
Committee Meeting

of

ASSEMBLY AGRICULTURE AND NATURAL RESOURCES COMMITTEE

ASSEMBLY BILL No. 3136
ASSEMBLY CONCURRENT RESOLUTION Nos. 10 AND 229
and ASSEMBLY RESOLUTION No. 239

*(Testimony from invited guests and the public
concerning the future of the Garden State Preservation Trust)*

LOCATION: Robert Wood Johnson Auditorium
Johnson Education Center
One Preservation Place
Princeton, New Jersey

DATE: March 28, 2007
6:30 p.m.

MEMBERS OF COMMITTEE PRESENT:

Assemblyman Douglas H. Fisher, Chair
Assemblyman Nelson T. Albano, Vice Chair
Assemblyman Herb Conaway Jr.
Assemblywoman Marcia A. Karrow



ALSO PRESENT:

Lucinda Tiajolloff
*Office of Legislative Services
Committee Aide*

Elizabeth Stone
*Assembly Majority
Committee Aide*

Christopher Hughes
*Assembly Republican
Committee Aide*

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

TABLE OF CONTENTS

	<u>Page</u>
Rudy Wadle Private Citizen	3
Sam Leon Private Citizen	4
John S. Watson Jr. Deputy Commissioner Natural and Historic Preservation Resources New Jersey Department of Environmental Protection	9
John R. Weingart Chairman New Jersey Highlands Council	14
Ralph Siegel Executive Director Garden State Preservation Trust New Jersey Department of the Treasury	15
Steve Bacher Executive Director Center for Community Arts	24
Fred Akers Administrator Great Egg Harbor Watershed Association	28
Jeff Tittel Director Sierra Club New Jersey Chapter	29
Thomas F. Byrne First Vice President New Jersey Farm Bureau	38
Ed Wengryn Representing New Jersey Farm Bureau	39

TABLE OF CONTENTS (continued)

	<u>Page</u>
Linda J. Mead Executive Director D&R Greenway Land Trust	42
George Pierson Member Board of Directors New Jersey Forestry Association, and Representing New Jersey Division Society of American Foresters	46
John D. S. Hatch Vice President Preservation New Jersey, and Member Board of Trustees New Jersey Historic Trust New Jersey Department of Community Affairs, and Member Board of Trustees Trenton Historical Society	47
Dena Mottola Executive Director Environment New Jersey	49
Michael L. Pisauro Jr., Esq. Governmental Affairs Agent New Jersey Environmental Lobby	54
Paul Chrystie Executive Director Coalition for Affordable Housing and the Environment	55
Amy Hansen Policy Analyst New Jersey Conservation Foundation	56

TABLE OF CONTENTS (continued)

	<u>Page</u>
Tom Wells Director Government Relations The Nature Conservancy in New Jersey	58
James R. Waltman Executive Director Stony Brook-Millstone Watershed Association	59
Nicholas Tufaro Representative New Jersey Chapter of the American Society of Landscape Architects	63
Brian J. Racin Representing South River Environmental and Shade Tree Commission	65
Jake Racin Private Citizen	66
Helen Hendrickson Heinrich Professional Planner, and Certified Landscape Architect	66
Thomas O. Niederer Representing New Jersey Forestry Association	68
Daniel Kennedy Farmland Preservation Coordinator Chosen Freeholders of Burlington County	69
Steve Jany Vice Chairperson Mercer County Agricultural Development Board	69
Robert Fulper II Private Citizen	70

TABLE OF CONTENTS (continued)

	<u>Page</u>
Daniel Pace Planner Mercer County, and Administrator Mercer County Agricultural Development Board	72
Mary Jo Herbert Private Citizen	73
Mark W. Kirby Vice Chair Somerset County Agricultural Development Board	74
Phillip D. Prichett Chairman Burlington County Farmland Program	75
Richard Toone Councilman Township of Springfield	77
APPENDIX:	
Testimony, plus attachments submitted by John R. Weingart	1x
Letter, plus Resolution addressed to Assembly Agriculture and Natural Resources Committee submitted by Fred Akers	7x
Statement submitted by Thomas Byrne	10x
Greenways Newsletter submitted by Linda J. Mead	13x

TABLE OF CONTENTS (continued)

APPENDIX (continued):

	<u>Page</u>
Memorandum addressed to Assembly Agriculture and Natural Resources Committee submitted by Dena Mottola	33x
Letter addressed to Assembly Agriculture and Natural Resources Committee submitted by Michael L. PISAURO Jr., Esq.	36x
Memorandum, plus attachments addressed to Assembly Agriculture and Natural Resources Committee submitted by Nicholas Tufaro	39x
Testimony submitted by Helen Hendrickson Heinrich	51x
Talking Points submitted by Mark W. Kirby	53x
Letter addressed to Lucinda Tiajolloff, and Assembly Agriculture and Natural Resources Committee submitted by Board of Chosen Freeholders County of Hunterdon	54x
Letter addressed to Assembly Agriculture and Natural Resources Committee submitted by Dianne Brake President Regional Planning Partnership	56x

TABLE OF CONTENTS (continued)

APPENDIX (continued):

	<u>Page</u>
Memorandum addressed to Assembly Agriculture and Natural Resources Committee submitted by Leonard Pollara President Sussex County Board of Agriculture	57x
Memorandum addressed to Assembly Agriculture and Natural Resources Committee submitted by Jean Public and Barb Sachau Private Citizens	59x
Letter plus attachments addressed to Assembly Agriculture and Natural Resources Committee submitted by Joanne Wolaver Conservation Project Coordinator Trenton Policy Office New Jersey Audubon Society	61x
Comments submitted by Susan Buck Private Citizen	83x
Testimony submitted by Daniel Kennedy	87x
rs: 1-50 lb: 51-81	

ASSEMBLYMAN DOUGLAS H. FISHER (Chair): Good evening, everyone. And welcome to the Assembly Agriculture and Natural Resources Committee.

I'm Douglas Fisher. I'm Chairman.

With us today is Vice Chairman Nelson Albano, Committee member Herb Conaway, and Assemblywoman -- well, I should have said Assemblyman -- excuse me -- Assemblyman Doctor Conaway; and Assemblywoman Marcia Karrow, who is also with us today -- tonight.

Assemblyman Dancer called me late this afternoon and is unable to make this meeting. He had some commitments that came up, but he is certainly glad to see that he had a bill that's posted today. And we're going to do that in just a moment.

But first we're going to have roll call.

MS. TIAJOLOFF (Committee Aide): Assemblywoman Karrow.

ASSEMBLYWOMAN KARROW: Here.

MS. TIAJOLOFF: Assemblyman Dancer is absent.

Assemblyman Conaway.

ASSEMBLYMAN CONAWAY: Here.

MS. TIAJOLOFF: Assemblyman Albano.

ASSEMBLYMAN ALBANO: Here.

MS. TIAJOLOFF: Assemblyman Fisher.

ASSEMBLYMAN FISHER: Here.

Thank you.

MS. TIAJOLOFF: You have a quorum present.

ASSEMBLYMAN FISHER: Thank you.

First up-- We're going to try to move this very -- in fast order tonight. We have Assemblyman Dancer's bill, AR-229.

Do you want to read the statement, please?

MS. TIAJOLLOFF: Sure.

AR-239 recognizes April 29 through May 6, 2007, as Soil and Water Stewardship Week in New Jersey.

ASSEMBLYMAN FISHER: Do we have a motion to move the bill?

ASSEMBLYMAN ALBANO: I make the motion.

ASSEMBLYWOMAN KARROW: Second.

ASSEMBLYMAN FISHER: We have technical amendments.

I'm asking those who first and moved it, that with it -- with the amendments.

Okay? (affirmative responses)

Any comment? (no response)

If not, I will ask for a roll call.

MS. TIAJOLLOFF: Assemblywoman Karrow.

ASSEMBLYWOMAN KARROW: Yes.

MS. TIAJOLLOFF: Assemblyman Conaway.

ASSEMBLYMAN CONAWAY: Yes.

MS. TIAJOLLOFF: Assemblyman Albano.

ASSEMBLYMAN ALBANO: Yes.

MS. TIAJOLLOFF: Assemblyman Fisher.

ASSEMBLYMAN FISHER: Yes.

MS. TIAJOLLOFF: The bill is released as amended.

ASSEMBLYMAN FISHER: Thank you.

Bill A-3136: Assemblywoman Karrow and myself are sponsors.

ASSEMBLYWOMAN KARROW: We have-- Do you want to do technical amendments first?

I do have--

ASSEMBLYMAN FISHER: With technical amendments.

ASSEMBLYWOMAN KARROW: With technical amendments.

Just by way of introduction, Chairman Fisher, I do have here, tonight, Sam Leon and his grandson-in-law -- multiple generation farmers in my district -- who have had statewide press on having snowmobiles destroy their sod farm. And they did bring some pictures. And if you would just afford them a minute to share their pictures with the members, if that would be okay.

ASSEMBLYMAN FISHER: Sure. Do you want to call them up?

ASSEMBLYWOMAN KARROW: This is Rudy Wade and Sam Leon.

R U D Y W A D E: We have a few pictures. I don't know if anybody had seen them.

ASSEMBLYWOMAN KARROW: You have to talk into the microphone.

MR. WADE: I'm not sure if everybody saw the paper, but the paper that did the article really didn't do us justice, because the snow had already melted. But we do have pictures that we had taken right after the damage. And it was very, very significant. There are numerous angles and shots.

ASSEMBLYWOMAN KARROW: And if I can just say that I know the members of this Committee certainly understand the implications of what happens with crop and sod damage. And I liken this to any retail operation, as the Chairman knows, that has stock in it. If somebody came in, in the middle of the night, and stole all the stock out of the store, they would be held accountable for major theft. And a week later that whole store could be restocked.

In the case of the Leon's--

How long, Sam, did you have to leave that-- Is that--

S A M L E O N: It takes over a year.

ASSEMBLYWOMAN KARROW: Over a year. And so they've been robbed of, basically, their stock. And it just doesn't-- They can't order it to come back. And it needs to carry the same kind of weight as if somebody stole from them.

ASSEMBLYMAN FISHER: Any other comment from the Committee?

ASSEMBLYMAN ALBANO: I just kind of know where you're coming from. Down in South Jersey, we have a huge problem with snowmobiles, all-terrain vehicles. And they do need a place to ride them, but it shouldn't be on farmland or anywhere where they're growing crops. We also have the problem where they're doing it on golf courses. And it causes an extreme amount of damage and cost. So we understand your problem, and we will support the legislation.

MR. LEON: This was ready to harvest that Spring.

MR. WADE: Yes, we lost our whole-- We had to actually shut down operation a month-and-a-half early, because this field didn't come in

for us. So we lost a whole month's revenue alone last year because of this field.

ASSEMBLYMAN FISHER: Well, we appreciate you coming up tonight. And we're glad that we can get this bill moving.

And we thank the Assemblywoman for bringing it to our attention. And certainly, those of us who live in those areas where agriculture reigns -- a very large enterprise -- certainly there should be penalties. And hopefully this bill, as we move it through both Houses, gets signed by the Governor.

We just have three people that are in favor. I will just read them: Mary Jo Herbert, from Citizen Farmers; Tom Byrne and Ed Wengryn, from New Jersey Farm Bureau; and Jeff Tittel, from the Sierra Club.

Thank you.

And with that, I'll ask for a vote.

ASSEMBLYMAN CONAWAY: I move the bill, with technical amendments.

ASSEMBLYMAN ALBANO: Second.

ASSEMBLYMAN FISHER: Moved and seconded.

Any comment? (no response)

If not, roll call with the amendments -- with technical amendments.

MS. TIAJOLOFF: On Assembly Bill 3136, that clarifies penalties for trespassers who damage farmland crops with all-terrain vehicles and snowmobiles-- On the motion to release the bill with the technical amendments as presented to the Committee; Assemblywoman Karrow.

ASSEMBLYWOMAN KARROW: Yes.

MS. TIAJOLOFF: Assemblyman Conaway.

ASSEMBLYMAN CONAWAY: Yes.

MS. TIAJOLOFF: Assemblyman Albano.

ASSEMBLYMAN ALBANO: Yes.

MS. TIAJOLOFF: Assemblyman Fisher.

ASSEMBLYMAN FISHER: Yes.

MS. TIAJOLOFF: The bill is released as amended.

ASSEMBLYMAN FISHER: Very good.

MR. WADE: Thank you.

MR. LEON: Thank you.

ASSEMBLYMAN FISHER: Thank you. (applause)

That may be the first round of applause we've ever gotten.

(laughter)

ASSEMBLYWOMAN KARROW: It gave me goose pimples.

ASSEMBLYMAN FISHER: Small, but it counted for a lot.

Now, our third bill, ACR-10, which is concerning the Garden State Preservation Trust--

Lucinda, if you'd read that statement.

MS. TIAJOLOFF: Assembly Concurrent Resolution 10 amends the Constitution to dedicate up to \$175 million annually, from Fiscal Year 2009 to Fiscal Year 2038, from the Sales and Use Tax revenue for preservation of open space, including flood-prone or affected areas, and for preservation of farmland and historic sites.

ASSEMBLYMAN FISHER: Thank you.

This will be a Committee substitute for ACR-10 and ACR-229. The two bills have merged and now have approximately 50 sponsors in the Assembly.

I'm just going to make a brief statement about the bill. We have had three hearings up and down the state concerning ACR-10, and now the merged two bills. It would dedicate \$175 million from the Sales and Use Tax from the years 2009 to 2038 -- the preservation of farmland, open space, flood-prone and affected areas, and also preservation of historic sites. The legislation would authorize the Garden State Trust to issue bonds up to \$1.75 billion by the year -- by 2018. And then following 2018, it would be paying the debt service.

