

APPENDIX

March 12, 2008

By Fax – 609 292 2828

Samuel Crane
Secretary - State House Commission

**Re: Application of Middlesex County to Divert Parkland in Monroe Township:
Deadline Extension Request**

Dear Mr. Crane:

Please accept this letter on behalf of my clients Parksavers, Environment New Jersey, Sierra Club New Jersey and New Jersey Conservation Foundation (jointly the "Concerned Groups"). I would greatly appreciate you making this letter available to the members of the State House Commission in advance of the meeting on March 13, 2008. In addition, I would like to make a brief oral statement at the meeting. We understand that the County of Middlesex (the "County") has failed to meet one of the terms required by the State House Commission approval given on January 5, 2006. The County was required to supply proof that it had spent \$500,000 of the cash compensation required for the diversion to proceed on the construction of a soccer complex within two years of this approval. Because it failed to do so, the County is therefore seeking an extension to this deadline at the March 13, 2008 meeting of the State House Commission.

The delays encountered by the County and the Township of Monroe (the "Township") are not the result of litigation brought by any of the Concerned Groups. Instead, they were caused by the Township's haste to rush the diversion application through this Commission before it had some basic pre-requisites in place. First, the Township did not have clean title to the land parcels to be used as compensation for the diversion. Indeed, the Township did not even obtain the deed for one of the parcels it said it would use as compensation until months after this Commission's decision. Second, the Township obtained its approval before a historic survey of the parkland to be diverted (the "Site") had been completed. Completion of that work was long-delayed and finally confirmed that, contrary to the opinion of the Township and the County, at least

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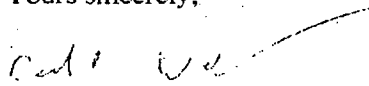
portions of the Site have high historic significance. However, instead of preventing construction on the whole Site, the Department of Environmental Protection ("DEP") decided to maintain Green Acres restrictions on a small portion of the Site and require monitoring by archeologists during construction on the rest. Historic preservation experts and Native American tribes believe that the entire Site should be conserved because it is part of the historic Bethel Mission Settlement.

On October 29, 2007, the County gave DEP specific assurances that the January 5, 2008 deadline would be met. Once again, that assurance has proved unfounded. The net effect of these delays is that Monroe's new high school is already late and well over the original budget. The major risk now is that the school will be further delayed by the discovery of significant archeological features on the site.

Taking a broad view, this process shows that conditional approvals of diversions are ill-advised. A conditional approval may appear to allow diversions to move ahead more quickly, but in fact the haste to get the approval may result in less speed, because the conditions must be met. More fundamentally, conditional approvals result in this Commission making decisions based upon incomplete information. At the time of the initial decision, the Commission could not assess the historic significance of the Site and the Commission did not know that the Township did not even have title to all the land it was promising to offer in compensation. The Commission reasonably expected that the approval would result in the timely completion of a high school to meet Monroe's pressing need. Had the Commission known that unresolved issues would result in little progress being made on the school for over two years, the initial decision could have been different.

The immediate decision before this Commission is whether to excuse the past failures of the Township and the County and allow them to proceed down a risky path that could lead to major delays and cost-escalation and will almost certainly destroy valuable historical information. We therefore ask the Commission to shield the Township from excessive risk and to conserve the valuable historic resources on the Site by rejecting the deadline extension. We also ask this Commission to insist on having complete information before it decides on future diversion applications. Thank you for your consideration.

Yours sincerely,



Richard Webster, Esq.

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