

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION

IN RE: GREEN ACRES PROGRAM
PROPOSED SALE OF LANDS LOCATED
IN THE CITY OF MILLVILLE,
CUMBERLAND COUNTY, BLOCK 578,
LOT 19

- - - - -
Tuesday, January 6, 2015
Trenton, New Jersey
- - - - -

The public hearing in the above-captioned matter, taken before Kimberly A. Wornczyk, a Registered Professional Reporter, New Jersey Certified Court Reporter (License No. 30X100223500), and Notary Public, at 401 East State Street, Trenton, New Jersey, on the above date, commencing at 2:42 p.m.

- - - - -
CLASS ACT REPORTING, LLC
Certified Court Reporters
2149 S. 3rd Street 133 Gaither Drive
 Suite H
Philadelphia, PA 19148 Mount Laurel, NJ 08054
(215) 928-9760 (856) 235-5108

1 APPEARANCES:

2 STATE OF NEW JERSEY
3 DEPARTMENT OF ENVIRONMENTAL PROTECTION
4 BY: JUDETH PICCININI YEANY, ESQUIRE
5 501 East State Street
6 1st Floor
7 Mail Code 501-01
8 P.O. Box 420
9 Trenton, New Jersey 08625-0420
10 609-984-0631
11 judeth.yeany@dep.nj.gov
12
13
14
15
16
17
18
19
20
21
22
23
24
25

	INDEX	
	SPEAKER	PAGE
1		
2		
3	Mary Heisler	12
4	Renee Brecht	19, 113
5	Jeff Tittel	25
6	Ted Baker	30
7	Jerrold Stout	41, 97
8	Apolonia Galie	42
9	Emile DeVito	43
10	Noemi De La Puente	51
11	Robert Moss	59, 111
12	Madeline Emde	69
13	Dave Peifer	70
14	Wendy Mager	76
15	Bill Wolfe	79, 107
16	Curt Gellerman	94
17	Thomas Gatens	111

18
19
20
21
22
23
24
25

1 MS. YEANY: Okay. We are going
2 to get started. My name is Judeth
3 Yeany, Y-E-A-N-Y. I am with the Green
4 Acres program for the DEP in Trenton
5 and we are here to conduct the second
6 of two hearings, but the fourth
7 hearing in total, on a proposal to
8 sell a piece of property located in
9 Millville, Cumberland County.

10 The property was purchased by
11 the DEP in July of 2013 and the City
12 of Millville and County of Cumberland
13 have requested that we convey the
14 property to them for future industrial
15 development purposes. The rationale
16 for their request is set forth in the
17 report that we left copies of out in
18 the lobby and this report is also
19 posted online.

20 Ted Baker, representing the
21 county, is here today but had to take
22 care of some court-related business.
23 He's going to testify a little later
24 as to why the county and the city feel
25 that they want us to convey the

1 property to them.

2 I recognize that a lot of you
3 were here at the hearings that we
4 originally had on this proposal back
5 in May of 2014. In October of 2014,
6 we ended up reproposing the
7 conveyance. The reason for that was
8 that in the original proposal we had
9 indicated that we would take the
10 proceeds of the sale, the money to be
11 paid by either the city or the county,
12 and use it to purchase 900 acres of
13 the nearby property known as the Holly
14 Farms property. We had indicated in
15 the report that there were a lot of
16 contingencies associated with Holly
17 Farms and we weren't sure if that
18 scenario would work out and we had
19 attempted to state that if Holly Farms
20 didn't work out we would use the money
21 to purchase an alternative replacement
22 property. When we concluded the
23 hearings and started analyzing the
24 transaction in more detail last
25 summer, it did become clear that the

1 Holly Farms scenario was not going to
2 work out, but it also was not clear
3 that we had stated our intentions
4 clearly as far as how we would use
5 those sale proceeds. Our intention
6 had always been that if Holly Farms
7 didn't work out, we'd take the 335,000
8 of the 395,000 to be paid by the city
9 or county and use it to purchase
10 acreage equivalent to the Durand Glass
11 property, roughly 80 acres, elsewhere
12 in either Millville or Cumberland
13 County. When we looked at it more
14 closely, we felt that point was
15 probably not as clear as it should
16 have been in the original report, so
17 we ended up last October reproposing
18 the conveyance of the former Durand
19 Glass property. As indicated in the
20 report, it's Block 578, Lot 19 in the
21 City of Millville, Cumberland County,
22 consisting of approximately 80 acres.

23 I have the map here.
24 Unfortunately, it's not mounted on
25 foam board. We've got to hold it up

1 and put the mike down and show you
2 where the property is. Actually,
3 Martha, why don't you come up here.
4 This is Martha Sapp, our administrator
5 for Green Acres and map holder.

6 So on this map the Durand Glass
7 property is outlined in red. This is
8 the Menantico Creek Preserve, which
9 currently is owned by the Nature
10 Conservancy. This is the Menantico
11 Ponds Wildlife Management Area, which
12 is owned by the DEP and administered
13 by Fish and Wildlife. There is more
14 of the Menantico Creek Preserve down
15 here. The Holly Farm property, though
16 right now is off the table, but
17 obviously has been a topic of
18 discussion, this property here. More
19 wildlife management area is up here.
20 As you can see, the Durand Glass
21 property is on the edge of an
22 industrial area in Millville that is
23 designated as part of an industrial
24 park. So, as you'll hear from
25 Mr. Baker later, that the city and the

1 county have felt strongly this
2 property should remain part of the
3 industrial park and not in public
4 ownership for preservation.

5 So, again, when we originally
6 proposed this, we said that we were
7 going to focus our replacement efforts
8 over here. At this point, the
9 proposal is just that we would convey
10 this property and that we would use
11 the proceeds to purchase the
12 replacement property that has not yet
13 been identified. Thanks. I will
14 leave the map up here if anybody wants
15 to see it later. I know some other
16 people have maps they are going to
17 show us.

18 Procedurally, when we propose
19 to convey any kind of property over
20 one acre, we are required to go
21 through a lengthy public notification
22 and participation process that starts
23 with the preparation of a report
24 analyzing the transaction. We are
25 then required for anything over five

1 acres to conduct two public hearings,
2 one in the location where the property
3 is and one here in the City of
4 Trenton. So for the reproposal this
5 is the second of those hearings.

6 We will accept written public
7 comment on this proposal for an
8 additional two weeks after today, so
9 the record of this hearing will close
10 on January 20th, after which we will
11 evaluate the comments and make a
12 recommendation to the commissioner and
13 the state house commission. By
14 statute, we are not allowed to take
15 formal action on this proposal until
16 90 days after today's hearing. So the
17 earliest that any official approval of
18 this transaction could occur is 90
19 days from today. I think that takes
20 us to the beginning of April.

21 Normally, the approval would have to
22 come from the commission and the state
23 house commission. Normally, the state
24 house commission meets on a quarterly
25 basis. They tend to meet in March and

1 June. So it's likely that if this
2 were to go before the commission it
3 would not be before June, but they
4 could agree to have a special meeting
5 to consider this proposal anytime
6 after the beginning of April.

7 I indicated in the Millville
8 hearing back on December 3rd that we
9 do consider this to be all one big
10 transaction going back to last March
11 and that any comments we received on
12 the proposed conveyance at the
13 original hearings and original public
14 comment period would be folded
15 together with these hearings and
16 presented to the commission, the state
17 house commission. So if you weren't
18 present at those hearings and you're
19 submitting testimony, we will include
20 that in the record and you don't have
21 to duplicate it, even though I know
22 people feel strongly that they
23 probably want to.

24 As I indicated, Mr. Baker from
25 the county is here and when he does

1 come back I'll have him put on record
2 the county and city's rationale for
3 requesting conveyance. While we wait
4 for him to return, we will start to
5 accept testimony from the public on
6 our proposal.