ACR-10 has three new procedures that were not in GSPT I. And I mention those, because we have had numerous meetings throughout the state with a number of different communities -- environmental, farming operations and farm folks, and also many municipalities, and so forth, and of course those who have very specific interest in conservation groups.

Blue Acres, which is a voluntary program, which would allow for proactive preservation of lands in areas that are frequently damaged due to flooding-- And this is, as I stress, a voluntary program.

Also, moneys for operation and maintenance would provide funding to local governments and states (*sic*) to help them maintain and operate land purchased under GSPT that have not been easily accessible to the public, as was originally intended by the legislation, originally, in the constitutional amendment. It is being-- There is language that will cap that at a number of 15 percent. It cannot rise above that.

Open space has been increased by one-third over the past several years. But staffing for parks and forestry has been reduced by one-third. And we think that this will help with that. And also, there are administration costs that will be associated with running the program. We'll also now have a guaranteed flow of money that would not be affected by future possible budget woes, capped as well at 5 percent. So, many were concerned that it would impact -- it could be too much, too severely impacting on-- Also, the purpose, obviously, is for acquisition.

There have been 60 towns and two counties that have passed resolutions urging the renewal of GSPT, and over 85 organizations.

Now, I'm going to-- In the interest of time, I know that -- I want to mention this -- that this bill will pass out of Committee tonight. And so for those of you who feel the need to lobby that hard, wondering if it will pass, I can tell you that, with somewhat of assuredness, that it will pass out of Committee.

And with that, we have some folks that-- We're thrilled that they want to testify for it. But we're going to ask you to limit yourselves to some very salient points of one or two minutes, and save some of that for a time when we want to make sure, at least as it comes out of Committee -- a time when there's going to be more discussion about the fiscal impacts and, at the same time, getting this to a ballot question, where the people can decide just how important this is to New Jerseyans; and understanding that there are fiscal impacts, and that we have a budget that is severely strained. And we have a State that is also strained, in terms of the needs that we have in so many different areas.

We also know that the Governor, in his address several months ago -- well, it wasn't that long ago -- in his State of the State, talked about -- that he is totally supportive and committed to GSPT. The public question, right now, is where the sticking point lies -- as to whether or not it gets on the ballot this year. I will leave that for another comment later on.

And I would like to bring up John Watson, who is the Deputy Commissioner at the New Jersey DEP.

Commissioner, we want you to take longer than two minutes.

(laughter)

DPT Y. C O M M I S S I O N E R J O H N S. W A S T O N J R.:

Well, thank you for that, sir.

Good evening, Mr. Chairman and members of the Committee.

Commissioner Jackson really sends her regrets for not being able to join you tonight. She absolutely wanted to be here, and she sends her regrets.

But thank you for inviting us to testify before your Committee this evening at this beautiful facility in Princeton -- that Green Acres helped to preserve, by the way. And this is just a magnificent center that the D&R Greenway has been so successful in creating -- a preservation learning center in this location to help nonprofits and local governments as we go through this preservation work in the state.

I would first like to express the DEP's appreciation for all of that you do, Mr. Chairman, and the Agriculture and Natural Resource Committee does, to protect New Jersey's natural resources. New Jersey's residents have been incredibly supportive in preserving open space and providing quality recreation to our residents and visitors in this state.

In fact, since 1961, voters have approved statewide ballot initiatives totalling \$3.7 billion for land preservation projects and park development in this state. Ten separate bond referendums have gotten us there. That public support has made New Jersey one of the nations most aggressive and progressive states in the nation when it comes to natural land protection and to providing recreation for our residents.

We are fortunate to have accomplished so much in such a short period of time. New Jersey is roughly 4.78 million acres, of which about 1.3 million acres is permanently preserved. Another 1.4 million acres is recognized by us as developed land. That leaves us with about 2 million acres of land that is unprotected and underdeveloped. We most certainly need to preserve the best of what's left for our future generations.

New Jersey's landscape is remarkable, in spite of the fact that we are the nation's most densely developed state. Wild and scenic rivers, vast forests in our Pinelands and our Highlands, rare plants that are only known to exist here in New Jersey, barn owls, bobcats, rattlesnakes, and red knots. We have it all here. The long-term sustainability of all of those living things relies upon our continued persistence and our collective good work. Preserving land protects our water supply, our habitats for wildlife and plants, and provides quality recreational opportunities for our residents and visitors. Our land-use land covered (indiscernible) shows that we are losing about 15,000 acres every year in this state to development. We must make sure that preservation funding is available to us to offset that loss as we move ahead for our future.

The State's preservation programs work very closely with the Federal government, local governments, and our exceptional non-profit partners to leverage open space funding to get this good work done.

Mr. Chairman, our current open space funding, which was approved by the voters in 1998, is coming to an end. We anticipate our financial appropriations from the Garden State Preservation Trust Fund this calendar year. Governor Corzine -- as you said earlier, Mr. Chairman -- without equivocation, supports open space preservation in this great state and, as you know, has been trying to identify viable revenue options to support these preservation programs of ours.

We look forward to working with you closely to address the most important issue in the most economically responsible way. And we thank you all -- all of you for all that you've done to help achieve all the preservation successes that we've had and that we've realized to date.

Thank you very much for the opportunity, Mr. Chairman. And I'd be happy to try and answer any questions that you might have.

ASSEMBLYMAN FISHER: Thank you.

Any questions from the Committee?

ASSEMBLYMAN ALBANO: Just thanks for coming up.

And tell Lisa Jackson that we're very proud of the work that she's been doing--

DEPUTY COMMISSIONER WATSON: Thank you very much.
Assemblyman.

ASSEMBLYMAN ALBANO: --and her support on ACR-10.

ASSEMBLYMAN FISHER: Okay. Thank you, Commissioner.

John Hazen. Is he here?

Did you want to speak?

UNIDENTIFIED SPEAKER FROM AUDIENCE: (indiscernible)

ASSEMBLYMAN FISHER: Commissioner, if it would be okay, I would like you to come back just for a minute. I thought you were both speaking, so I was -- just had a couple of questions.

I wanted to know-- And in as general a way as you could, how many projects we had that were unfunded last year -- I mean, kind of the stream on that?

DEPUTY COMMISSIONER WATSON: That's very difficult to say at this point in time, Assemblyman, Mr. Chairman. I can certainly pull that information for you. On the State land-acquisition side of our program, where we buy land directly from landowners, it's a constant stream of offers coming to us. So at any given point, we have offers that are in the process. And we make appropriations every year to fund those projects.

On the local end, we've probably only been able to -- for local grants and loans -- grants and loans to municipalities, counties, and non-profit land conservancies, we've only been able to fund probably around 20 to 25 percent of their overall request through time, on average.

ASSEMBLYMAN FISHER: I guess we'll have some questions that we'll probably forward to you, because it would be unfair, since you don't have, right at your fingertips, these specific amounts. But we do want to know sort of an estimation. And this question is really much broader -- that you could tell us how much funding would be, for instance, to keep-- How much funding would you think would be needed -- to keep Green Acres productive, in the sense that we've heard from farmland preservation. We haven't really heard as much about Green Acres.

DEPUTY COMMISSIONER WATSON: I think collectively between the programs -- and the Green Acres program has probably been spending the lion's share -- we've probably been spending about \$200 million

every year. I mean, that's cash out the door. So we've been averaging around 30,000 acres a year. It's really difficult to put a dollar value on that, because land is where it is, pretty much. And it's very hard to -- when people ask us, "What's the value of an acre of land in New Jersey," you can't answer that question.

But on average, when we are looking at our needs assessment, we believe that there are probably around 700,000 acres of land in the state that are of high value, from a natural resource and a water quality protection standpoint. And so we would apply, on average, \$10,000 per acre -- is what we've been using.

ASSEMBLYMAN FISHER: I think there's been some confusion -- at least there has in my mind. About how many acres actually have been preserved since the start of GSPT?

DEPUTY COMMISSIONER WATSON: I understand your confusion there, because we started counting, really, in 1997, when the Governor's Council on New Jersey Outdoors was formed -- just to mark a point in time. We believe, when all is said and done, when all the cash is out the door from the GSPT, we will have preserved over 400,000 acres. So that's kind of where we are.

ASSEMBLYMAN FISHER: Thank you.

I'm sorry for calling you back.

DEPUTY COMMISSIONER WATSON: That's quite all right. I will provide anything you want after this meeting.

ASSEMBLYMAN FISHER: All right. Thank you very much.

ASSEMBLYMAN ALBANO: Thank you.

ASSEMBLYMAN CONAWAY: Thank you.

ASSEMBLYMAN FISHER: We have John Weingart, from the New Jersey Highlands Council.

J O H N R. W E I N G A R T: Good evening.

I appreciate you calling on everyone named John first.
(laughter)

My name is John Weingart. I am Chairman of the New Jersey Highlands Council. And I just want to reiterate the support of the Highlands Council for the reauthorization of the Garden State Preservation Trust. Two members of the Council spoke at your hearing in Mendham last week.

And Assemblyman Karrow -- my Assemblywoman -- asked for some information about what we say in the draft Regional Master Plan about land preservation and rights of landowners. And I brought that in a letter, but I will leave that with you.

And the only other point I wanted to make is, while you were in Mendham you heard a lot about the Highlands. Even here in Princeton, 30 miles from the southern boundary of the Highlands, 40 percent or so of the residents of this area get their water from the Highlands. So protection of the Highlands really is a statewide issue, as is the Garden State Preservation Trust. And we thank you in advance for your support and your attention to it.

ASSEMBLYMAN FISHER: Thank you.

ASSEMBLYMAN ALBANO: Thank you.

ASSEMBLYWOMAN KARROW: Thank you, John, for bringing it.

ASSEMBLYMAN FISHER: Where is Ralph Siegel from the Garden State Preservation Trust? And Ralph is shortening his presentation tonight, because we've heard it. This would have been the third time.

But we know that you have some very salient points that you want to present to those in the audience.

R A L P H S I E G E L: Good evening, everybody. It's nice to see you again for our--

What am I doing? (referring to PA microphone)

ASSEMBLYMAN ALBANO: Just clip that up on your jacket -- there you go -- or your tie.

MR. SIEGEL: You think I'd have done this before, wouldn't you?

ASSEMBLYMAN ALBANO: There you go. Now everybody can hear you.

MR. SIEGEL: How is that?

On behalf of my friends at the D&R Greenway, I want to welcome you all to the Johnson Education Center. Everybody is very excited about this facility, as an educational resource for land conservation, helping everybody to do it better, and to get deals closed. Because for all the appropriations, the only thing that counts is when the deal is finished and you've actually preserved the piece of land.

You've seen two of the PowerPoints already, so we'll just review the facts quickly -- benefit, also, the people in the audience.

One of the things: In the last two presentations, I have not made available, really, to answer questions that the Committee members may have had, because we've blown through the facts. And you've been so

happy that the presentation was over, that there hasn't been a chance (laughter) to answer any questions.

Again, the -- as Deputy Commissioner Watson pointed out, the \$98 million Sales Tax dedication -- this was approved in 1998. It's \$98 million for (cellular phone rings) -- that went off on cue -- \$98 million for 30 years. It's a 30-year dedication. But the intent was to fund a 10-year program. Ninety-eight million a year has been augmented by bond proceeds that now total \$1.22 billion, for a total level of funding of \$2 billion for the three component programs. Our \$98 million annual dedication -- \$6 million of this goes to the Historic Trust for their Historic Preservation Program, grants that are provided to rehabilitate and reconstruct historic sites; as well as a relatively new program -- the Historic Site Management Grants -- for the lower end projects, to help them design the projects before they apply for the larger grants -- to help them get to that.

The Farmland Preservation Program, I think we've heard a great deal about. After the \$6 million is reduced from the \$98 million, the bond proceeds, as well as the cash, are allocated 60-40 percent between the Green Acres Program and the Farmland Preservation Program, which runs its own State-direct program. But the largest component of farmland preservation is the grants that go to the counties -- the county easement purchase program. We also have the municipal-based Planning Incentive Grant Program; and some fee-simple acquisitions, where we buy farms direct, and then sell them at auction with the deed restrictions.

The Green Acres Program, of course, you've heard about -- 60 percent. State Park acquisitions, refuges, and wildlife areas; grants for local

parks and refuge acquisition; and, of course, always important and often forgotten, is the recreational development money that doesn't produce acres, but produces a top-notch recreational facility or park on the land that has already been acquired.

Ninety-eight million dollars a year, for the first 10 years of the program -- through Fiscal Year 2009-- For folks in the audience, that ends -- Fiscal Year 2009 will end on June 30, 2009. Ninety-eight million a year can go either for cash or as debt service on financing. We've managed to minimize that. We use the most that we can from the cash.

Then, from 2010 through 2029 -- for the following 20 years of the dedication -- the entire amount is dedicated to pay debt service. The full \$98 million-- People have said, "Well, what if we didn't borrow as much as we did?" Well, what would happen then is the 98 would not be dedicated. The money dedicated from 2010 on is strictly for debt service -- \$98 million or the amount needed to pay. So what we did was, we made sure that we leveraged our bonds, to make maximum advantage of the debt-service stream that was available; give or take \$5,000 in the out years, we've spent every nickel.

