise those issues in the complaint is not something that the State can address. That is something that is being addressed by the Appellate Court.

With the Mayor of Fieldsboro's comments, there is an intent to close the loop and to make -- rectify any situation with the slow, I'm sorry I don't know the term, but the low pressure in Fieldsboro. I know that's part of

the intent, and I know that's part of the documents that I think you folks had received. And there were issues raised with other hearings and other applications in a position that the NJDEP has rejected applications of the State.

If you look at the documents that you've received, the DEP has allowed us to continue, pending -- getting permit approval. And that is the situation that we're here for, is simply that we have complied with the requirements of the March 27th meeting. Those requirements have been met, and therefore, it is simply a matter of allowing us to go through.

MS. SCHLINDWEIN: Thank you, Ms. Schwartz, for that clarification.

MS. SCHWARTZ: Thank you.

MS. SCHLINDWEIN: Thank you.

Do I have a motion to adjourn?

MR. FERRARA: I so move.

MS. SCHLINDWEIN: Second.

All in favor? (affirmative response)

Meeting is adjourned.

**(MEETING CONCLUDED)**