7 We have a microphone there in
8 the front. I just have to go turn it
9 on. When you give your testimony, if
10 you could spell your name and state
11 your affiliation for the court
12 reporter, we would appreciate it. We
13 will be posting the transcripts of
14 both hearings online. I will probably
15 have the first transcript up pretty
16 soon and then in a couple weeks from
17 now we will be able to post the second
18 one.

19 Anybody have any questions
20 before we start with the testimony?
21 You can come here. I wasn't going to
22 go by the list. I think it worked
23 well at the prior hearing that people
24 can arrange themselves. I will also
25 ask, not so much the maps, but if you

1 have any written copies of your
2 testimony that you want to give to the
3 court reporter, we will attach them to
4 the transcript.

5 MS. HEISLER: Good afternoon.
6 My name is Mary Heisler, I live in
7 Millville, New Jersey. I am here to
8 speak about my opinions about this
9 property. I have lots of -- some
10 documentation and things to show you.
11 First, I have a neighbor Kim Carden
12 (ph) of Millville, New Jersey had
13 posted an online petition. I have the
14 results of that petition here.
15 There's 508 supporters. Her daughter
16 is sick and she couldn't make it
17 today, so she asked me to present
18 this. I will leave this for you.
19 There is 508 people who supported that
20 to protect this land.

21 I am Mary Heisler. I am
22 speaking as a citizen and also for our
23 neighborhood community group. We call
24 ourselves the Open Space Preservation
25 League. We use that name to identify

1 our citizens of our group, but we are
2 not affiliated with any local or
3 national environmental organization.
4 We are originally organized in 2001 to
5 fight against the asphalt plant that
6 was proposed next to our neighborhood
7 on the same site. So every time
8 something happens to endanger that
9 property, we kind of get together and
10 work on this.

11 I spoke at the December 3rd
12 hearing and I have made a lot of
13 comments there. I want to add
14 additional comments and show you some
15 things that I hope you see that there
16 is a lot of support to keep this land
17 preserved.

18 In the 1990s, there were 6,000
19 citizens signed petitions in support
20 of the wild and scenic river
21 designation. The land in question
22 today drains into the Menantico Creek
23 and Maurice River, which are part of
24 the wild and scenic. The land quality
25 of that property we are talking about

1 will affect the quality of the water
2 in the wild and scenic river program.

3 In 2011, between 900 and 1,000
4 residents signed petitions against
5 building an asphalt plant on this
6 site, the same site. I have a copy of
7 the petitions for that. In the spring
8 of 2014, between 900 and 1,000
9 residents signed petitions. That's
10 when we organized in the neighborhood
11 first against building an asphalt
12 plant on the site. I have copies of
13 those petitions here.

14 Now, less than a year later --
15 I lost track. I'm sorry. This is the
16 spring 2014 about the PVC plant and
17 about 930 people signed that petition.

18 MS. YEANY: Actually, this is
19 the petition from the spring against
20 the sale.

21 MS. HEISLER: I gave the
22 petitions from the asphalt plant.
23 These are the petitions from 2014
24 against the sale in the spring. This
25 group of papers here are the petitions

1 that we collected in December --
2 November, December, and January. We
3 have about 700, almost 800 signatures
4 here. Almost last, I have 176, 180
5 postcards that were signed by people
6 who want to continue to preserve this
7 land. So we have a lot of support,
8 different people who want to support
9 keeping this land preserved.

10 MS. YEANY: Can I ask you a
11 question?

12 MS. HEISLER: Yes.

13 MS. YEANY: We had received the
14 petitions back in the spring. You
15 sent in the petitions. I think that
16 was a total of about 900 signatures.
17 So these petitions are all dated
18 November, December of last year. This
19 is after -- well, 2014.

20 MS. HEISLER: Yes.

21 MS. YEANY: This was after we
22 repropose? These were additional
23 signatures?

24 MS. HEISLER: Yes, these were
25 all additional.

1 MS. YEANY: How many are in
2 this packet?

3 MS. HEISLER: I think close to
4 800.

5 MS. YEANY: And that's separate
6 from the change.org petition and
7 postcards?

8 MS. HEISLER: Yes.

9 MS. YEANY: Okay.

10 MS. HEISLER: We have got a lot
11 of little groups of people working in
12 their own little ways to get things.
13 So, while there might be a few names
14 that overlap, by no means are they all
15 the same names.

16 MS. YEANY: I wasn't going to
17 crosscheck them.

18 MS. HEISLER: So these are all
19 separate.

20 MS. YEANY: Okay.

21 MS. HEISLER: I also have a
22 couple of papers of letters that have
23 been written to the editor, comments
24 from different people that have been
25 posted in support of keeping the

1 Menantico Preserve. That's all I
2 have.

3 You're probably tired of
4 hearing me, us, speaking over and over
5 again giving our different reasons for
6 why this land should be preserved in
7 perpetuity as promised. I want to
8 show you that the -- I want to know
9 how when the very agency with the job
10 of preserving property will listen to
11 the voters, how will transferring this
12 property out of preservation
13 acknowledge your support of the
14 voters' will.

15 I have a map here showing how
16 the land in this area has been
17 systematically preserved and purchased
18 over the last 52 years. I am going to
19 get some help here. This is a piece
20 of land. This offer has been made.
21 This is the Holly Farm property. In
22 1961, this piece was preserved.
23 Number 2, this piece down here has
24 been preserved by the Nature
25 Conservancy. Yellow is where the

1 offers have been made to buy preserved
2 property. The green is owned by
3 NJDEP. The orange is Nature
4 Conservancy. This was preserved in
5 1961. This one was bought and
6 preserved in 1994. This one was
7 bought and preserved in 1996. This
8 one is Nature Conservancy and was
9 bought and preserved in 1999. This
10 piece was bought and preserved in
11 2000, in March of 2000. This is NJDEP
12 land. Number 6, this land is
13 preserved but not owned by NJDEP, I
14 don't think, at this point. It's
15 natural conservancy and it will be
16 transferred. This piece was purchased
17 in 2005. This last piece, this is the
18 one we have been talking about so
19 much, it was bought, purchased by
20 NJDEP in 2013 and preserved and it
21 shows you that this has been a
22 systematic attempt to preserve a lot
23 of properties in this area and it's
24 not like this was just stuck on here.
25 This is an integral part of the

1 property. It should be preserved.
2 This land drains down into the Maurice
3 River and Menantico. It affects the
4 water quality of those properties and
5 everything is downstream from there.
6 So this piece that was the last one
7 purchased almost completes the
8 picture. I don't think we should get
9 rid of it. I think we should keep it
10 as it is. That's all I have. Thank
11 you.

12 MS. BRECHT: Good afternoon.
13 My name is Renee Brecht, B-R-E-C-H-T.
14 I am the Delaware Bayshore program
15 director of the American Littoral
16 Society. We have submitted comments
17 earlier, so these are in addition to
18 the previous comments.

19 First, anytime a federal agency
20 takes a stance on a project and puts
21 up a hurdle, that's news. The U.S.
22 Fish and Wildlife Service has noted
23 that the former Durand property is
24 within the summer range of the
25 northern long-eared bat and provides

1 potential habitat. In October 2013
2 the U.S. Fish and Wildlife Service
3 proposed a listing of the northern
4 long-eared bat as endangered
5 throughout its range under the
6 Endangered Species Act. This letter
7 was sent December 29th from U.S. Fish
8 and Wildlife Service. This means that
9 any future development of this
10 property may require review for
11 provisions under the Federal
12 Endangered Species Act. They further
13 note that there are approximately 75
14 species of nesting, migratory birds in
15 the former Durand area. Since the
16 Migratory Bird Treaty Act, the MBTA,
17 prohibits the taking, the killing,
18 possession, or transportation of
19 migratory birds, their nests or their
20 eggs without Department of Interior
21 authorization. So, as such, any
22 future development of the property may
23 require review under the MBTA as well.
24 From the perspective of PL 38 1993,
25 none of the environmental impact

1 statements to this point have
2 identified the impact that this
3 proposed conveyance would have to the
4 concerns that U.S. Fish and Wildlife
5 Service has noted. From a permitting
6 perspective, this also really amps up
7 the regulatory hurdles any new project
8 would have to face. Further federal
9 restrictions may get you further in
10 likening that this site would be able
11 to be developed.