The result of this has been a total of \$2.1 billion in program funds for the three programs -- \$60 million over the 10 years to the Historic Trust. They have a balance in their appropriations capacity of about \$21 million remaining to be appropriated. They've just submitted to us a proposal for an \$11 million appropriation for this year that the Trust will meet on shortly. And hopefully you will all support it when you see that Appropriations bill come to you. Seven hundred and ninety million dollars into the Farmland Preservation Program over 10 years -- a balance there of

about \$85 million remaining to be appropriated; and \$1.2 billion to the Green Acres Program over 10 years, a balance to be appropriated there of about \$87 million.

The Legislature, when the GSPT was enacted in 1999, had anticipated a \$1.5 billion program. And this was reasonable, in part, because of the market conditions at the time -- that we would be able to use this \$98 million to borrow \$1 billion in bonds, and then be able to get \$500 million in cash for a \$1.5 billion program. I'm happy to report that we have done significantly better than the Legislature had intended because of the sharp decline in interest rates that made it possible for us to leverage the funds more heavily. We have \$1.2 billion in financing. And they're using \$850 million of the cash, for a total program of \$2.1 billion, about \$600 million more than the Legislature had expected when the program was enacted, now, eight years ago.

The total balance between the two programs of \$171 million over the course of the 10 years-- Funds appropriated for land acquisition will end up averaging \$198 million a year -- \$1.98 billion for land acquisition over those 10 years. The other funds go to the Historic Trust and to cover the administration of the program.

People are aware that for Fiscal Year 2008 and 2009 there is only \$171 million left. When I say "only" in other states, I get punched in the mouth. There are states that have never seen anywhere close to that kind of money. But in New Jersey, that is a significantly smaller amount than we have been appropriating. And the reasons for that is that in 2004, 2005, and 2006 we appropriated above the average. In fact, we had a record, in 2005, of \$340 million in appropriations. That's bigger than most

of the entire Green Acres bond issues of decades past. So it really-- And that was project driven. This wasn't like we pulled a number out of the air. The programs came to the Trust and to the Legislature with project lists to be funded. And you either fund the project, or you let it sit around and get old. And if you let that happen, you either lose the deal, or the deal gets more expensive. So the agreement was to go above the average.

ASSEMBLYMAN FISHER: I just want to stop you in the middle on that.

MR. SIEGEL: Yes.

ASSEMBLYMAN FISHER: How much money that is left, in terms of what has been accounted for-- In other words, the money might not have actually been transferred or drawn down--

MR. SIEGEL: Yes.

ASSEMBLYMAN FISHER: --but it's spoken for.

MR. SIEGEL: Yes, appropriated.

ASSEMBLYMAN FISHER: It's appropriated. And if it's appropriated-- Unless there is an attempt by the government in a particular year, can it be drawn back? Is that what the Governor is talking about?

MR. SIEGEL: It can be reappropriated. And, in fact, we do that every year. There are appropriations, from past years, where the deal doesn't work or more funds were appropriated than were needed. And on a regular basis now, the Garden State Preservation Trust, along with approving appropriations that are new, will reallocate earlier appropriations that are no longer needed and assign them to new projects.

ASSEMBLYMAN FISHER: So what is the time frame for something like that to occur?

MR. SIEGEL: Generally -- and this is very rough. But generally there is a rule of threes. If you put an appropriation out in a given year -- in a base year -- a third of the money will go out the first year, a third the second year, and a third the third year. So a typical appropriation will take as long as three years for the entire appropriation to go out. Because these are real estate transactions, they're complicated. It's a willing-seller program. And frequently the sellers, in the case of farmers for instance -- as we close in on the closing date -- will come up with some conditions that they would like to have changed.

And the programs are oriented at the county level, as well as the State, to try to accommodate these people. We don't want to lose the deal. And so sometimes these deals can take two or three years to be executed from the time of appropriation.

I've got to remember, we don't do-- In many cases, we don't do appraisals, and we don't spend some of the soft costs on projects until an appropriation is in place.

So I hope I've answered your question.

ASSEMBLYMAN FISHER: When the administration asked for a number, they picked some number out that says that there is this much money that's unexpended. And there's a stopgap measure attempting to put another number with that. I think it's \$20 million or \$30 million as a stopgap. In your estimation, what is that number that was pulled out that says, "This is what will be left in the final year of GSPT?"

MR. SIEGEL: I mean, the only number I'm really familiar with is the number I've reported to you, the amount of appropriations capacity we have remaining. That's about \$170 million. That's money that--

ASSEMBLYWOMAN KARROW: Clarification on that, Ralph. That is uncommitted, there are no projects that it's touching?

MR. SIEGEL: Correct, it's not appropriated. If we don't appropriate that money, it will accumulate in the Trust Funds, and it will sit there and get old.

ASSEMBLYWOMAN KARROW: What's the number, approximately, of current applications between--

ASSEMBLYMAN FISHER: That's the next--

ASSEMBLYWOMAN KARROW: Great minds think alike.

MR. SIEGEL: I need to defer to the programs on that. We have not yet officially received their application rounds. And even when we do, we only get their recommendations to be funded. So those questions, in terms of what you're not recommending to be funded, I defer to the Farmland and Green Acres programs. I think Mr. Watson gave something of an answer on that -- of the number of--

ASSEMBLYWOMAN KARROW: He said he goes through--

MR. SIEGEL: --demand level that they have.

ASSEMBLYWOMAN KARROW: --a hundred million a year.

MR. SIEGEL: Right.

ASSEMBLYWOMAN KARROW: He said \$200 million a year?

ASSEMBLYMAN FISHER: We'll bring you up in a minute.

MR. SIEGEL: It does take quite a bit of research to really pin that sort of thing down. For instance, you're familiar with the county program in Hunterdon County, in farmland; and we don't know what projects the county is not sending to us, because the county has its own

process of going through and saying, "This is the projects we're willing to fund." And then they'll come to the State Agriculture Development Committee. They'll see what they can fund.

But to do that research thoroughly would require checking in with 18 counties -- 17, really -- to check into, "What projects did you not even send to us," to get a real handle on the unmet need.

But I think Mr. Watson gave you-- I mean, the State acquisition program at Green Acres is our backbone program. It's the biggest program. It puts out the largest amount of money. And it has the most timely rate of expenditure. It's our engine of preservation. And I think his -- I think he represented that figure. Except I don't remember what it was.

You had asked about the acres. And let me wrap up with that. At the moment, presently, over -- since the Garden State Preservation Trust started in 1999, the Green Acres preservation is 192,000 acres; farmland, 99,900 acres, for a total of 292,000 acres under the Trust. And just like, you know -- the same thing -- there's money that has been appropriated and not yet expended. Those are acres that are still coming in for which funds have been appropriated. Our forecast -- and it's nothing better than a forecast -- is that by the time all is said and done, we will be bringing in another 120,000 acres, with the appropriations that are in place and with the \$171 million we have remaining. So we should close up above \$400,000; about 410,000 acres of land acquired under the program when it finishes.

And, again, if there are questions-- There were some points that were raised at some of the other hearings. Let me zip through a couple

of those. I made some notes. There were some questions asked about the Highlands. I'm not commenting at all on the proposal to dedicate funds or the issues with the Highlands. We'd have a whole other hearing -- are you kidding? -- we could spend a week.

We've never been asked, and therefore we haven't done the research on the amount of funding that has gone into the 88 communities that are defined as being in the Highlands. But the Highlands are largely in those four counties. And in the four counties -- by the time all is said and done with Garden State Preservation Trust, a very safe estimate is that we will be above \$400 million in appropriations and closings in the four counties that make up the bulk of the Highlands. I think, in fact, I would venture to guess above \$500 million. But I think \$400 million is absolutely a safe estimate.

So by the time all is said and done, we will have deployed about 20 to 25 percent of our acquisition funds into the four Highlands counties. I know the Highlands are in other counties and so forth.

With the Farmland Program, we have very accurate figures. And they're at 36 percent in those three counties. So they're running about a third of their money into those four counties that make up the bulk of the Highlands. Now, to be clear, for example, in a county like Hunterdon, we have substantial farmland preservation activity in towns like Delaware Township, that are not in the Highlands area. So I'm just giving you figures related to the four counties that make up the Highlands. It would be -- take a bit more work to get those numbers for those 88 specific towns.

ASSEMBLYMAN FISHER: Anyone have any questions?

ASSEMBLYMAN ALBANO: I'm good.

MR. SIEGEL: And I will stay, so if a question occurs, I'll just come running right up.

ASSEMBLYMAN FISHER: Thank you, Ralph.

We have someone from -- that's come from Cape May. (laughter) So we thought we'd call that person up so they could get home somewhere before midnight. And this is Steve Bacher, and he's the Center for the Community Arts in Cape May.

S T E V E B A C H E R: Thank you, Mr. Chairman.

I will be brief. I appreciate very much you giving me the opportunity to speak, and at the early end of the night. That's very kind of you.

ASSEMBLYMAN FISHER: No problem.

MR. BACHER: I represent the Center for Community Arts. We're a nonprofit organization that is restoring the Franklin Street School with support from the New Jersey Historic Trust. And I'm also here on behalf of some of my colleagues in the preservation community in Cape May County. Michael Zuckerman -- you may be more familiar with. He's been sort of a mentor to me, and he's the Director of the Mid-Atlantic Center for the Arts. And I'm sure you know the Trust, over the years, has supported the Lighthouse in Cape May, as well as the Physick Estate, as well as the World War II fire tower -- is the most recent grant. And all of these things, combined with the Naval Air Station in Wildwood-- And Cape May Stage recently applied for a grant, was declined, but has a preservation project as well. And now they're trying to preserve-- There's a new foundation that's trying to preserve the Beach Theatre in Cape May, which is an old art deco theater. There are many preservation projects in

Cape May, and there's much that the Trust has done for the county of Cape May and the area close to Cape May City.

Over the years, there's much more to be done. And that's really what I'm here to say to you, and you probably know that already. But we wanted you to know that what the Trust does in the way of historic preservation is very, very important to the economy of Cape May. Not only do the projects create construction jobs; and professional services jobs, along the lines for architecture; but the people who work in the Physick Estate and all these other tourist attractions -- service jobs, but there are also-- As I was driving here, I was thinking about all of our bookkeepers, and accountants, and all of that. There's a real multiplier effect in all the various organizations that are employing people, once these facilities are opened up to the public. The fire tower isn't open to the public yet. The Franklin Street School, which my organization is restoring, is not open to the public yet.

And I'm just going to ask you to indulge me and let me show you just a couple of pictures, having come this far. The Franklin Street School project was initially funded with one of the planning grants that the Trust did. And this is the preservation plan. It's a thin little document which was made possible by the Trust, as well as the National Trust. And subsequently, this is a picture of what the school looked like. And I have a couple of *before* pictures. But it was basically boarded up. The school had been built in 1927 for the African-American children in Cape May, as a segregated elementary school. And it served that purpose from 1927 to 1948, when New Jersey eliminated legalized segregation in its public schools. And subsequently, the city used it for various things. And then,

more recently, it was a victim of deferred maintenance. And my organization was founded in 1995 to save this building, prevent it from becoming a parking lot, which some people in Cape May wanted it to be. And we got it listed on the Historic Register and subsequently did all these projects -- all this work to restore it.

And I'm happy to tell you that -- with the help of our first capital grant -- today, this is what it looks like. We don't have the CO yet. The next phase that was just recommended for funding will get us a certificate -- get us to the point where we have the certificate of occupancy. But right now we have all the structural work done and these beautiful new windows. So it's no longer boarded up. And it looks pretty when you walk by. I'm very proud of that.

And just in answer to one of your numbers questions -- I know you have people from the Trust here -- but my letter of award says, "Unfortunately, the Trust did only \$11 million for this grant round. It was only able to fund 61 historic preservation projects nationwide (*sic*), although there were 148 applications and \$34 million in requests." So we were one of the fortunate ones. My colleagues at Cape May Stage, who have an important historic building in Cape May, were not so fortunate. So there's a lot more work to be done in Cape May.

Thank you.

ASSEMBLYMAN FISHER: Thank you.

Thank you for coming up all this way. And I would suggest to you that-- I will say to you that I believe most of the people in this room are going to tell us that they believe in the program. The question right now, at this juncture, is whether this question gets on the ballot. I just

remind you, and remind your groups, that's really what we're -- that's ultimately the biggest question that's looming. I think we're going to see that it's been demonstrated over and over again -- the leveraging of the moneys and the ability to do all these projects. But whether the question is on the ballot this year still remains to be seen.

MR. BACHER: I hope it will be.

And thank you.

ASSEMBLYWOMAN KARROW: Can I just--

ASSEMBLYMAN ALBANO: Thanks for coming up.

ASSEMBLYWOMAN KARROW: I was down there this weekend, while Jeff was off getting his suntan someplace. I was in Cape May -- freezing Cape May -- so cold that I was in every museum, reading every sign, every historic preservation sign. And I saw the Franklin School. And I'm glad to hear that you were given an award for the gun tower, because that is very sad -- in very sad condition.

So good luck.

ASSEMBLYMAN ALBANO: I've actually done a tour of the school, I think it was six months--

MR. BACHER: October.

ASSEMBLYMAN ALBANO: October. And they had done a phenomenal job down there. And everybody knows, that's been down to Cape May, it's an historic county. And we have a lot to do. And we realize that historic preservation is a very, very important issue.

We wouldn't be spending the kind of money we are on this school if things like this were available years ago. But it gets to the point where your historic buildings get so deteriorated that the funds that you

now have to put in to restore it are double, triple, sometimes even more than that.

So you guys are doing a great job down there. Keep up the good work. We'll get this on the ballot, get it passed, and we'll make sure that historic preservation continues.

MR. BACHER: We'll work to support it.

Thank you.

ASSEMBLYMAN ALBANO: Thanks.