12 Second, what we are proposing
13 here, what we are suggesting, is that
14 we take this property off the
15 protection list without any pressing
16 need to do so. It's all conceptual at
17 this point. There's no purchaser in
18 form of a developer. The City of
19 Millville has not passed a resolution
20 or an ordinance to acquire this
21 property for development as would be
22 required for purchase. Cumberland
23 County has not passed a resolution or
24 ordinance to require this property for
25 development as it would be required to

1 purchase. Neither of these entities
2 can legally purchase without having
3 passed a resolution or an ordinance,
4 which would require further public
5 input.

6 Millville Urban Redevelopment
7 Corporation has been mentioned a
8 potential buyer, but its future is
9 uncertain as the city officials
10 entertain the possibility of severing
11 ties with the agency. There are
12 certain officials in Millville and in
13 the county who are saying that
14 Cumberland County Improvement
15 Authority is going to purchase the
16 property, but we have not seen
17 anything from CCIA officially stating
18 as such. These officials have not
19 spoken as a public body, only as
20 individual officials. I went through
21 all of the minutes and all of the
22 agendas and all of the resolutions
23 today. Cumberland County Improvement
24 Authority, although it has passed many
25 resolutions and many about purchasing

1 of tracts of land, has not passed a
2 resolution indicating that they will
3 purchase this property.

4 How do we know that this
5 transfer will actually take place?
6 There is no contract purchaser at this
7 time. There may never be. No local
8 government, no public agency has made
9 any public finding of its
10 determinations to acquire the
11 property. This is, from a matter of
12 public perspective, an interesting
13 policy question, because what is posed
14 is an illusory problem. There may
15 never be a public buyer for this
16 property. How do we know CCIA will
17 take this on? Per the railroad
18 crossing agreement recorded as part of
19 the deed from Gillow (ph) to Durand in
20 2002 was to allow for a private
21 roadway to be built connecting Lot 19
22 to Gorton Road. To do so involved
23 crossing of railroad tracks. The
24 agreement specified that Durand's
25 rights were transferable to a

1 subsequent purchaser of the property
2 only if the second to last plan was
3 built on Lot 19. The railroad
4 crossing agreement was not part of the
5 deal in the subsequent sale to the
6 NJDEP.

7 And, lastly, on a technical
8 note, I would like to point out that,
9 while the state did publish the notice
10 in two papers, only one of the papers
11 noticed has distribution in Cumberland
12 County, the Atlantic City Press.

13 Neither of the two major papers of the
14 area, the Daily Journal or the South
15 Jersey Time, ran the public notice.

16 The second notice ran in Essex
17 County's Star Ledger, which does not
18 have distribution in Cumberland,
19 Salem, or Cape May counties. Thank
20 you.

21 MS. YEANY: Thank you. Would
22 you like to hear from Mr. Baker before
23 you give your testimony?

24 MR. BAKER: I will defer. I
25 just walked in.

1 MR. TITTEL: Jeff Tittel,
2 director, New Jersey Sierra Club. We
3 are here today as the nation's oldest
4 and largest conservation organization,
5 because what happens here, I think,
6 has a rippling and chilling effect
7 across the county.

8 When land is purchased for the
9 public good and held in the public
10 trust, there is supposed to be
11 perpetuity. When you have land that's
12 environmentally sensitive that's in
13 the middle of a greenway, again, you
14 know, that's part of the reason why
15 this property was purchased less than
16 two years ago. We have a mechanism in
17 New Jersey to allow the diversion of
18 land; however, when you look
19 historically at those diversions, they
20 have always had a public good or a
21 public purpose, whether it's for --
22 and you may disagree -- and we have
23 opposed many of them, whether it's for
24 a fire station or a senior citizen
25 development or a new government

1 building of some form or even a
2 utility line or a gas line or an
3 electric line, there's a public
4 purpose and a public utility or a
5 public benefit that's part of it.
6 There's nothing here. In fact, you
7 know, DEP should be playing, you know,
8 What's My Line, like, who is the owner
9 going to be? How can you divert
10 property for sale when you don't even
11 have an identified owner? It makes
12 absolutely no sense. It's not even in
13 the statute. There's no reason that
14 whatever could be built here could not
15 be built somewhere else. When you
16 look at the zoning and the vacant land
17 in Millville, Millville is known for
18 more than 56 million square feet.
19 There is plenty of land. For people
20 that don't understand 56 million
21 square feet, it's about 48 Cherry Hill
22 Malls, if you want to give yourself a
23 visual, that's out there. We have
24 heard this story before. We have
25 heard it with the race track, we have

1 heard it with Holly Farm, and now we
2 are hearing it again.

3 The reason Millville has its
4 economic problems -- and it does and
5 no one is going to say it doesn't --
6 is because they don't understand the
7 wonderful resources that they have, an
8 international flyway, along the
9 Delaware Bayshore, a world renown
10 place, along the Maurice River, wild
11 and scenic. Instead of embracing that
12 environment that's around them and
13 building on that, as many communities
14 around this country have and the
15 Sierra Club has been involved with,
16 have used that as an economic model.
17 And Millville has done some nice
18 things with their art district, but
19 they also need to look at the ecology
20 around it as part of that economic
21 message. Sprawl around beautiful
22 wetlands and bio-diverse habitat does
23 not encourage ecotourism and having
24 another pipe factory does not. That's
25 the point, they are not even coming,

1 but yet we are going to divert this
2 land. There are plenty of places for
3 that development to go, but the new
4 development should be compatible to
5 what is here.

6 What's more important -- and I
7 think this is why we are here -- if
8 this state at this time can divert
9 this piece of property, there is no
10 parkland anywhere in this county
11 that's not jeopardized, because if you
12 can justify and rationalize this
13 perversion, because it's not a
14 diversion, then you can do anything.
15 That means, you know, you can turn
16 Ringwood Manor into a Marriott, you
17 can turn, you know, Batsto into, you
18 know, a rodeo facility. Go down the
19 list. Pick a place. I think that's
20 the problem. Liberty State Park could
21 become another Meadowlands Arena, and
22 that may be happening sooner than we
23 realize. The point that I am making
24 is that, once you start giving away
25 this land that's held in the public

1 trust, you break that trust and
2 anything can happen.

3 There is another very important
4 piece here. This is not about
5 Millville. This is about property
6 rights. The owner of this property
7 could have sold it to the town, could
8 have sold it to the improvement
9 authority, could have sold it to a
10 developer. They chose to sell it to
11 open space. So if the DEP does not
12 want this property, maybe it should
13 revert back to the original owner, at
14 least then they would have the
15 property that they wanted to preserve
16 back, versus now being sold against
17 their wishes for some other purpose
18 that we have no idea what it is going
19 to be. It could be an asphalt plant.
20 We have no idea. Because there is no
21 proposal, we have no idea who the
22 owner is going to be and we have no
23 idea what is going to go here and
24 that, to me, is a travesty.

25 MS. YEANY: Thank you. We are

1 going to hear from Mr. Baker from
2 Cumberland County. As I mentioned in
3 the beginning, I didn't go into detail
4 as far as the proposed rationale for
5 the conveyance because I knew there
6 was representative from the county
7 here to state their case. So go
8 ahead.

9 MR. BAKER: Thank you. Good
10 afternoon. I am not going to stand
11 here and try to reiterate what I have
12 spoken about on two prior occasions,
13 once in this room and once in the City
14 of Millville.

15 The articulation of the reasons
16 why this property is so valuable to
17 the county and to the city I think are
18 well substantiated and they're well
19 set forth. I am not going to
20 reiterate. I would want to sing to a
21 choir that perhaps is singing the same
22 tune. But the matters are of record
23 with respect to the importance that
24 this property holds for the county and
25 for the city. Thirty-eight percent of

1 Cumberland is preserved and
2 restricted. Cumberland County has
3 been really a leader in trying to
4 protect its properties. This was
5 industrially zoned, it has always been
6 industrially zoned. At least half of
7 the property, it was converted in
8 2005. You have rail sighting, it's
9 water and sewer, it is along the
10 restricted access four-lane road, it
11 has local highway access, the point
12 that Ms. Brecht made about the
13 Winchester and Western Railroad has
14 been addressed and they would endorse
15 the ability to receive additional
16 customers.

17 Now, the property has shown
18 great -- unfortunately, we have no
19 other property in the county that
20 meets this type of criteria. It is
21 the only property of this size and
22 it's adjacent to a four-lane
23 restricted access road. We have no
24 other property that has rail sighting
25 of the same size in the same

1 proximity. We have no other property
2 that's already water and sewerred. It
3 is zoned planning area three. It has
4 been zoned industrial. It has been
5 marketed that way. Put simply, we
6 didn't know that this property was in
7 play to be purchased.

8 So to address Mr. Tittel's
9 concerns is only to say that if
10 Millville can have that kind of
11 influence in Nebraska or Wyoming to
12 derail preservation, then it is a much
13 more remarkable city than we have come
14 to learn and expect in Cumberland
15 County; however, we had no such
16 intention. We have over a 13 percent
17 unemployment rate in Cumberland
18 County. We are desperate. And we did
19 have a developer look to provide jobs
20 and we continue to try to achieve that
21 goal.

22 The answer to the question of
23 who will purchase the property is --
24 that's a forgone conclusion. It's
25 either going to be the City of

1 Millville, the Millville Urban Renewal
2 Organization with the assistance of
3 the Cumberland County Improvement
4 Authority and even the County of
5 Cumberland. We believe that it is
6 that critical to try to maintain an
7 economic base. I've argued before,
8 you can have no preservation without
9 prosperity. If we cannot muster our
10 resources to protect ourselves, our
11 economic base, our schools, our health
12 systems, our infrastructure, our
13 neighborhoods, then we don't leave
14 much in the way of resources to
15 otherwise protect the property.

16 We have worked with the
17 American Littoral Society. We've
18 worked with the environmental groups.
19 We are well aware of the Baribons (ph)
20 Road and how much money the county put
21 into that. But if I take the argument
22 that's been advanced that by allowing
23 this property to revert back would
24 constitute such a gross aberration and
25 set such a perverse example, then

1 let's turn the argument on its head.
2 Why not acquire parcels in the middle
3 of town? Why not disrupt the ability
4 to create a downtown improvement
5 district or to prevent the city from
6 expanding into areas that have already
7 been slated for commercial
8 development? That tends to be a
9 problem for the local governing
10 bodies, because we need to take into
11 account, how do we pay for services,
12 how do we pay for schools, how do we
13 preserve our neighborhoods and
14 preserve the quality of life. There
15 has to be a balance. We recognize
16 that. We want to try to achieve that
17 balance. But we do not have the
18 opportunity to replace this property
19 and the opportunities that we believe
20 could flow from it. So there is a
21 defined goal, there is a defined
22 desire on part of the governing bodies
23 locally. Without being able to
24 accomplish something to assist with
25 regard to the economic conditions that

1 our town is facing, we will not be
2 able to sustain the existing
3 infrastructure environment that we
4 have, natural or artificial.

5 So that's why I am here again,
6 to simply recapitulate and to readopt
7 everything that we have said before.
8 It's not a matter with respect to
9 which we feel that contentiousness
10 between groups that can and should
11 work together should arise, but one
12 where some understanding that the
13 exclusion of the public entities who
14 are being impacted from this process
15 shouldn't take place. On review, the
16 department recognizes why the county
17 and city were so intent on trying to
18 preserve the ability to change that
19 economic climate that has turned so
20 sour for us. So we welcome the
21 opportunity to work in the future, but
22 we do request some balanced
23 perspective with regard to what we are
24 trying to do here and why at least be
25 considered. We thank everyone for

1 their patience with us and I thank the
2 department for the opportunity to
3 speak here again and anyone that has
4 an opposing view. We welcome the
5 public process and endorse that in all
6 stages from the Green Acres process
7 here and by any other means we can
8 achieve that goal. We think that's
9 imperative. Thank you very much.

10 MS. YEANY: Thank you.

11 MR. GALETTO: My name Jane
12 Morton Galetto and I represent
13 Citizens United to Protect the Maurice
14 River. First of all, this property
15 was for sale for many years and the
16 City of Millville had many
17 opportunities to purchase it, did not
18 purchase it because they probably
19 didn't want to take it off the tax
20 bill. So the opportunity was there
21 for many years for them to purchase
22 it. They neglected to purchase it.

23 As far as suggesting that all
24 of these public entities support it,
25 in order for them to support it there

1 would have to be a record of a vote,
2 there would have to be a record of
3 resolution, there would have to be a
4 record of discourse within the entire
5 body for that to be so. So there was
6 no vote. There was no resolution.
7 Furthermore, there was a vote in
8 November of 2014. There was a public
9 mandate to continue to preserve
10 properties in New Jersey, that's when
11 the people voted, but our public
12 bodies have not voted for this
13 property.

14 Further, as was pointed out to
15 you, this property is well suited for
16 preservation as it is preserved by --
17 surrounded by a lot of preserved
18 space, as you already heard. In fact,
19 there is approximately 4,000 feet of
20 the property that are surrounded by
21 preserved space and about a little
22 less than 800 feet of the property
23 that's on the railroad. The railroad
24 has had only a private passing that
25 was given in deed, so that it would be

1 for one property user, so 80 acres on
2 the property is another diversity of
3 users and that would still have to be
4 achieved from the railroad. So we
5 don't have anything or anything to
6 show that. So, in fact, what you're
7 doing is you're supporting something
8 speculative rather than all of the
9 lands that we have in our area that
10 need to be redeveloped, the many
11 brownfields that we have and the many
12 available spaces that we have that are
13 not surrounded by public space on
14 three sides or adjacent to wild and
15 scenic rivers.

16 So I think, you know, we have
17 already given testimony a couple of
18 times on this process and it is mind
19 boggling to me from the beginning the
20 things that we have had to testify as
21 this process has unfolded, because I
22 would think that the DEP has a very
23 specific mandate and a very specific
24 mission, is to protect the resources
25 of our state. These kinds of

1 discussions open the door to the
2 possibility that every piece of
3 property that is thought to have a
4 greater use as dictated by some type
5 of speculative, not even specific
6 development, is up for grabs. That
7 means that every politician in the
8 state is going to be approached by
9 many different multitudes of
10 developers to give up just a little
11 bit or maybe just a lot of bit of the
12 protected space that we've all worked
13 very hard to protect as environmental
14 groups in the state. So that's very
15 disturbing, that we would even be
16 having these discussions that could
17 possibly open that door. And it's
18 worrisome to me that we should even
19 have to be here or take our time and
20 resources to come up from Southern New
21 Jersey to say these things at a
22 hearing where varied people that are
23 listening to us and have constructed
24 this idea should be at the microphone
25 saying the same things we are saying.

1 I have a feeling that the staff would
2 be. So I'm not really sure at what
3 level these ideas get perpetrated, but
4 it's very upsetting, because I think
5 it's the same kind of staff levels
6 where there are not mandated
7 resolutions, where there are not
8 plans, specific plans that certainly
9 are known by the public.

10 So with that, I would just like
11 to say that I feel sorry for the
12 people at Green Acres that work hard
13 to construct this kind of wonderful
14 greenways, these kinds of connections
15 throughout our state that retire and
16 then have to attend hearings like this
17 to hear what people are trying to undo
18 that they worked so hard to do. I
19 feel for you to have to come and
20 listen to us when I know you could
21 speak at this mike, Judeth and Kurt
22 and anyone that's worked at Green
23 Acres, better than I have. Thank you.