ASSEMBLYMAN FISHER: Thanks again.

Also from Great Egg Harbor -- Newtonville -- is Fred Akers. He had a little distance, too. So we'll get those--

F R E D A K E R S: Hi. My name is Fred Akers, from the Great Egg Harbor Watershed Association. And you can remember me as "Watershed Fred." And I have a letter and a resolution from the Trustees.

We're a very small organization. But I'm like the Wild and Scenic River guy. And New Jersey had the first Wild and Scenic River in the whole country that was designated where the Federal government didn't own any land. So we started the Partnership Rivers Program. There's nine partnership rivers now. Four of them are in New Jersey. So New Jersey is really a leader. And Representative Saxton is considering proposing a fifth, the Mullica River.

But one of our primary tools is land acquisition. We don't buy it, but we promote it, and facilitate it, and look for every opportunity. And partnership leveraging is really a big thing. Just for example, Atlantic County has an \$8 million open space annual amount now, at 2 percent. And then there are other things that come up. The Pinelands Commission

recently got \$6 million from the power company for mitigation. And they're converting that into a land acquisition program. But their policy is, they're only going to put up one-third. So if there's land in the Pinelands that is important to protect, they'll only put up one-third. They want to stretch their money. So everybody wants to stretch their money. So the State needs to reauthorize this and be in the partnership to be working with counties and municipalities.

We fight hard to get some Federal dollars on the Wild and Scenic. It's not easy, and it's not a lot, but that does help, too.

So I just came to put a pitch in for Wild and Scenic Rivers.

ASSEMBLYMAN FISHER: Thank you.

ASSEMBLYMAN ALBANO: Thank you.

ASSEMBLYMAN FISHER: We appreciate you coming up.

Jeff Tittel, from the Sierra Club.

J E F F T I T T E L: Thank you.

Fred is also one of my members and a long-standing activist on ATVs with the Club.

ASSEMBLYMAN FISHER: Jeff, before-- Well, I was just going to say, before you start, I would ask you the impact of-- How you would see it if there was a stopgap measure in the funding of Garden State Preservation Trust -- as opposed to a sustained level of funding as was in the first round -- which would be authorized under this bill in the second round; and what the implications could be?

MR. TITTEL: Well, I think the biggest implication-- There's a couple of things. One, we know that the agencies, right now, have been running up at full speed, meaning that we know Green Acres can do \$200

million a year. They have staff to do it. They can go out there and aggressively buy land. We know SADC could do a hundred million a year, and we'd like to do a lot more. So you know that they can do this, and they have the resources, and they have the people. And in a way, we're paying for that, because we have staff people to do it. So if they have less money, it means they're not going to be working as efficiently as they can be. So we'll be spending money for staff resources that will be wasted, because we don't have the money for them to buy the land. So that's first and foremost.

So if we run into a period where we just do a stopgap, where we don't have the money, those programs will sputter. As you've heard, it can take up to three years to put together a deal, which means that if there's no money now -- that means the deals that could be done now, that will get done next year and the year after, won't happen, because there won't be any money. You can't go out and promise to buy land or sign a contract to buy land when you don't have anything to back it up.

And I will say that I've been around long enough that I remember when Green Acres ran out of money in the late '80s. And what happened was, in the two-year period between 1988 and 1990 -- that '89 bond act -- by the time it got kicked in, it was a two-year gap. In that two years, we lost tens of thousands of acres. And I will just give a really brief story of three properties.

One property was the Sidney Kingsley Estate. He gave the State of New Jersey the right of refusal on his property -- beautiful side of a mountain on the Ramapo, next to a river, a water supply intake. Green Acres couldn't buy it. It's now a development. They had a mudslide.

Houses came off the side of the mountain. It's horrible. And he would have been horrified, because he wanted that land preserved.

Another property: Sterling Forest. We could have bought it in 1988 for \$2,000 an acre. We bought it in 1993 for \$5,800 an acre.

A third property, which Jay hears me talk about all the time, is Saddle Mountain. The owner wanted Green Acres to buy the property. He got a letter in 1989 saying, "Green Acres has no money. We're sorry." In 1990, he sold the property to a quarry guy. Green Acres is still trying to buy it back. It's one of the key pieces of the Highlands. If you look at the U.S. Forest Service study, it's actually the mountain on the cover, next to the Wanaque Reservoir.

So if we allow the program to run out of money, or to sputter, or to stop gap, it means that we're going to lose things, or we're going to pay more for it down the road because land doesn't get cheaper. Someone said that the biggest sin in all the world is the phrase, "It might have been." And when you don't have the money, it becomes "It might have been" for a lot of key properties and lands. And that's why we need to have a sustained program. We need to get it on the ballot this year.

And I will say to all of you, as Committee members, there may be nothing you do in your career more important than getting this on the ballot, because of what it means for the future of this state as far as providing open space, clean air, clean drinking water, safe communities, parks, playgrounds for the health of our families and our children. There may be nothing more you ever do as legislators, than get this on the ballot, that is as important.

ASSEMBLYMAN FISHER: Any questions?

ASSEMBLYWOMAN KARROW: I don't even know where to start.

Everything you said just now I totally agree with. And I never really even thought about the fact that we would end up paying for resources if we were just holding over a year -- staff resources -- and they were not running up to full speed. That is a point that I never thought about.

I'll let this keep going. I don't even know how to formulate my questions at this point.

ASSEMBLYMAN FISHER: An area of concern, of course, in the State of New Jersey, today and every day, is property tax relief. We're wrestling with a budget that is ballooning. We are-- We have, obviously, spent more than we've taken in for a number of years. And now the public is being asked to come up to the plate again, or will be asked the question of themselves, if this gets on the ballot -- which I'm hopeful that it does, of course. And the public will be asking the question of themselves.

As we're balancing out these two issues, can you talk to how, in a way -- in many ways -- if you could articulate how this helps in terms of sprawl, and what it means, aggregately, in costs that obviously are impacting on rising property tax bills?

MR. TITTEL: Well, it's more than just that, because part of this bill is to buy out flood-prone properties, which means we'll be moving people voluntarily out of harm's way and protecting other properties from flooding. So you can't put a real cost on the protection of life, and limb, and property.

You can also look at it in the terms that, if New Jersey keeps sprawling out and we keep building where we're going, we're going to run out of clean air, clean water. We have some of the worst air pollution in the country. Those trees in the Highlands and the Pinelands help provide mitigation for it. Clean drinking water is critical. These streams -- they get buffered by these public open space lands -- save a tremendous amount of money in the cost of water treatment, because they filter the water. They prevent flooding, they filter the water, and they provide for a tremendous economy, because clean water drives our economies. Our three largest industries -- pharmaceutical, including petrochemical; food processing; and tourism -- are the lifeblood of New Jersey's economy. They are our economy. And so clean air and water are important.

So that helps with your rateables, because it provides jobs, and investment, and other things. Buying open space and limiting sprawl development means you're not building roads to nowhere, you're not wasting money on sewers that are going to be polluting streams. And so you help promote the term *Smart Growth* -- I rather use the words *growth management* -- which then helps save on property taxes, because you're not spending all that -- all the local tax money for building new schools in the middle of nowhere or running sewer lines in roads. So it has a-- It's a real investment.

And there have been other studies that show if your house is next to open space it's worth 20 percent more than the houses that aren't. If you live near parks and playgrounds, just in your neighborhood, and have a good quality of life, it increases the value of your property and your investment in your home. So it does so many great things for all of us, from

our economy, to our families, to having us get together with our kids and picnic, or jog, or whatever it is.

ASSEMBLYWOMAN KARROW: I figured out how to ask my question, if I may.

ASSEMBLYMAN FISHER: Marcia has her question ready now.

ASSEMBLYWOMAN KARROW: I figured out how to ask this question.

I have been told by people -- some lobbyists, some others -- that there are other members of the Legislature, that are not on my side of the aisle, that have basically said that this a Republican bill, and they see no value in supporting it. And I would like to ask you: How do you address this Garden State Trust Fund, ACR-10, not being held hostage, politically, for anybody's agenda?

MR. TITTEL: Well, I think that if you look at the history of the Green Acres Program, the first Green Acres Program was started by a Democratic Governor and a Democrat Legislature. So it's always had bipartisan support. There may be some who are a little shortsighted and don't see that. But when you look at where the money goes, and who gets the benefit, it benefits everybody. Because if you're protecting lands in the Highlands, while protecting the water supply for urban areas--

Children who live in places like Newark and Paterson don't have houses on Long Beach Island, but they go up to Ringwood State Park and to Shepherd Pond, because those State parks are where they recreate.

If you go to some of our parks, it's like going to the United Nations. You see people from every walk of life, every place on the planet

almost. And so it benefits everybody, no matter where you're from. Because, one, we need parks in urban areas and our neighborhoods. Two, we need open space to provide for drinking water and recreation. And three, people in New Jersey travel around and go to different places.

ASSEMBLYWOMAN KARROW: So in your opinion, Jeff, you think that-- I mean, I believe that this is a policy decision that should not be used politically. It has far too reaching implications to be used politically as a quid pro quo kind of measure. I'd like to know if you feel the same way.

MR. TITTEL: Well, government-- Politics is what makes government. And so there are always things that are political. It's using politics to promote the public good -- is what government should be about. And I think that's what this legislation does. And I think that, quite frankly, if this gets up on the board, and we get leadership to post it, it will pass overwhelmingly.

ASSEMBLYWOMAN KARROW: I agree with you.

MR. TITTEL: So I really think that it's just a matter of all of us getting together and making sure that we can get this on -- up for a vote, because I know it will pass, just like they've always passed in the past. And the voters will approve it overwhelmingly come the Fall.

ASSEMBLYMAN CONAWAY: Mr. Chairman.

ASSEMBLYMAN FISHER: Yes.

ASSEMBLYMAN CONAWAY: Of course, politics does play a role. And people do get a chance to vote and express opinion. One thing: government is politics -- does drive policy, and good policy drives politics. But politics, as I do know, is also a question of choices.

We have commitments, now, of the Sales Tax to property tax relief. And as far as I can remember, in my 10 years in the Legislature, property taxes and property tax questions, school funding questions, have been the number one issue ever since I've been involved, both as an elected official and even before coming to elected office -- as the number one issue here. And we have encumbered Sales Tax revenue, here, in the fairly recent past, to pay for property tax relief. This bill will seek to place more burden on the Sales Tax revenue. And I know that, as people vote for it, they're not going to be thinking about the fact that the same money they're voting to put in open space is also going to be used to free a senior of property taxes, and to act as a mitigating factor against their own property taxes that they pay. And politics may come into rule, depending on how people feel about it. As to pointing this out to people, I don't know who might have an interest in that. I can think of a few.

But how do you think that's going to play out, as we move towards the Fall and this question comes up in the context of an election, and an overstretched budget, and budget cuts which will have to take place, which will have to do with things like health care, and food, and housing, and things that are very immediate things to everybody?

Your thoughts on that.

MR. TITTEL: Well, I will give you a couple of points. One, I think this could be done without touching the program going for rebates, or whatever it's called now. I know it's changed to a tax credit. Because if you look at the growth in the rate of the sales tax every year, it rises by about \$400 million, because people in New Jersey love to shop. And though we promote open space, we still are building plenty of malls in New Jersey.

So what this bill would do -- or this ACR would do would be dedicating less than half of the annual rise in sales tax, not touching the \$0.01 dedication from last year -- the half-cent and the one-cent. It wouldn't touch that at all. It would be taking part of the \$400 million rise that's in this year's budget coming from sales tax. So I think it can be done without impacting those other programs.

I also think that there are ways to come up with other funding, if necessary. But I think, right now, we need to invest in our towns, and our families, and our future, and invest in open space. And this is the best vehicle to do it.

When we looked 10 years ago, every tax was looked at. We looked at -- looking at a hotel tax, we looked at a car rental tax, water tax. Everything we threw out there, there was always some kind of opposition. And this seemed to be the one that built the best consensus from the public and from the Legislature. And I hope that can happen again. And so I think we can do it without touching the money for tax relief. But I also think that this money is an investment in tax relief for communities, as well.

ASSEMBLYMAN CONAWAY: I hope you're right that it's a \$400 million increase. It's not my understanding that we've seen that \$400 million rise. I know it's gone up. We've got, I think-- I'm thinking about what we've done on the sales tax -- \$100 million increase. But \$400 million seems, to me, to be a stretch. I'm not going to dispute you here. But I would like to get an answer for that from staff as we go forward.

ASSEMBLYMAN FISHER: Anyone else? (no response)

Thank you.

MR. TITTEL: You know, it's funny; I was just going to get up, there, because I had a chairman once tell me: when you have the votes on the committee, you can only talk yourself out of getting it out of committee. (laughter)

ASSEMBLYMAN FISHER: Yes, sort of like with the pen and the sales contract, right?

MR. TITTEL: Thank you.

ASSEMBLYMAN FISHER: Put the pen down, Jeff.

MR. TITTEL: And just do it.

ASSEMBLYMAN FISHER: Tom Byrne and Ed Wengryn, from the New Jersey Farm Bureau.

THOMAS F. BYRNE: Thank you, Mr. Chairman and members of the Committee.

My name is Tom Byrne. I'm First Vice President of the New Jersey Farm Bureau, which represents about 14,000 members in the state.

Farmland Preservation, which we see as using public funds to retire the development rights on farmland, generally enjoys the support of farmers in the state. We see it as a square deal. The public desires less development and the landowners are compensated for relinquishing these rights. We believe the Program's strength is found in its simplicity. It's a State program that makes a significant contribution to the survival and long-term prospects for agriculture in the Garden State.