24 MS. YEANY: Thank you. I am
25 going to take Jerry next.

1 MR. STOUT: Jerrold Stout. I
2 was employed as a land acquisition
3 negotiator in the state acquisition
4 with the Green Acres program and NJDEP
5 from 1985 until I retired in 2002.
6 The sale of the 80 acres at Menantico
7 Ponds area to the city of Millville
8 should not be allowed. During the
9 time as a negotiator, I was one of the
10 negotiators in state acquisition who
11 handled the purchase of land for open
12 space preservation in the South Jersey
13 region. With every purchase of land I
14 was involved, the landowner had an
15 understanding that the land they were
16 selling to the state of New Jersey in
17 this program would be preserved
18 forever. In some cases, the landowner
19 would only agree to sell the land if
20 they were promised that the land would
21 be preserved forever. This proposed
22 land sale goes against that promise.
23 All of the reasons presented in this
24 case to preserve the land should be
25 weighed against the reasons to sell

1 the land. It is easy to see that the
2 reasons to preserve the land far
3 outweigh the reasons to sell the land.

4 MS. YEANY: Thank you.

5 MS. GALIE: I know I am going
6 to have to spell my name, because it's
7 Apolonia Galie. First name is
8 A-P-O-L-O-N-I-A, Galie, G-A-L-I-E.
9 Most people call me Pol. I was
10 recently elected president of the New
11 Jersey State Federation of Sportsmen's
12 Club. In that capacity, I represent
13 150,000 hunters, trappers, outdoor
14 folks and recreational people and many
15 of them are in Salem, Gloucester, and
16 Cumberland County, where I volunteer
17 for quail restoration. I am here
18 today to tell you that it should be
19 protected forever. That was the deal
20 we made as conservationists and we
21 stand firmly against the sale of this
22 Durand property. It is preserved. It
23 should remain preserved. To violate
24 this trust of the people who trusted
25 the state to protect this land is a

1 dangerous precedent. I see Mr. Tittel
2 has left, so I can say this. We don't
3 often agree on many things, but we
4 agree 150 percent on what he said
5 today, because you cannot unturn the
6 shovel. You cannot take it back once
7 that decision is made. That is truly
8 a forever decision that -- it just can
9 never be repaired. Everything is
10 different. We are fighting so hard in
11 so many areas for invasive species and
12 for other things that man has done and
13 I think that this would be a travesty.
14 On behalf of the federation, our
15 members, our member clubs, I would
16 urge you not to sell this property.

17 MS. YEANY: Thank you.

18 MR. DEVITO: Thank you. My
19 name is Emile, E-M-I-L-E, last name
20 DeVito, D-E, capital V, I-T-O. I am
21 not going to repeat a lot of points
22 that have already been made.

23 I am from the New Jersey
24 Conservation Foundation. I am the
25 manager of science. Of course, one of

1 our main concerns is the public trust
2 issue that has been spoken about
3 eloquently by a number of speakers. I
4 won't delve into that. What I do want
5 to do is add to some of the scientific
6 information that I presented the last
7 time we were here in Trenton regarding
8 some threatened endangered species
9 issues.

10 This jigsaw puzzle is really
11 fascinating, because one of the
12 concerns that we have is that if this
13 land is sold and Green Acres gets some
14 money based on the acreage and the
15 value, that money ostensibly is to
16 replace the lost natural resource
17 value, but when you remove this piece
18 of land, like I have just done, the
19 former Durand property, the impact
20 isn't just on this piece of land, on
21 this 80 some odd acres. The impact
22 spreads great distances into the
23 surrounding preserved land and we are
24 not getting a return on that value
25 based on this proposal. Not only are

1 we not getting a return on that value,
2 given the fragility, the sensitivity,
3 the importance of this complex of
4 preserved land on the edge of the
5 Southern New Jersey Pinelands, there
6 is no way to replace this lost value,
7 because there's no other site of this
8 importance in the region. So when you
9 lose 80 acres here that has impact
10 spreading into the surrounding land,
11 there's no way to replace the value,
12 the ecological value, the natural
13 resource value, the endangered species
14 value. So that's one important point,
15 that we are not getting a fair return
16 on the value and the public trust is
17 being violated.

18 Now, last year I did some
19 surveys on the site in the springtime
20 and I already presented that data, a
21 number of special concern bird species
22 nest there, Green Acres program, the
23 state house commission, DEP
24 commissioner are all supposed to
25 evaluate the impacts and loss of those

1 natural resources in considering this
2 proposal. We even have documentation
3 from the DEP staff to the Green Acres
4 program -- it's part of the record --
5 where DEP staff indicated that in the
6 acquisition of the property that it's
7 a pine snake paradise and that it's an
8 excellent habitat for pine snakes. In
9 fact, I and Jane Galetto -- she was
10 with me last spring -- we found a pine
11 snake on the site in what appeared to
12 be very good nesting habitat. We
13 didn't actually find the nest, but I
14 only searched for a few hours. I am
15 on the Endangered and Nongame Species
16 Advisory Committee along with Jane
17 Galetto. I have been doing pine snake
18 research in Bass River State Forest
19 with Joanna Burger of Rutgers
20 University since 1991 on the longest
21 pine snake research study, in fact,
22 probably the longest long-term study
23 of any snake species in the world. So
24 I am an expert on pine snakes in New
25 Jersey and in the New Jersey Pine

1 Barrens. I have a PhD in ecology and
2 I definitely spend a lot of my time
3 researching pine snakes, not only with
4 Joanna Burger, but working with Kris
5 Schantz of the Endangered and Nongame
6 Species Program staff of the DEP. I
7 have been studying pine snakes at the
8 Franklin Park Reserve owned by the New
9 Jersey Conservation Foundation in
10 Chatsworth.

11 Now, the point that I want to
12 make is that we have a very similar
13 situation in Chatsworth, where we have
14 an area of critical habitat for
15 nesting and hibernation of north pine
16 snakes and it's very close to a county
17 highway, right next to the village of
18 Chatsworth. We have been radio
19 tracking pine snakes with the
20 cooperation of the endangered species
21 program in that vicinity now for about
22 six years and we have followed adult
23 pine snakes to nests and hibernacula
24 within one or two tenths of a mile a
25 major county highway, not unlike the

1 major barrier here posed by Route 55.
2 Now, I'm sure -- I believe I've seen
3 some documents where it was presented
4 by the applicants who want to purchase
5 this land, some biological consultant
6 stated that this wasn't the best
7 habitat, there were flaws with the
8 habitat, that, you know, the forest
9 wasn't quite the right nature. I
10 completely disagree with those
11 comments. Not only that, you will no
12 doubt in the future, as this issue --
13 if this issue continues, you will hear
14 additional biological consultants
15 state that for some reason this
16 property is not valuable because it's
17 too close to the highway or because
18 it's on the edge and there is impacts.
19 Now, that's true, that that Route 55
20 access is a barrier. Certainly, pine
21 snakes are not crawling from this
22 property into the city of Millville,
23 to the west. But the one thing that
24 our radio tracking investigations does
25 show -- and we have radio tracked a

1 few dozen pine snakes in Chatsworth --
2 is that they used the habitat almost
3 right up to the barrier for
4 hibernation and nesting and it's
5 traditional habitat. They go to those
6 places because their ancestors went to
7 those places. When they go to those
8 places, if young hatch out of a nest,
9 some of the young head west and get
10 run over on Route 55 and they get lost
11 from the population. But the young
12 that head east into Menantico Ponds
13 and into the Nature Conservancy
14 preserve and pine snakes go two or
15 three miles during the course of the
16 summer, once they establish that
17 route, they do it every year for the
18 rest of their lives, for up to a few
19 dozen years. One of our pine snakes
20 in Bass River was over 30 years old.
21 And they follow the same route. And
22 so even nests and winter dens that are
23 located within a very short distance
24 of the industrial park and Route 55
25 are critical habitat and they are

1 providing snakes to the population,
2 snakes that are going to go venture
3 from west to east and back and forth
4 and do it the same throughout their
5 entire lives and contribute to the
6 population. So this is critical
7 habitat. It doesn't matter that it is
8 on the edge. It's contributing to the
9 natural resource value of this
10 incredible array of open space that
11 Green Acres has been putting together
12 for 30 some odd years and groups like
13 Citizens United and others have
14 been -- I am not going to mention
15 everybody, but everyone in this room
16 almost has been working tirelessly to
17 preserve this landscape. To take this
18 piece out of it and have impacts reach
19 across the landscape is paramount to a
20 disaster for the Green Acres program
21 and what it stands for.

22 I think that's all I have to
23 say, except that I just want to
24 mention that since the last set of
25 hearings the Fish and Wildlife Service

1 has already stated today, has looked
2 carefully at the property and their
3 conclusion is that is this piece of
4 property offers a distinctly unique
5 forested habitat not found elsewhere
6 in these lands. The property provides
7 habitat highly suitable for the
8 northern long-eared bat, as well as
9 other nesting migratory birds, many of
10 the special concern species that I've
11 already said and other wildlife
12 species that utilize this upland
13 forest. I think it's very important
14 for the Green Acres staff and
15 administrators to consider that in
16 evaluating this proposal. Thank you.

17 MS. YEANY: Thank you.

18 MS. DELAPUENTE: Hi. My name
19 is Noemi de la Puente and I'm from the
20 New Jersey Environmental Lobby. My
21 name is spelled N-O-E-M-I, last name,
22 is De La Puente, D-E, space, L-A,
23 P-U-E-N-T-E. I think's harder than
24 Apolonia.

25 I am here as the executive

1 director of the New Jersey
2 Environmental Lobby. We have members
3 in our organization across the entire
4 state. I thank you for the
5 opportunity to be able to speak here
6 this afternoon on Block 578, Lot 19 in
7 Millville, New Jersey, the Durand
8 parcel.

9 So I will just give you the
10 Cliff Notes. The New Jersey
11 Environmental Lobby opposes the sale
12 of this property. There is no end
13 buyer. This is a speculative
14 transaction. Selling it for
15 industrial purposes undermines the
16 possibility of Millville positioning
17 itself as a weekend day trip getaway
18 for the Philadelphia metro area. This
19 map is a very small vision but
20 important vision of the world, because
21 up there -- to scale up there is
22 Philadelphia. It's one hour away from
23 Millville. Millville stands to be a
24 great sort of day trip or weekend
25 getaway spot for Philadelphians, who

1 do not have any open space. The
2 Menantico River Creek is a tributary
3 to the wild and scenic Maurice River.
4 It has a long history of fishing, of
5 oyster beds. Millville is probably
6 better off creating an economy based
7 on ecotourism and recreation. It
8 offers beautiful natural areas. It is
9 well poised to redevelop the downtown
10 area where shops and attractions are
11 located within walking distance of
12 each other and right now walking
13 distance is really popular. It's a
14 great feature for any weekend or day
15 trip kind of getaway spot, rather than
16 just another industrial site, which
17 will employ fewer people and degrade
18 the habitat area that makes the
19 Millville area so unique, like the
20 Menantico Creek tributary to the wild
21 and scenic Maurice River, the
22 Menantico Ponds and wildlife
23 management area, et cetera. These are
24 things that other urban areas just do
25 not have and will probably never have.

1 People there are hungry for this kind
2 of activity. If you are an hour away,
3 it's a really easy sell. In fact, I
4 just Googled Menantico and Maurice
5 River, Millville, New Jersey and I got
6 this five star review from Yelp. For
7 those of you who are not familiar with
8 Yelp, Yelp is an Internet service that
9 provides rankings and ratings.

10 Everybody who joins Yelp can post
11 their own reviews of the restaurants
12 or the attractions that they go to.
13 So this is the five star review for
14 Maurice River Cruises, Millville, New
15 Jersey:

16 The new location is Ware Avenue
17 in Millville at the municipal marina
18 on the Maurice River. The town of
19 Millville is undergoing a renaissance
20 and a great way to learn the history
21 of the area and the part it played in
22 the building of New Jersey is to spend
23 a couple of hours with Captain Dave
24 and First Mate Tom on this comfy and
25 stable pontoon boat. The

1 advertisement says eagles guaranteed
2 and the ad does not lie. We saw at
3 least six eagles, some roosting in
4 trees and some wheeling overhead or
5 some swooping through the air above
6 the river. The river itself is quite
7 beautiful. Nature conversancy
8 purchased a huge piece of riverfront
9 land which will always be wild. We
10 plan to go back with our kayak and
11 explore at our leisure. Nature lovers
12 and history buffs will find a lot to
13 do in this area. You definitely want
14 to make this cruise a part of your day
15 trip plan.

16 So if we keep the Durand tract
17 wild and we keep it as open space,
18 this is more the future of Millville
19 than another depressed sort of
20 industrial town that's trying to claw
21 its way back. I think it is bad
22 planning to take this property off the
23 Green Acres list that is adjacent to
24 the Menantico Ponds Wildlife
25 Management area when there are many

1 other properties for sale in
2 Millville. I think brownfields should
3 be the priority for redevelopment.

4 There's a railroad right of way
5 and other access concerns that have
6 historically made this property hard
7 to sell. The property has a sewer.
8 It's 80 acres. Only a single user can
9 use the property because of the
10 railroad right of way. The right of
11 way was given specific to Durand, so
12 it's questionable or speculative if
13 the property is even accessible,
14 unless you want to go through the
15 Nature Conservancy land or the get
16 right of way from the railroad.

17 I have actually a list of ten
18 industrial commercial properties for
19 sale in Millville that are
20 opportunities for developing in
21 Millville the industrial area. I have
22 a list of eight commercial industrial
23 buildings that are also for sale in
24 Millville, but I will spare you the
25 burden of reading through those 18

1 properties. This land is surrounded
2 by exempt land and is bordered by
3 Route 55. It's the last part of the
4 land that can be effectively used for
5 habitat for endangered and threatened
6 species and our colleague, Emile
7 DeVito, went over that in much more
8 detail than I ever can.

9 The DEP's own 2008 Wildlife
10 Action Plan called for the protection
11 and acquisition of pinelands type
12 forests in the Menantico River and as
13 far back as 1991 the local management
14 plan for the Maurice River placed the
15 Durand track within Critical Area One.
16 The property is on the
17 Kirkwood-Cohansey aquifer recharge
18 area. The majority of the voters in
19 Cumberland County favored open space
20 on Question Number 2. In 2014,
21 another colleague mentioned, we
22 collected over 900 signatures as a
23 show of support for keeping the
24 property part of the wildlife
25 management area.

1 So Green Acres is not a mandate
2 for the DEP to act like a real estate
3 speculator. I think that, given what
4 Millville has, that concentrated
5 downtown area where everything is
6 within walking distance, this lies a
7 little bit further afield. According
8 to the map that I saw, it makes sense
9 to work with what you have. You have
10 a beautiful natural area that will
11 attract tourists from all over the
12 region, from the urban areas all over
13 the region. I mean, there is many
14 cases of countries, for instance,
15 Costa Rica, using ecotourism as a way
16 of economic stability folded in with
17 some other industries.

18 I'm just urging Millville, the
19 city, to use what you got. You got
20 this great downtown nucleus. You
21 could use the Soho model of real
22 estate development, where you bring in
23 the arts and you renovate these cool
24 historic buildings. It's a proven
25 success. At least look at New York

1 City, what they are doing with the
2 arts and renovating their urban areas.
3 This is far afield something beautiful
4 and unreproducible and it should be
5 left as it is.

6 The New Jersey Environmental
7 Lobby really your urges DEP to
8 consider holding onto this and keeping
9 it wild and not letting the fact that
10 Route 55 is right there sway the
11 decision. So thank you for the
12 opportunity to speak.

13 MS. YEANY: Thank you.

14 Mr. Moss.

15 MR. MOSS: Hi. Robert Moss. I
16 am the Green Acres issues coordinator
17 for the New Jersey chapter of the
18 Sierra Club. I want to approach this
19 today from a point of view of
20 commonsense, I hope.