Most of the GSPT funds for farmland go toward the purchase of development rights. This Program works very well and has a long-standing, strong demand among farmland owners since the Agriculture Retention Act was passed in 1981. Keep in mind that with this program,

the preserved open space continues to yield property taxes. And there are no public sector maintenance costs. We like to refer to preserved farms as privately maintained, taxpaying open space.

ASSEMBLYMAN FISHER: Is this the statement that you're reading?

MR. BYRNE: Yes, parts of it.

ASSEMBLYMAN FISHER: Oh.

ED WENGRYN: He's cutting it short. (laughter)

ASSEMBLYMAN FISHER: Yes, if you could just summarize it.

MR. BYRNE: I'm going to be leaving some of it out as we go along.

At the State level, GSPT investments tie together many other State policies that seek local goals of protecting the farm industry and its open space natural resources. The active program that buys development rights goes hand-in-hand with the Right to Farm Act and the Farmland Assessment Act, as well as complements the State master plan and redevelopment policies. It also provides a stepping stone for more innovative land-use management techniques, like density transfer and other Smart Growth tools. In short, farmland preservation has a ripple effect in boosting the value of the State programs.

Perhaps, most importantly, it sends a strong message to landowners that they will be treated fairly. In these days of eminent domain, Highlands, Pinelands, and other potentially confiscatory regulation that create fear among landowners, farmland preservation has a calming influence as an alternative opportunity for property owners who are

evaluating legitimate future options. We consider this to be a great success story, one that should make the State feel some pride.

Since there are some issues for us in ACR-10 -- which we are now assured can be satisfied by some contemplated amendments. We strongly believe the Farmland Preservation dollars be kept in an equal relationship with Green Acres funding; we have some reservations about opening up the trust to operating and maintenance expenses; we believe that it is absolutely imperative that the State address the land acquisition needs in the Highlands region immediately to ensure fairness and equity in that process.

It is our understanding that these issues will be addressed in the proposed amendments or in the implementing legislation that will follow the ballot initiative. We are therefore in full support of ACR-10.

And thank you, Mr. Chairman, for your initiative and leadership in sponsoring this legislation.

ASSEMBLYMAN FISHER: Thank you, gentlemen.

Yes, I was at the Farmhouse yesterday in Trenton, and worked with Rich Nieuwenhuis and Pete Furey. And we understood a lot of concerns that you had. And I think that we've addressed most of them. And so I'm appreciative of you coming up today to talk about the support that the Farm Bureau is giving.

MR. WENGRYN: I would just add, along the lines of reasons on timing, and why the stopgap measure-- A lot of landowners are in the process of doing estate planning and long-term transferring of a farm from one generation to the next. And when they see indecision in government, and that we may or may not have the funding there, the option to go into

the private sector, the private market, becomes much more real to them than some commitment that, if they didn't do it this year, we may do it next year.

The long-term commitment of the 10 years, in the '98 Garden State Preservation Trust, set the ground rules for farmers looking at preservation as a real viable alternative. They went through the first 20 years of the program skipping from bonding program, to bonding program, to bonding-- When there was that long-term commitment, you saw that quick ramp-up in real commitment by the farmers to the preservation program. And any kind of indecision, I think, would affect those long-term decision makings of those programs.

So it is timely and important for those people to have these opportunities to -- that assurance from government that the preservation funding will be there.

ASSEMBLYMAN FISHER: It's the idea of sustained funding.

MR. WENGRYN: The idea of sustained funding, correct.

ASSEMBLYWOMAN KARROW: One question, Chairman.

ASSEMBLYMAN FISHER: Yes.

ASSEMBLYWOMAN KARROW: Ed, Jeff Tittel represented that to preserve land up in the Highlands was going to be, alone, about \$400 million to \$500 million. What's your estimate from the Farm Bureau?

MR. WENGRYN: Again, land values change. But that's probably a good baseline. We figure, if you could leverage \$50 million a year over a 10-year period in that region, you would be addressing the needs

as they rise -- as they come up -- the emerging sales, the changing of generational property owners. So it's--

ASSEMBLYWOMAN KARROW: Okay.

MR. WENGRYN: You know, there's different ways of looking at it and playing with the numbers. But the need is real. The \$30 million that was appropriated -- the \$15 million for the two years on the bond -- raised cap -- is holding on those -- went through Farmland Preservation -- the farms. That money has been allocated and sent off to close those deals.

So the need is there. It's real.

ASSEMBLYMAN FISHER: Thank you, gentlemen.

MR. BYRNE: Thank you.

ASSEMBLYMAN FISHER: Linda Mead, from the D&R Greenway Land Trust.

We are here in One Preservation Place. I can say I'm just so impressed with this facility and what you've done here. It's absolutely beautiful.

ASSEMBLYWOMAN KARROW: I was here pre-preservation. This is amazing.

L I N D A J. M E A D: Yes, you were.

ASSEMBLYMAN FISHER: And I was told that you're going to be the training center for a whole host of programs.

MS. MEAD: We are.

ASSEMBLYMAN FISHER: You are, and some others that you're adding, from what I understand.

MS. MEAD: We are. In fact, there is one here tomorrow night that will be talking about the Federal tax incentives to landowners for

donating conservation easements on their properties. So it's one of the ways that we leverage some of the State funds that are available.

So thank you for being here tonight. Welcome to the Johnson Education Center. We're delighted that you chose to be here. This is exactly the kind of reason that we built this place. You are sitting in the middle of a 60-acre park, which was preserved with Green Acres money. And this building was renovated with all private funds. And I think it's a great example of how nonprofits can really leverage the State funding that is available.

We were founded in 1989, and our purpose is to protect land in six counties in central New Jersey. We are in a largely suburban and urban area, so we really preserve land acre-by-acre. Assemblywoman Karrow is very involved in that -- in her former role as a Hunterdon County Freeholder, and very familiar with the work we do.

This year we will reach our 10,000th acre since we were founded in 1989. And that represents 170 different properties. So it truly is a lot of different properties, and many constituents who are preserving these lands. Six thousand of those acres have been preserved since 2000, when the 1998 funding actually kicked in. So you can see the incentive that was provided by State moneys. And it's the same incentive we need to carry this momentum forward.

Almost every property that we preserve is preserved with multisources: municipal, county, State, and nonprofit moneys. The ability to leverage these moneys, I think, is what the nonprofits bring to the table.

One of the examples of this that I wanted to mention -- and I'd like to enter our latest newsletter into the record if I may -- is the St.

Michael's Land, which is here in Hopewell Township. This is 337 acres of land we are purchasing from the Catholic Church for \$11 million. Eight million of that is coming from public sources: two municipalities, a county, and the State -- both the SADC and the Green Acres money. This land would not be preserved without that \$8 million.

The role we brought to the table was not only to negotiate with the Catholic Church for the preservation of this land, but also to raise \$3 million of private money to make this happen. And this newsletter, by the way, is available on the table downstairs for anyone who would like to pick it up. You can see in here the list of over 770 families who contributed to that \$3 million. And I think that's a great testament to placing this question on the ballot and giving people the choice to preserve the land in their communities.

I think, to keep my remarks short and just focus on that question-- I think it's critical to maintain the momentum that is out there. Over the last three years, we have preserved about 20 to 25 properties a year. And those lands are worth about \$25 million. It can only happen with the State moneys that are available.

And I believe some of the others folks that have commented have talked about the timing process. We have about 35 deals right now, that we're working on, that will close in the next 12 months. And we have funding committed already for each and every one of those. However, we are working on the next 35. And without the kind of funding guarantees that come from having these State moneys in place, we can't make those commitments to landowners.

We have seen a tremendous response, not only the landowners who come out to the education programs here to find out how they can preserve their lands, but also from the public. As you mentioned, we have had a number of educational programs here. We have one tomorrow night, and we have a number coming up in the future. And what we see each and every time is that the public is extremely interested in seeing these lands that are still left to be preserved -- to see those actually protected.

New Jersey, as you all know, is destined -- as Rutgers University has done a study -- to become the first build-out state in our country. And that's within, they say, the next 20 years; within our lifetimes certainly. This is the last chance we have to preserve these lands. And so our goal would be to give the public the opportunity to make that choice about what they would like their quality of life to be.

So thank you.

ASSEMBLYMAN FISHER: Thank you.

Anyone? (no response)

Thank you for coming, and thank you for allowing us to use the facility. It's absolutely beautiful.

MS. MEAD: We're delighted to have you here.

Thank you.

ASSEMBLYMAN FISHER: There are 12 organizations that have sent -- that have come in, in favor of. I'm going to call your name. If you want to speak, or if you just want to submit that you're in favor of ACR-10-- And if you have any testimony that you -- any written testimony, you can certainly give that, as well; submit it to us.

We have Cate Litvack, Crossroads of the American Revolution.

UNIDENTIFIED SPEAKER FROM AUDIENCE: She left.

ASSEMBLYMAN FISHER: She left.

George Pierson, New Jersey Forestry Association and Division of -- also the New Jersey Division, Society of American Foresters.

Yes, sir.

Did you want to speak?

G E O R G E P I E R S O N: I have just a couple comments.

ASSEMBLYMAN FISHER: Okay.

MR. PIERSON: All this conversation about the financing -- I just wanted to say maybe a half a minute about the resource.

I'm representing the New Jersey Forestry Association and the New Jersey Division, Society of American Foresters. And we're both in favor of the funding for land acquisition, funds for operations, maintenance, and stewardship of the State, county, and municipal lands.

My remarks pertain mainly to New Jersey's forest land. New Jersey's land area is 45 percent forest land. It consists of 2.1 million acres of woodlands. The breakdown of ownership of that is: 25 percent of the 2.1 million acres is owned by the State, 8 percent is county and municipal owned, and the remainder is split between -- private ownerships -- individuals and corporations.

Publicly owned forest land is in dire need of attention. Invasive plant species are degrading our forests and are adversely changing the character for generations to come. Japanese barberry, a non-native invasive, has become the 11th most common understory plant in New Jersey -- this plant from Japan is the 11th most common understory plant on our 2.1 million acres. There are a lot of other examples of neglect on the forests,

and so forth. I'm going to just go on past them. But I would like to say that if these recent influences are not addressed, it will result in the reduction and elimination of many of the benefits that New Jersey's forests provide the citizens of this state.

For these reasons, I thank the Committee for including additional funding for operations, maintenance, and stewardship.

Thank you very much.

ASSEMBLYMAN FISHER: Thank you very much, sir. We appreciate you coming in.

MR. PIERSON: I didn't mean to take up your time.

Thank you.

ASSEMBLYMAN FISHER: No, no.

ASSEMBLYMAN ALBANO: Thank you.

ASSEMBLYMAN FISHER: Please don't ever feel that way.

John Hatch, Preservation New Jersey and New Jersey Historic Trust.

J O H N D. S. H A T C H: Can I say--

ASSEMBLYMAN FISHER: Yes, sir.

MR. HATCH: Megan Thomas, who is President of Preservation New Jersey, had to leave, so I'm going to say just a couple of things.

First of all, I live in Trenton. I'm an architect. I'm on the Boards of Preservation New Jersey, the New Jersey Historic Trust, and the Trenton Historical Society. I think it goes without saying that the preservation community -- the historic preservation community is

enthusiastically in favor of renewed and expanded funding for the Garden State Preservation Trust Fund. It's been incredibly successful.

I would say the only aspect of it that has not been successful is that it has been underfunded. Each grant cycle, between two-thirds and three-quarters of the grant applications cannot be funded. And it's not because they're not worthy, it's because there is insufficient funding.

The other point that I'd like to make is that the Garden State Preservation Trust provides funding for two crucial preservation programs: open space preservation and historic preservation. And they're mutually interdependent. Each enhances and contributes to the vitality and success of the other. By preserving open space around our historic towns and cities, we enhance the quality of life in our historic towns and cities by making them more attractive as places to live. And, again, that makes it easier, then, to preserve the space around them.

Conversely, by preserving the important historic buildings and sites in our town centers and cities, we contribute to the revitalization, again making them more attractive places to live and visit, and thus making it easier to preserve our open spaces around our towns and cities.

So historic preservation and open space preservation are perfect partners. And one of the wonderful things about this program is that it recognizes this perfect partnership. So we heartedly endorse this program.

Thank you.

ASSEMBLYMAN FISHER: Thank you.

Endorse the program and endorse it as a question the ballot?

MR. HATCH: Absolutely.

ASSEMBLYMAN FISHER: Thank you.

Megan Thomas, Preservation New Jersey.

MR. HATCH: Megan had to leave.

ASSEMBLYMAN FISHER: You just mentioned that. I'm sorry.

Dena Mottola, Environment New Jersey.

D E N A M O T T O L A: I actually have some written testimony.

ASSEMBLYMAN FISHER: If it's written, we'll take it.

MS. MOTTOLA: Hi, I'm Dena Mottola. I'm the Executive Director of Environment New Jersey, which is the home of NJPIRG's environmental program. And I really just wanted to speak more directly to the question on the table, earlier in the evening, by the Chairman which is: Why, this year, should we be having this on the ballot? And I guess I wanted to use some of the numbers to talk about that -- which is some of the numbers that Ralph Siegel laid out for us -- to point out that this is a program that has already been atrophying over the last year. And the reality is there's \$170 million that are left to be appropriated. And in reality, that's money that really should be spent -- or *appropriated* really is the right way to say it -- in the current fiscal year, not in Fiscal Year '08 or '09.

What you're seeing is, the folks who run the Trust are spreading out what's left over the next couple of years, because they're not sure when the renewal is coming. And I just thought it was important to give you a little context about the spending we have been doing the last few years. Because my main point is that we've already cut the amount that we're appropriating over the last few years.