21 There is hardly -- you could
22 not find anyone who could stand up
23 here who knows anything about Green
24 Acres and say that the purpose of the
25 program is to buy land and sell it

1 later, whether it's 50 years later or
2 four years later. The bond acts going
3 back to 1961 all specify we do not
4 have enough open space. The amount we
5 have now is not sufficient. I have
6 all these at home. After my last
7 visit to the law library, I don't have
8 to look them up anymore, Rutgers law
9 library. We don't have enough. We
10 need to buy more before the price goes
11 up. This wording is repeated all the
12 way up through the most recent one,
13 which was sometime in this century --

14 The purpose is to increase the
15 amount of open space. Given that
16 background, given that premise, we
17 can't be just selling this land off.
18 The DEP has written regulations for
19 county and local governments, which
20 the major thrust of them is, again,
21 commonsense. It's required by this
22 concept of always increasing the
23 amount of open space. County and
24 local governments are severely
25 restricted from diverting land to

1 begin with and, if they do divert it,
2 they are under strict requirements to
3 give good replacement land. Now, as
4 an aside as Judeth knows, the Sierra
5 Club has taken issues with the
6 details, but the concepts are there
7 and they're sound. It's irrational
8 not to apply these same concepts to
9 the state. The state is using the
10 same Green Acres money that the county
11 and local governments do. It's from
12 the same bonds acts. The source of
13 funding has changed now, but the
14 purpose of the program has not. So
15 it's under the same requirements. If
16 the county and local governments are
17 severely restricted from diverting the
18 land, they have to provide good
19 replacement land. Commonsense says
20 the state also is under that
21 obligation. Now, just to cover two
22 aspects of this. The regulations say
23 for county and local governments,
24 there must be no feasible or
25 reasonable alternative. Again, by

1 commonsense, it has to apply to the
2 state. So if we look at Millville
3 and -- and of course the alternative
4 industrial sites are not on here --
5 but what we find over and over again
6 and in this case is, it's not that
7 there is no alternatives, it's just
8 they are not as good as that site
9 there. And, again, I appeal to
10 commonsense. Of course they are not
11 as good in the eyes of Millville and
12 Cumberland County, because if they had
13 a site they liked better they wouldn't
14 be going to the state and asking for a
15 diversion. So it's always going to be
16 true. Ninety-nine point four
17 one-hundredths percent of the time,
18 it's got to be true, whether it's the
19 county, the municipality, or the state
20 is the ownership of the land in the
21 case that the state doesn't have its
22 own industrial plants but they are
23 catering to somebody who claims to.
24 It's the preferred alternative. This
25 little piece is the one we like best,

1 and of course it is. So if we allow
2 decisions to be made on this basis,
3 you have a prescription for one by one
4 selling off all of our open space,
5 because whenever somebody wants to
6 develop, it's a local government for a
7 hospital, it's to sell it to the
8 improvement authority for a glass
9 plant or whatever it may be, we don't
10 know, one by one, these will come out
11 and, as the state reaches buildout,
12 everyone is going to be casting their
13 eyes upon our public open space,
14 supposedly preserved. Again, I refer
15 you back to the bond acts.
16 Commonsense. So if we allow, just
17 because it's the preferred
18 alternative, it's our favorite
19 location, the others are more
20 expensive, or this piece is already
21 developed, that's always going to be
22 true. So they are always going to be
23 taking open space and, guess what, at
24 a certain point there won't be any
25 left and then you're still going to be

1 faced with the same problem, it's more
2 expensive, it's already developed.

3 The other aspect I want to
4 touch on now is alternative sites --
5 well, actually, I did. I'm sorry.
6 Replacement land. The regulations
7 purport to be very strict. We have
8 issued comment. We submitted comments
9 where they are in details. Maybe not.
10 But the replacement land is supposed
11 to be the same quality as what's being
12 diverted. We prefer to say
13 substantially equivalent in terms of
14 conservation and/or public outdoor
15 recreation value. One of the aspects
16 of this, Emile was talking about,
17 particularly Emile, is contiguity
18 or -- what is the other word --
19 fragmentation. What we are seeing as
20 the state reaches buildout, you are
21 getting fewer and fewer places where
22 you can just buy all that sort of
23 land. Those opportunities are
24 disappearing. So what we are seeing
25 is the replacement land being offered

1 is being more and more fragmented. We
2 did a numerical analysis. What they
3 are offering is fragmented. What is
4 being offered here, we don't know.
5 But, again, it's commonsense. The
6 bond acts don't say you can't fragment
7 the land or degrade it, but whoever --
8 who is going to claim that all the
9 people from 1961 on -- and I don't
10 have the list in my head -- the next
11 one was something like 1971 and some
12 of them were a few years apart -- who
13 is going to claim that the voters in
14 New Jersey -- and again this last
15 November voting for the corporate
16 business tax assignment -- who is
17 going to claim that they were doing
18 this so that the land can be
19 fragmented 50, 40, 20, four years down
20 the line into smaller parcels and
21 which may also be otherwise inferior
22 also and often under already some sort
23 of protection. One of the problems,
24 as people know here, with Holly Farms,
25 a lot of that, it's not fully

1 protected like Green Acres, but it's
2 wetland, that's severely restricted.
3 So nobody is going to stand up here in
4 their right mind and say the Green
5 Acres program anticipates degradation
6 through diversion and inferior
7 replacement land. So not only does
8 the state not know what the
9 replacement is, but again,
10 commonsense, look around, we are
11 reaching buildout. You just don't
12 have that many opportunities. I would
13 like to pull this out again. This is
14 a piece -- for the record, I am
15 pulling out the Durand piece. If
16 there were another opportunity like
17 this, with all this land -- actually,
18 there's a corridor almost up to this,
19 so I am indicating all the protected
20 land here -- if there's another
21 opportunity, doesn't have to be the
22 exact same boundaries, but if there is
23 a place where there's a hole in the
24 existing preserved space and you can
25 fill that hole, that might satisfy the

1 requirements, but where are we going
2 to find that? The DEP is not going to
3 find this kind of an opportunity where
4 they can plug a hole in a vast amount
5 of open space. If you do, excellent.
6 But, you know what, we just have a
7 promise, we are going to buy
8 replacement land, that's all we have.
9 Commonsense says that is not
10 sufficient. Commonsense says, the
11 state house commission should not vote
12 on this not knowing what the
13 replacement land is. Thank you.

14 MS. YEANY: Thank you.

15 MS. EMDE: I'm Madeline Emde,
16 representing the New Jersey Audubon
17 Society. The New Jersey Audubon is a
18 privately supported nonprofit
19 statewide membership organization with
20 over 20,000 members. We are one of
21 the oldest independent Audubon
22 societies and we work to protect New
23 Jersey's bird, animal, plants, and
24 especially threatened and endangered
25 species. I am just going to go over a

1 few of the reasons why we oppose the
2 sale of this property and will be
3 submitting more detailed written
4 comments. Some of the main topics
5 will be things we have already hit on,
6 the conservation value, economic value
7 of the natural land as they are, and
8 impact into the public trust.

9 This property was acquired
10 because of its proximity to the larger
11 conservation tracts, which we have
12 seen here, and its tremendous natural
13 resource value. It's surrounded by
14 conservation lands on several borders
15 and is part of the Menantico Ponds
16 Wildlife Management Area. It's a
17 component of much larger tracts,
18 including unique flora and fauna of
19 the Pine Barrens and the Delaware
20 Bayshore forest regions. In the
21 March 2014 DEP report of the proposed
22 sale of the land, it acknowledged that
23 a disadvantage of the sale would be
24 the loss of extension of the existing
25 border of this wildlife management

1 area to Route 55 which this property
2 provides. This currently provides a
3 buffer from the highway and reduces
4 potential and future encroachments to
5 the wildlife management area.