So this year, fiscal year -- FY '07, we have \$170 million, but last fiscal year we appropriated \$256 million; the year before that, \$342 million; and the year before that, 253. So I guess what I'm saying is that, even if we spent the 170 million this year, it's a 30 percent cut from what we spent the year before, and a 50 percent cut from the year before that. So the program is already being severely reduced for the last few years. And as folks have been saying all evening, the reality is that the program was never big enough for the demand that's out there, and New Jerseyans have been calling on this program to preserve historic sites, and open space, all kinds of -- to develop parks; and more than three-fourths are turned away, because the funding is not enough.

And so, I just think it's important to say that -- that if we don't renew the funding this year, that we're talking about deep cuts and turning more people away. And then on top of that, even if we pass Assemblyman Fisher's very fine bill this year, it's still going to be a year before the funding is actually renewed. So even if we pass it this year, which I strongly think that we should work to do, we're still looking at a serious funding gap in this program of about a year -- that's if we spend all this 170 million that's left, we're still looking at about a year's worth of really no funding. In reality, the funding is really running out July 1 for this program, because we should be appropriating this last bunch of money this Summer before the Legislature breaks. So really, this program is basically out of money. And I don't think we want to tell the people of New Jersey that we're not going to act to prevent having a funding gap, and so I really think that's important.

The thing that I forgot to bring with me, that I've been gathering, is just information on the rates of the cost of land purchases over

the last few years. And my point there -- I'll send that to the Committee -- I think it's important to have, to understand that the money is not going as far as it used to, because land prices are so much higher now. And so, if we're talking about continuing this program, keeping it stable with years past -- we're actually talking about trying to increase, somewhat of what we've done in years past, and we're already dipping way below what we've done in the past. And so, I really think it's important to be on the ballot this year.

And then I just really want to thank Assemblyman Fisher, along with Assemblyman McKeon and all 40-plus legislators, for putting their names on this bill and understanding that there is some urgency here. I would just say that I think it's important to ensure that we do get on the ballot this year. I absolutely think the voters will approve the ballot question. I know my group has an extensive grassroots network, and we'll be out there making sure that voters understand why this question is important now. And I thank you for moving forward with this.

ASSEMBLYMAN FISHER: Thank you.

Would you say that the \$98 million a year that we're currently -- I'm not even going to ask you to say--

MS. MOTTOLA: Yes.

ASSEMBLYMAN FISHER: But maybe you could give us that research that tells us that the \$98 million a year, if we take the rate of inflation over a period of 10 years, and maybe a few spikes in terms of land costs and escalating property value -- where you think that 175 million takes us in terms of holding at a level somewhere? In other words, holding at that level. I know everyone wants more. I don't know of anyone that

doesn't think that the number should be doubled, or at least add a certain large percentage. But I think, frankly, this is about the number that we're going to be able to successfully get that question on the ballot. And maybe you could tell us what you think -- how that holds up in terms of the \$98 million appropriation?

MS. MOTTOLA: Are you asking if the amount in this legislation is a fair amount to be?

ASSEMBLYWOMAN KARROW: No.

ASSEMBLYMAN FISHER: No.

ASSEMBLYWOMAN KARROW: If you amortized out \$98 million 10 years ago--

MS. MOTTOLA: Right.

ASSEMBLYWOMAN KARROW: --what's that worth today? Is that 125 million, is it 150?

MS. MOTTOLA: Oh, yes. I don't have those numbers with me; that's what I was saying. I'll get that to the Committee. We'll try to model for you, as best we can, how far -- how much land or how far that would go, compared to years back when we first did the bond.

ASSEMBLYMAN FISHER: Yes, okay.

Thank you.

ASSEMBLYMAN CONAWAY: Mr. Chairman, I just have to comment. The reason that there -- there was a spike in-- I am not commenting good or bad. But it's not quite -- oh, how do I want to put this? It's not quite fair to say--

MS. MOTTOLA: The last few years we've been more--

ASSEMBLYMAN CONAWAY: --that there's a cut. What happened was, the funding spiked up over top of what it was. I mean, there's been a funding spike. If the spending had not spiked up, for whatever reason -- I'm not going to characterize why that -- we would have more money here, before it was time to reauthorize the program. But the fact of the matter is, it might be very good reasons that it happened. There was a dramatic increase in spending over the baseline levels that caused us to be -- people to feel that we are short now, as we get to the end of the program. But it's -- policy decisions were made in another administration, in another time, to raise this funding. So to say that it's a cut, I think, is not quite characterizing what happened. Spending went up for whatever reason, and because spending went up in the years that you referenced, the spending is now somewhat less because money was used in earlier years, and we have less to spend now.

That's all I wanted to say.

MS. MOTTOLA: Thank you, Assemblyman.

If I may just respond. Since 2000, we've spent at least 200,000 a year -- or we've appropriated at least 200 million a year on this program. And all I'm saying is that, when we're faced with having 170 million, potentially trying to stretch it out over three years, that we are going to be spending far less, like a third less, than what we've been spending for the last seven years. And because the demand is so high, I'm simply saying that I think we're putting a lot of people in dire straits by not trying to keep the levels at least where they're at. If not, our coalition -- the Outdoor Recreational Alliance, which I'm with -- would like to see about 225 million

spent a year on land acquisition. So basically keeping the program steady is what we're asking.

ASSEMBLYMAN FISHER: Okay, thank you. Thank you. Thank you, Dina.

MS. MOTTOLA: Thank you very much.

ASSEMBLYMAN FISHER: Joanna Wolaver, from the Audubon Society, is in favor. (declines from audience)

Thank you. Thank you.

Michael Pisauero?

M I C H A E L L. P I S A U R O J R., ESQ.: (speaking from audience)

ASSEMBLYMAN FISHER: Just for the record, they're just asking you to speak into the mike. (referring to PA microphone) But you can keep the same brief comments. (laughter)

MR. PISAURO: Now that I'm up here-- (laughter)

My name is Mike Pisauero. I represent the New Jersey Environmental Lobby. I'd like to thank the sponsors and the Chair for their efforts in moving this bill forward. We are in support of it. I think it is vital to this State that we revitalize, for all of the issues and all of the reasons you've heard before.

Just a couple little tiny things. Talk about the effect on property taxes: The Garden State Preservation Trust, in part, helps fund local governments and their acquisitions. Local governments and the citizens of those local governments have unanimously, and time and time again, supported open space acquisitions. They're going to continue to acquire property, so if we can leverage the power of the State in doing that,

that will help not hurt. And the costs as we move forward of not addressing open space -- we lost 50 acres a day, and that was with the Trust Fund being in place and property being required. If the Trust Fund lapses, how many more acres are we going to lose? As we lose more acres, we lose recharge of our aquifers. We're already pulling more water out of some of our aquifers than there is now. What does that cost in supplying water to those communities that no longer have it? Those are all real costs that, if we don't address now, will be far more significant than what -- acquiring property for open space.

I have submitted written comments.

And again, I'd like to thank the Committee.

ASSEMBLYMAN FISHER: Thank you, Michael.

ASSEMBLYMAN ALBANO: Thanks.

ASSEMBLYMAN FISHER: Paul Chrystie, from the Coalition for Affordable Housing.

P A U L C H R Y S T I E: I'm Paul Chrystie. I'm with the Coalition for Affordable Housing and the Environment.

You've heard why it should happen and why it should happen now, so I won't reiterate that. What I would suggest is that you take a look at one piece of the Committee Substitute for potential amendment -- not necessarily tonight -- and that's the limitation of the maintenance and operational costs to State-owned parcels only. One of the things that we found is, one of the reasons for reluctance in local governments, particularly in urban areas, taking on more open space is the inability to maintain it. And so expanding the operations and maintenance funds availability to local government, as well as State government, sites would help to promote

the urban revitalization that Jeff talked about. That urban open space is a very key part. And I hope that you'll consider that as the bill moves forward.

Thank you for moving it forward, and let's keep going.

ASSEMBLYMAN FISHER: Thank you. And we'll take that under consideration.

Yes, Lucinda wanted to explain one part of--

From the Office of Legislative Services, Lucinda Tiajolloff.

MS. TIAJOLLOFF: The 15 percent that you see in the 15 percent appropriation for maintenance and operation, that refers to 15 percent only dealing with the State lands, the operational and maintenance costs for State lands and State historic sites. That would mean there is a possibility of additional moneys coming from the 175 million dedication for local maintenance and operations.

MR. CHRYSTIE: Okay. I hope that then, whether in the implementing legislation -- that that's the place to address that. But I appreciate the explanation.

MS. TIAJOLLOFF: It's not making it impossible for them to receive.

MR. CHRYSTIE: Great.

Thank you very much.

ASSEMBLYMAN FISHER: Thank you.

Amy Hansen, New Jersey Conservation Foundation; in favor.

A M Y H A N S E N: Hi.

ASSEMBLYMAN FISHER: Hi.

MS. HANSEN: Thank you for the opportunity to speak. My name is Amy Hansen. I'm with New Jersey Conservation Foundation. And I want to thank Assemblyman Fisher, as well as Assemblyman McKeon and all the other cosponsors, for promoting this Substitute for ACR-10 and ACR-229. And we hope that this passes out of Committee tonight.

I recently have been hearing stories of lands that are threatened by development, that our fellow New Jerseyans are working hard to save, but they're hanging in the balance for lack of funding. There is farmland and open space in Sayreville, Manasquan, the Highlands, and across the state that desperately need funding. In Camden County, on a particular property, many acres of open fields and woodlands are on the verge of being preserved, yet funding has run out. A developer is waiting to step in and has all the permits he needs to put in a Wal-Mart, or other large, box store, and we can't let this happen. We're concerned that a stopgap measure, instead of continued funding at the present level, would let this property fall through the cracks.

My husband and I farm 38 acres in Hunterdon County, in the Musconetcong River Valley. Through the State Farmland Preservation Program we were able to sell the development rights on the land and permanently preserve the land. Now we are growing a wide variety of organic vegetables and fruit on that land. The Preservation Program helped us afford to buy the farm and insured that the farm will stay in farming.

We hope that through the continued funding levels for GSPT and a ballot initiative in November that more farmers will be able to afford farmland in New Jersey, so that we can all enjoy a healthy, local supply of food and keep local dollars circulating in our communities. Let's continue

to support a high quality of life in New Jersey by renewing the GSPT and continuing to preserve wildlife habitat, farmland, open space, parks for our children, and historic sites. These places enrich us all and are worth the investment in 2007.

Thank you.

ASSEMBLYMAN FISHER: Thank you, Amy.

Any questions? (no response)

And I see that you-- And just as a point, you mentioned ACR-10 and ACR-229. Make no misunderstanding, there's now only one bill that emerged. Okay?

MS. HANSEN: Gotcha.

Thank you.

ASSEMBLYMAN FISHER: Thank you.

Tom Wells, The Nature Conservancy.

T O M W E L L S: (speaking from audience) Mr. Chairman, I won't come up. I'd just like to say I support the bill. Do you want me--

ASSEMBLYMAN FISHER: Just come up. Say what you're saying, but just in the mike. (laughter)

MR. WELLS: My name is Tom Wells. I'm Director of Government Relations for The Nature Conservancy in New Jersey, and I'd just like to say that we support the Committee Substitute. As long as I'm up here, I'd like to thank the Chairman, the Vice Chairman, and all the Committee members for all the efforts that you've put in to move this thing forward. And we support it this year.

Thank you.

ASSEMBLYMAN FISHER: Thank you.

And Tom, do you support ACR-10 being a public question on the ballot this year?

MR. WELLS: Yes, I do.

ASSEMBLYMAN FISHER: Thank you.

Jim Waltman, Stony Brook-Millstone Watershed Association; in favor.

ASSEMBLYWOMAN KARROW: I think I rank the highest number of constituent groups here tonight, even though we're in Mercer County.

ASSEMBLYMAN FISHER: Well, congratulations.

ASSEMBLYWOMAN KARROW: Yes, they're all mine.

J A M E S R. W A L T M A N: And it's great to see you, Assemblywoman Karrow.

ASSEMBLYMAN ALBANO: Excuse me, I had two come all the way from South Jersey.

ASSEMBLYWOMAN KARROW: That's true. You get the Marco Polo award. (laughter)

MR. WALTMAN: Yes.

And thank you, Mr. Chairman and the full Committee, for this opportunity to speak again. This is the time of night that the late, great Mo Udall used to say, "Just about everything that needs to be said has been said, but not everybody has said it." But I will try to be very brief in that spirit.

The Watershed Association is very pleased to join in support of ACR-10 and the Substitute tonight. Our organization works to protect clean water and the environment in our part of central New Jersey, which

drains the Millstone River and its main tributary, which is about 200 yards from where we sit tonight, the Stony Brook. So welcome to our watershed.

We're very pleased to support this. New Jersey has been a great leader, as we all know, in this important endeavor of protecting our heritage, our open space, and farms. For our organization, since 1998, the Garden State Preservation Trust has allowed us to nearly double the size of our reserve to, now, 860 acres. Let me add, just that -- that reserve is also the home of the largest community-supported organic farm in the country -- the Honey Brook Organic Farm. We invite you to come out and see that.

But one of the things that we do at the Watershed is municipal planning. We work very closely with 26 municipalities in our watershed region. And let me just state the obvious: that the Garden State Preservation Trust and the local open space taxes are one of the most important local planning tools we have in the State of New Jersey. And we all understand this tremendous pressure that our towns are under -- the development -- trying to make sure that development occurs in the right places; and keep it out of the places where it only adds to the expense of protecting clean waters, and supplying water, and supplying sewers, and so forth.

There is no question New Jersey faces a lot of environmental and economic challenges. And it's been suggested perhaps that we have too many needs, in some people's minds, to address all of them. But let me just state emphatically, I think the loss of open space is, in fact, part and parcel to many of these economic challenges. It's no secret that as we lose open space and we lose farmland, what takes those areas' place -- the new developments, most of the time, cost more in additional services: new

schools, new roads, new sewer, new water lines. It costs these towns more than they generate in additional taxes. So again, this Garden State Preservation Trust is helping keep property taxes from spiraling even further out of control, and that's why so many towns are passing their own open space taxes.

The 26 towns in our region, I believe 18 of them have their own open space taxes. They understand that spending this money is a wise investment for the future of their community, and as a way to keep property taxes down. But they've done so with the expectation that the State is going to be there to match those funds. So if this fund is allowed to expire, it's not just a State issue, it directly threatens municipal planning and it directly threatens the ongoing efforts of our municipalities. I understand that the funds provided from GSPT to the municipalities is almost completely out. So there may be some money left, but I don't believe there's much of anything left that goes directly to the municipalities.

Let me just state the obvious: The Watershed Association and our 1,600 members just urge you to proceed, and we're thrilled that you're going to be voting this out tonight. And we really think it's important to get this on the ballot. We know there are a lot of competing interests, but time and time again the people of this state have voted for this, and we have no doubt they will again if given the opportunity in November.

Thank you very much.

ASSEMBLYMAN FISHER: Okay, thank you.

ASSEMBLYMAN ALBANO: Thank you.

ASSEMBLYWOMAN KARROW: Can I ask a question?

ASSEMBLYMAN FISHER: Yes.

ASSEMBLYWOMAN KARROW: And I don't know if you're the right person, maybe Ralph is, or Jeff, or somebody else. Anybody have any idea how many municipalities passed open space taxes after the '98 Garden State Preservation Trust fund got into existence?

MR. WALTMAN: I believe it's more than 200 of the 566.

MR. TITTEL: I could do that real quick.

MS. TIAJOLOFF: Can you come to the microphone?

Jeff, nothing you've said in the back of the room was recorded.

MR. TITTEL: Okay, right.

There's approximately -- all 21 counties and 264 municipalities. Prior to 1998, there was only one county, and only about a dozen or so towns. Most of them happened afterwards because of the State's commitment to GSPT to give a match. So many towns-- Because, I know I went around in '99, 2000 -- that's the big years, where 50, 60 towns a year were signing up. And a lot of it was because there was going to be a public match coming to help them.

And one thing I just also wanted to add on property taxes: These towns have committed their property taxes to buying open space. If the State doesn't give them their match, they're going to have to raise their property taxes to come up with the money the State doesn't give them.

ASSEMBLYWOMAN KARROW: So it's 100 percent of the counties have an open space, and almost 50 percent -- or about 50 percent of all municipalities, since the Garden State Preservation Trust Fund came into existence?

MR. TITTEL: Yes. Yes. Well, there was one county before.

ASSEMBLYWOMAN KARROW: That's pretty profound.

MR. TITTEL: Morris was the only county before.

ASSEMBLYWOMAN KARROW: That is pretty profound.
Morris, right. Okay.

Thank you for knowing the answer to that.

ASSEMBLYMAN FISHER: All right. Thank you.

All right. We'd like to go around 9:00; we have 12 remaining, and a few -- I'm going to read the names off. If you feel compelled, if you want to testify, let us know.

Nicholas Tufaro, New Jersey Chapter of American Society of Landscape Architects; in favor.

N I C H O L A S T U F A R O: Yes, but very briefly.

ASSEMBLYMAN FISHER: You're very briefly in favor?

ASSEMBLYMAN ALBANO: Very briefly, I think, he wants to speak. (laughter) Come on up.

ASSEMBLYMAN FISHER: I thought your support was fleeting. (laughter)

MR. TUFARO: No. As a matter of fact, the professional landscape architecture is celebrating its 105th year in the United States, through the Association of the American Society of Landscape Architects, this year. Landscape architecture is the one professional land-use discipline that can claim a direct lineage from the historic stewards of the land. We see the added component that you've placed in the new GSPT trust -- maintenance and operation of facilities -- as a true expression of a really critical missing factor in open space preservation -- and that is stewardship. And it is indeed an important factor and one I sincerely applaud the creators of this act for adding to the act. It's a critical issue and it is one

that I hope will encourage. Because this is the long-term cost of open space -- maintenance. The short-term costs in acquisition don't even come close to the kind of moneys that end up being spent in the long-term. And I hope that that kind of a realization will filter down to the municipalities and they take full advantage of this opportunity; because they are shying away from accepting open space -- free open space, not costly open space -- simply because of maintenance issues. And the same is true for counties, despite the fact that all the counties have a trust fund and are actively seeking acquisition.

There's absolutely no doubt that the GSPT is a critical partnership factor, that joins State and local groups, in the preservation of landscapes throughout New Jersey; and it's critical that we continue that. My profession, obviously, has an active interest in this. We are also the parks planners, we are the open space planners, as well as other professionals; and we lead the teams in that area.

And I'd like to close in saying that there are -- the documentation I've given you all contains seven policies, from the 25 or so that the American Society of Landscape Architects have spent some careful thought on creating. They're all related to this issue of open space and the mosaic of landscape within communities. And I think they're very worthwhile, and address implementation after the fact of GSPT being approved -- and hopefully, tonight and this year by the Assembly and Senate.

I want to thank you for your time. And our local New Jersey Chapter is very homogenous in that we have members throughout the state, almost in every municipality. There are professional certified landscape

architects who would be very eager to discuss any environmental land-use issues with you from the perspective of our land-use profession and our stewardship ethic. And I welcome your inquiries on that. We would be happy to go further with you in that type of input.

Thank you very much.

ASSEMBLYMAN FISHER: Thank you, sir.

ASSEMBLYMAN ALBANO: Thank you.

ASSEMBLYMAN FISHER: And for bringing that added dimension.

Brian Racin, from South River Environmental and Shade Tree Commission; in favor of.

B R I A N J. R A C I N: (speaking from audience) Yes, sir. Can I speak for a minute?

ASSEMBLYMAN FISHER: Yes, sir.

MR. RACIN: Thank you.

Very briefly, I'm in favor of maintaining the Preservation Trust Fund, and especially in my area of the state -- central New Jersey and Middlesex County -- where I think the establishment and maintenance of greenways and wildlife corridors is essential to sustain a flow of life between the Highlands, the Pine Barrens, and the Bayshore areas to maintain the health of those ecosystems; and also to provide recreational opportunities for the local residents, who don't always have the time or opportunity to visit those area; and also to avoid an island speciation experiment on a grand scale within this state.

As a tax issue, it's a big issue on the ballot. And when we do continue to pile under and pave over our areas, especially in central New

Jersey, it creates a greater burden on our infrastructure and, in the long run, a greater tax burden. And when we do develop our flood plans in my area, the tendency is for people to cry to the government for relief, which in turn generates an even greater tax burden. So I'm all in favor of this.

Thank you.

ASSEMBLYMAN FISHER: Thank you.

Who did you bring with you today?

MR. RACIN: Yes, my-- Would you like to add anything, Jake?

J A K E R A C I N: Does this work? (referring to PA microphone)
(laughter)

MR. RACIN: Yes. Wait.

ASSEMBLYMAN FISHER: What is your name?

MR. J. RACIN: Cool. Hi.

ASSEMBLYMAN FISHER: Thank you very much.

ASSEMBLYMAN CONAWAY: Good statement.

ASSEMBLYMAN FISHER: Okay, thanks. Thanks for coming.

Helen Hendrick (*sic*); in favor of. Oh, Helen.

H E L E N H E N D R I C K S O N H E I N R I C H: I'm Helen Heinrich. I'm also a certified landscape architect and a professional planner. And I have spent my career studying how to use land-use planning techniques to support agriculture and sustainable agricultural viability. And I just put together a few points to show you how renewal of the Garden State Preservation Trust makes all sorts of other investments possible for farmers.

I have done research for the Department of Agriculture, for Rutgers University, and for Hunterdon County, Cumberland County,

Burlington County, and Somerset County on the subject of ag viability; and had a chance to look at what is happening in this area around the country. And the keystone to every agricultural viability program is a reliable, ongoing funding source for farmland preservation. You don't have an ag viability program if you don't have the ability to have this infusion of funds into the individual farms.

And so I'm leaving you with these points, just a couple of things. There's no way to get into value added. There's no way to change and get into more profitable kinds of businesses, and getting away from, perhaps, the grain -- that's maybe not as profitable -- without having the ability to sell your easements and have this money that you can put towards that. And all the best management practices and the environmental kinds of practices that people want farmers to do all cost money. And people say, "Well, you'll get lots of money from the Federal Government," but those are all cost-sharing money, and the farmer has to come up with 50 percent.

So it's very important to continue this program, and I thank you all very much for getting this out there. And we will all work very hard to get it on the ballot. It's a form of land -- of property tax relief. Land conservation should be looked at as a way of saving taxes over the long haul. And the GSPT has kind of been like a big battleship that took a while to get moving, and now it is moving really fast. If this now has to be delayed a couple of years, it's going to slow it down and it will take several more years to get it going again. And we not only have the big battleship, but as other people were saying, you've got all these little boats from the municipalities and the county programs that also are going to be held up.

And the inertia will take a couple of years to get over. So let's all work real hard and get it on the ballot -- you know, get going, get some more funds.

ASSEMBLYMAN FISHER: All right. Thank you. Thanks for coming out.

Tom Niederer, New Jersey Forestry Association -- just brief--

T H O M A S O. N I E D E R E R: Just one brief statement.

ASSEMBLYMAN FISHER: --because we've heard you before.

MR. NIEDERER: Yes. The Forestry Association represents some 900 landowners and foresters. George Pierson gave a brief statement earlier, which is a result of something that I think was a problem with the first GSPT, in which the only way to preserve woodlands was fee simple purchase, and the result of which those lands became wards of the State. No funds to take care of; and, as George testified, degraded woodlands, and invasive species, and so forth.

The second possibility, which was not widely adhered to, was the purchase of woodland easements by Green Acres. But it came with the rather onerous aspect of public access, which was a harassment to the landowners and not widely subscribed to. So we could have unequivocal support for this bill if we could feel comfortable that it would have a new forest easement purchase program that would not require public access; and it would then leverage the funding, leverage the purchases to more acres if it were strictly easements, and also would avoid this problem of down-stream funding to take care of the land.

Thank you.

ASSEMBLYMAN FISHER: All right. Thank you.

Actually, this bill does not really talk about the--

MR. NIEDERER: I know, but that's our worry -- that something like that doesn't happen, and then what have we got? Nothing better than the last time.

ASSEMBLYMAN FISHER: I understand.

Thank you.

Dan Kennedy, Burlington County; in favor.

DANIEL KENNEDY: Just real quickly, thank you for inviting us to attend. On behalf of the Burlington County Board of Chosen Freeholders, we support the bill in much of its form.

Burlington County elected officials went through the similar kind of dialogue worrying about how successful a referendum would be in an environment such as we're in, in the public right now. Our ballot initiative passed three-to-one this past November, and we urge you to seek the same leadership and tell the story well. And you've got partners at the county level to support you.

So, thank you.

ASSEMBLYMAN FISHER: Thank you.

ASSEMBLYMAN ALBANO: Thank you.

ASSEMBLYMAN FISHER: And you got your question on the ballot? The question will be whether this gets the questions on the ballot -- that's what you're telling us?

MR. KENNEDY: Yes.

ASSEMBLYMAN FISHER: And we appreciate it.

ASSEMBLYMAN FISHER: Steve Jany, Mercer County farmer.

STEVE JANY: Very brief.

I'm in support, and I would like to tell you how the Farmland Preservation kept our family in farming. When my father-in-law passed away -- and I'm going to condense it short -- those that were not involved in the farming operation started bringing offers from developers. We convinced them that farmland preservation -- we'd like to go into. It enabled us to buy them out and keep our family farming. And we've started the transition to my son now, to hopefully buy us out, and we'll be able to retire.

But that's how it helped us. And I think continuity is critical to the program.

ASSEMBLYMAN FISHER: Thank you, Steve.

MR. JANY: Thank you.

ASSEMBLYMAN FISHER: Thank you.

ASSEMBLYMAN ALBANO: Thank you.

ASSEMBLYMAN FISHER: Robert Fulper, also a farmer from Lambertville.

ASSEMBLYWOMAN KARROW: West Amwell.

ASSEMBLYMAN FISHER: West Amwell? It says Lambertville.

ROBERT FULPER II: Well, yes.

ASSEMBLYMAN FISHER: Marcia says you don't know where you're from. (laughter)

MR. FULPER: My mailing address is Lambertville; I live in West Amwell. I figure you wouldn't recognize West Amwell.

Anyhow, I just sat here all night and said I have to at least come over and say hi. So I want to say I appreciate all the work you've

done, doing this. I am a dairy farmer. We do have another generation maybe coming back to the farm. As Steve just alluded to, this is critical to that aspect of our operation -- somehow to liquidate some assets and to be able to do that.

The other point I'd like to make is, when you take this out to the ballot -- as I talked to a lot of people, I think people really relate to the farmland part of the preservation work, more so than the open space and the other aspects of it. I just think they relate to it easier. And I think it's more obvious to them that farmland, obviously, is more in jeopardy of development than any other lands in the state. They are critical lands, and I would like to make sure that we keep a lot of money focused in that area, because that's the land that's going to go first.

So thanks again for your support.

ASSEMBLYMAN FISHER: Thank you.

And being a dairy farmer in New Jersey, I know that means--

ASSEMBLYWOMAN KARROW: How many are left, Bob?

ASSEMBLYMAN FISHER: --you're a hearty soul.

MR. FULPER: What's that?

ASSEMBLYWOMAN KARROW: How many left in New Jersey?

ASSEMBLYMAN ALBANO: Ninety-four.

MR. FULPER: There's only about-- Well, it's just under a hundred--

ASSEMBLYMAN ALBANO: Ninety-four dairy farmers left in the State of New Jersey.

MR. FULPER: Yes.

ASSEMBLYMAN FISHER: Nelson, how many cows are left?

(laughter)

ASSEMBLYMAN ALBANO: Eighteen thousand, four hundred, and thirty-two -- not counting the one that was born this morning.

(laughter)

ASSEMBLYMAN FISHER: All right.

Now you can stop, because there's still a transcript.

Daniel Pace, Mercer County Ag Development Board; in favor.

DANIEL PACE: My name is Daniel Pace. I'm a planner with Mercer County, and I'm also the administrator for the Mercer County Agricultural Development Board. As one of the foot soldiers in the trenches of preservation, I thank you for this opportunity.

I'd like to express the MCADB's support for renewal of the Garden State Preservation Trust, in order to maintain a consistent source of funding for the preservation of agricultural land and the preservation of agriculture as an industry in our Garden State. With the use of State cost-share funds, the County has permanently preserved about 4,600 acres of farmland since the inception of the Farmland Preservation Program in the late '80s. But to emphasize the importance of the GSPT's consistent source of funding, more than half of these acres were preserved with GSPT funds in just the past six years.

Putting on my planner hat, the County has permanently preserved 9,500 acres of open space; and the counties and local municipalities have also utilized the Historic Preservation Grant component of the Garden State Preservation Trust Fund for preservation efforts on Howell Living History Farm, the Hunt House in Hopewell Township, and

Upper Bellemont Farm in Hopewell Township. Finally, the County Planning Board, MCADB, and open space boards have all passed resolutions supporting the renewal of the Garden State Preservation Trust.

Thank you, Mr. Chairman for holding your hearing at this time and place.

ASSEMBLYWOMAN KARROW: So I guess, Mr. Pace, you would scream at me if I said that people see this as partisan, and only helps Republican districts and Republican counties.

MR. PACE: I think I would scream.

ASSEMBLYWOMAN KARROW: Okay. (laughter)

ASSEMBLYMAN FISHER: Mary Jo Herbert, citizen/farmer.

MARY JO HERBERT: First I just put citizen up there, but then I thought I really should put farmer. Thank you for hearing-- It's very, very brief, believe me. I'm also a member of the State Board of Agriculture, but I'm here as a farmer. I'm Mary Jo Herbert from Titusville. I have a horse farm and raise hay.

Just briefly, farmers pay taxes, keep the land in-- They're good stewards of the land. In Mercer County we have-- Farmers keep reinventing themselves, too. So in Mercer County, we're having some unique farms, as was mentioned before -- Honey Brook Farm, Cherry Valley grass-fed farm, wineries. We have all these really unique, reinventing kind of farms. So I think farming is very viable now, and we need to preserve these farms.

And thank you very much for having me.

ASSEMBLYMAN CONAWAY: How many horses do you keep, ma'am?

MS. HERBERT: About 20. And horse farms are a coming thing -- if we can preserve our racing industry, also, in the state. (laughter)

ASSEMBLYMAN FISHER: That's another hearing. (laughter)

Thank you. Thank you very much.

Mark Wilkins (*sic*), Somerset CADB.

M A R K W. K I R B Y: No, it's Kirby.

ASSEMBLYMAN FISHER: Pardon me?

MR. KIRBY: Mark Kirby.

ASSEMBLYMAN FISHER: Oh, Kirby. Yes. It was her fault. (laughter)

MS. TIAJOLLOFF: My best guess, I apologize.

MR. KIRBY: Hey, my mother always wanted me to be a doctor; so I've got the handwriting of a doctor, but I've never been a doctor.

Everything that's been spoken about tonight is very good. It's Mark Kirby, I'm the Vice Chair of the Somerset County CADB. The only thing -- I would like to make a couple points. And I'm going to hand this talking points over to you; it's just real quick. We'd like to see, from the County CADB, that you extend the January '04, dual-appraising methodology for the rules, regulations, and zoning -- in place as of January '04. It will assure the landowners they have the options of being treated fairly when negotiating sales with the State. And that has been in effect; I do believe it's still there.

Also, there's a little bit of talk about conservation work; and it's very important that the farmland and the working lands are an important part of the environmental resource protection. Filter strips, manure management, and other farm conservation programs make modern

agricultural functions to meet New Jersey environmental needs. Funding for cost-share programs within the bond act will assure that the farms in the future, will be environmentally viable -- which is very important today, because we have more and more pressure from the environmentalists out there about everything.

I will leave this with you. There's other little things on here, but it's all been covered, and there's no sense beating a dead horse. And I'm also a grain farmer, hay producer, and a livestock/cattle beef raiser, from Hillsborough.

Thank you.

ASSEMBLYMAN FISHER: Okay. Thank you.

ASSEMBLYMAN ALBANO: Thank you.

ASSEMBLYMAN FISHER: Phillip Prichett, from Lumberton.

PHILLIP D. PRICHETT: Thank you.

I'll keep it brief -- favor of it. I'm Chairman of the Burlington County Farmland Program -- worked with it since its origination. But we also have a unique thing we did in Burlington County -- was TDR, my transfer development rights. It was another way; it didn't cost taxpayers any money -- our farms in it that way. It worked; it's a viable thing.

Thank you for giving us tools to put in the toolbox to try and preserve this land. There's value to it. I'm surrounded by neighbors. I cringe about maybe one bad neighbor, but there's several of them that say, "We enjoy living out in the country." And just a short story, I says, "Well, you've got sidewalks, and lights, and all this, how do you feel you're in the country?" And he said, "Well, I drive by that farm every day to go home."

And that's really a quality of life we're providing here, and we're unique. And as Mary Jo said, the farming is evolving, it's changing. It is able to change with -- but we've got to keep the land base available for the people of the future. And then I understand your problem about paying bills. I'm going to tell you what my old man always told us when we had a bad year, "You've got to kind of hunker down and make things go, and hope when you have a better year that you can -- then you hit what you need to hit."

But take care of the money you got, don't just spend it to get rid of it, because--

ASSEMBLYMAN FISHER: That won't happen this year.
(laughter)

ASSEMBLYMAN CONAWAY: Well, you're absolutely right by that, because people spent money -- they got rid of it in the '90s, which is why we're in the hole today.

MR. PRICHETT: Yes, I know.

ASSEMBLYMAN CONAWAY: That's an old battle; it will be a battle this Fall, I'm sure (laughter).

MR. PRICHETT: I was in government in Lumberton, and I was given a lecture about all this -- spend it while you've got it, and stuff -- and I tried to preserve it.

ASSEMBLYMAN CONAWAY: You were right.

ASSEMBLYMAN FISHER: Thank you. Thank you for bringing Assemblyman Conaway to life. (laughter)

Richard -- last, Richard Toone, from Springfield Township. I'm sorry, you're a Springfield Township Councilman.

COUNCILMAN RICHARD TOONE: Thank you for the opportunity to talk tonight. Yes, I am. I had been on the Planning Board since 1980. I am a three-time elected Councilman in Springfield Township. We're primarily a rural township and support agriculture; with 1,100 homes. We have twice passed bonds for farmland preservation and open space -- all of our money so far has been spent on farmland preservation in a township that has about 29 square miles, almost 19,000 acres; 6,000 acres is preserved, 6,000 acres are developed, and 6,000 acres are up for grab -- one of which, in that part, is a 2,500-acre contiguous farm -- one of the finest farms on the East Coast up for grabs.

The program has been going very well for us. I have been able to bring more applicants to the county than the county is willing to take. They have begun to be selective because of the funding. We need to be sure that we can get contiguous farms, some of which may be more marginal than others. But we need this funding. I fully support the ballot being put on there as soon as possible.

I ran in an election this year, contested in the primary -- our group did -- and we targeted talking to the opposition, to independent voters, and the opposite party. They all understand where the taxes come from -- schools. They will vote for open space in Burlington County. We're part of northern Burlington County. It was a three-to-one -- the only landslide, practically, that I know of, that took place in the county, was for open space preservation; continuation of a dedicated 4 cent tax -- raised the taxes, continued to raise the taxes.

The people will vote for that, don't be afraid of it. Put it on the ballot.

ASSEMBLYMAN FISHER: Thank you, sir.

ASSEMBLYMAN ALBANO: Thank you.

ASSEMBLYMAN FISHER: Okay, we now have -- we're going to ask for a motion to approve ACR-10. But we're going to have the amendments -- of the merging in the two bills. And Lucinda will read them, read that statement.

MS. TIAJOLOFF: All right.

This is Assembly Committee Substitute for Assembly Concurrent Resolution Nos. 10 and 229. The Committee Substitute is a proposed amendment to the State Constitution that would supplement the State's current program for open space, farmland, and historic preservation, implemented pursuant to Article VIII of the Constitution. Specifically, this proposed constitutional amendment would dedicate an additional 175 million annually, in State Sales and Use Tax revenue, for the State Fiscal Years 2009 to 2018, to finance open space preservation, farmland preservation, and soil and water conservation, and historic preservation.

The proposed constitutional amendment also allows the dedicated moneys to be used for administrative costs associated with various preservation efforts; allows the dedicated moneys to pay for maintenance and operational costs associated with parks, other than preserved open space and historic sites; provides for a special funding category under the Open Space Preservation -- that sometimes is referred to as Blue Acres program -- for the acquisition and development, for recreation and conservation purposes, of lands in coastal and inland areas prone to or affected by flooding, and lands for protection of water supplies; and fourth,

highlights protection of water supply lands as one aspect of open space preservation.

The moneys from the proceeds from the sale of the bonds would not be used towards administrative costs or towards maintenance and operational costs. Also, the proposed constitutional amendment directs that 5 percent of the annual dedication be allocated for program administrative costs and 15 percent be allocated and appropriated for maintenance and operational costs associated with State-owned and operated lands, and State historic sites.

In addition to other moneys usually appropriated from the General Fund in each State Fiscal Year, pursuant to the State Annual Appropriations Act, it is the intent of the sponsors and the Committee that the moneys dedicated, allocated, and appropriated pursuant to this constitutional amendment -- for maintenance and operational costs associated with lands owned or operated by the State for recreation and conservation purposes, or associated with State-owned or operated historic sites -- shall be in addition to the moneys usually appropriated each year in the annual State budget for those purposes. In other words, the amount usually budgeted and appropriated in the annual Appropriations Act for these State maintenance and operational costs should not be reduced or replaced with any moneys dedicated under this constitutional amendment.

The constitutional amendment also provides that from Fiscal Year 2019 to Fiscal Year 2038, the sales tax dedication of up to 175 million would pay the debt on any bonds issued by the Garden State Preservation Trust to finance open space, farmland, and historic preservation efforts. It would also provide that such bonds, in aggregate principal amount not to

exceed 1.75 billion plus the cost of insurance, must be issued by June 30, 2018. State Sales and Use Tax, in an amount of 98 million annually, have been constitutionally dedicated for State Fiscal Years 2000 through 2029, under a previous ballot question that was approved by the voters. And this dedication of moneys under this constitutional amendment would be replenishing those funds, to allow for future preservation efforts in this state, ongoing from this year.

ASSEMBLYWOMAN KARROW: Move the resolution with amendments.

ASSEMBLYMAN FISHER: Well, wait. Before I do that, I just want to mention that the Committee gives OLS the latitude to correct and tweak language -- that is, what we have agreed to -- as may be necessary. There might be just a couple language issues in a bill of this nature, with the magnitude and scope that it has.

With that, I just want to say, before I ask for a motion to move it, that I want to thank OLS for an enormous amount of work that they put into this, and members of our staffs. I think that it addresses the needs of every area of the state and every citizen in our state. It is urban, suburban, and rural -- everyone has a stake in this. Sometimes when we hear these bills, bills of this nature, it seems as though it's addressed to one particular group. In this case, I think this is an issue that will address everyone in this state in one way or another, whether it's parks, whether it's open space, farmland, whether it's historic structures, and on and on. So I'm delighted to ask if someone would be -- move this motion.

ASSEMBLYMAN ALBANO: I make the motion to move it.

ASSEMBLYWOMAN KARROW: Yes, I'll second.

ASSEMBLYMAN FISHER: Moved and seconded.

Any discussion? (no response)

If not, roll call.

MS. TIAJOLOFF: On the motion to adopt the Committee Substitute for Assembly Concurrent Resolution Nos. 10 and 229; Assemblywoman Karrow.

ASSEMBLYWOMAN KARROW: Yes.

MS. TIAJOLOFF: Assemblyman Conaway.

ASSEMBLYMAN CONAWAY: Yes.

MS. TIAJOLOFF: Assemblyman Albano.

ASSEMBLYMAN ALBANO: Yes.

MS. TIAJOLOFF: Assemblyman Fisher.

ASSEMBLYMAN FISHER: Yes.

MS. TIAJOLOFF: The Committee Substitute is adopted.

ASSEMBLYMAN FISHER: And this bill will now go on to Environmental Committee, where it will be second referenced, and then it will be third referenced to Appropriations Committee.

With that, I thank you all for coming out.

Meeting adjourned.

(MEETING ADJOURNED)