6 The evaluation of the potential
7 economic gains from the proposed land
8 sale neglects to consider the economic
9 benefits provided by the existing
10 preserved lands. In a recent report,
11 the Outdoor Industry Association notes
12 that in New Jersey alone that outdoor
13 recreation contributes 17.8 billion in
14 consumer spending, 6.1 billion in
15 wages and salaries, and 1.3 billion in
16 state and local tax revenues.
17 Additionally, the diversion for
18 private industrial use is
19 inappropriate and violative of public
20 trust by undermining current and
21 future open space preservation
22 efforts.

23 As we mentioned, before New
24 Jersey voters have overwhelming
25 supported the open space preservation

1 and this past year voted to support
2 sustainable funding for preservation
3 efforts. Then, lastly, the equivalent
4 parcel of open space does not
5 guarantee and -- the proposed
6 diversion take place. The
7 implications of the sale are much
8 greater than the parcel in question.
9 So, again, we will be submitting full
10 comments. Thank you.

11 MS. YEANY: Thank you.

12 Mr. Peifer.

13 MR. PEIFER: Good afternoon.

14 My name is Dave Peifer. I am the
15 project director for the Association
16 of New Jersey Environmental Commission
17 and prior to that I was executive
18 director of the Upper Raritan
19 Watershed Association, where we did
20 numerous land preservation
21 transactions.

22 MS. YEANY: Spell your last
23 name.

24 MR. PEIFER: P-E-I-F-E-R. It's
25 the German version. I wanted to talk

1 to you today about the same things I
2 talked to you before about on this
3 application. The first one being the
4 difference between the public trust
5 and the trust of the public. You have
6 to deal with both of those issues
7 here. Let's talk a little bit about
8 the trust of the public and what it
9 has done for New Jersey and what can
10 be built on public trust so you
11 understand its value.

12 Since 1961, every Green Acres
13 bond issue, every Green Acres funding
14 mechanism has been overwhelmingly
15 approved. We just went through the
16 process again. We went so far as to
17 amend the constitution of the state of
18 New Jersey in order to get open space.
19 This was not the usual route, but the
20 folks said let's do it and all 21
21 counties supported it, about
22 64 percent of the vote. So there's no
23 shortage of public trust in government
24 agencies acquiring land, whether it's
25 their municipality, their county, or

1 the state itself through direct
2 acquisitions. But I'm also aware of
3 the fact that there's a possibility
4 that the value of that trust can be
5 lost.

6 As director of the watershed
7 association, I was routinely
8 approached by people who said that
9 they wanted to execute a conservation
10 easement with the watershed
11 association because it did not trust
12 the government. Now, what they didn't
13 know was that ultimately, under the
14 law in New Jersey, that government is
15 the guarantor of those conservation
16 easements. That reputation of a
17 trustworthy partner as a guarantor of
18 the public trust is something that
19 should be mindfully considered in
20 making this decision. This is not a
21 small piece of land stripped off to
22 widen the highway. This is not a
23 small piece of property necessary to
24 create a pipeline right of way,
25 although I am not so sure that's a

1 great idea either. And, more
2 importantly, we talk a lot about
3 value, we need to have value for
4 value, whether it's dollars and cents
5 for an appraisal. I don't know what a
6 real estate agency trains an appraiser
7 to say how much a pine snake is worth.

8 There are some other things
9 that this property does besides
10 provide wildlife habitat, complete a
11 greenway corridor, and all the other
12 things that have been mentioned here
13 today. It's a major groundwater
14 recharger for the Kirkwood-Cohansey
15 aquifer. Just a quick back of the
16 envelope calculation, something in the
17 order of 285 to 325 million gallons a
18 year is recharged off of this
19 property. And what do we mean by
20 recharge? Well, it does enter the
21 aquifer and it does continue to supply
22 that aquifer with water, but that
23 aquifer also discharges to the local
24 creek and the local creek flows to the
25 local river, so that cutting off or

1 endangering that recharge will have a
2 negative effect on both the aquifer
3 and the surface water adjoining the
4 property. So how much is that worth?
5 It's a difficult thing when you think
6 of it as the public trust. How many
7 dollars and cents does it take to keep
8 a river flowing? There is a way to
9 get a dollar figure for it. We take
10 that much water and then we take the
11 price of water and we multiple it out
12 and you get a value. This property
13 provides x number of gallons of water
14 per year at, you know, 98 cents.
15 Well, I think that as we go along in
16 New Jersey we need to be much more
17 conscious of the value of the ground
18 water recharge capabilities of the
19 land that we are allowing to be used.
20 In this particular case, a heavy
21 industrial development would probably
22 reduce the groundwater recharge by
23 something greater than 80 percent. So
24 who is getting compensated here?
25 Where is that compensation coming in?

1 The only compensation that's really
2 possible is to keep it the way it is
3 right now and allow that recharge to
4 continue. Other than that, it makes
5 me crazy, as somebody that has spent a
6 lot of time preserving land, to think
7 that somebody at the state level is
8 playing speculative games with open
9 space. All those years that I was
10 working to preserve land there was
11 always somebody who had an alternate
12 use for that land. Didn't matter
13 whether it made sense or not. They
14 had an alternate use for it. If you
15 want to look at the result of that
16 behavior, take a look at the map of
17 New Jersey. Everything in this state
18 is zoned residential, industrial, or
19 commercial. What do you think is
20 going to happen? So when we have the
21 good fortune to acquire a strategic
22 piece of property like the Durand
23 tract here in New Jersey, we should
24 damn well keep it. Thank you.

25 MS. YEANY: Go ahead.

1 MS. MAGER: My name is Wendy
2 Mager. That's W-E-N-D-Y, M-A-G-E-R.
3 I am just here speaking on my own
4 behalf. Just to give an idea of my
5 perspective, a little background, I am
6 the president of an organization
7 called Friends of Princeton Open Space
8 that helps facilitate the preservation
9 of land, which is usually then
10 transferred to another owner or kept
11 by its existing owner under a
12 conservation easement; I am a
13 vice-president of the New Jersey
14 Conservation Foundation, which is a
15 state-wide land trust, but I am also a
16 member of something called the Mercer
17 County Open Space Advisory Board,
18 which is a citizens advisory group
19 that helps advise freeholders on how
20 to spend the county's open space tax
21 money. So from those different
22 perspectives, you know, it's
23 fascinating to me to look at this map,
24 because I look at a lot of maps in
25 conjunction with proposed land

1 acquisitions and I recognize this
2 parcel as the kind of piece that just
3 makes people's mouths water when they
4 see it come up, because it's such a
5 key piece, that fills in a hole, that
6 provides good habitat, that, you know,
7 is easily accessible to the public.
8 It has a lot of the qualities that we
9 know are important in deciding which
10 land to preserve. It's obviously a
11 key piece of property that was
12 selected in what is a highly
13 competitive process for the investment
14 of taxpayer dollars.

15 I have worked with people at
16 DEP, Green Acres, particularly with
17 Friends of Princeton Open Space,
18 because it's a small organization and
19 I kind of am the woman of all jobs. I
20 know they are dedicated. I know they
21 are applying rational criteria in
22 making decisions about which projects
23 to fund. So I think it greatly
24 undermines the public's perception of
25 the rationality and integrity of that

1 process to go through it, to make a
2 good decision like this, and then to
3 propose to undo it after such a short
4 period of time, not because this isn't
5 still a good piece land to preserve
6 but because somebody said, Well, we
7 have a different idea for that. And
8 with so much speculative, both in
9 terms of whether this could be
10 adequately replaced and in terms of
11 what would happen to this parcel even
12 if the county and the town were
13 accommodated here, that just increases
14 the feeling of, you know, why are we
15 putting all this effort, why am I
16 putting all this effort into making
17 these rationale decisions, applying
18 these rationale criteria, if something
19 so flimsy could cause that to be
20 undone. When I hear about the town
21 and the county's desire to develop
22 this parcel, I know there are people
23 of good intention and I know when they
24 say they are desperate, they are
25 really looking to do something good

1 for the people, but I think about what
2 we see when we drive through the
3 Meadowlands and we look at something
4 else that was created by people who
5 thought they could create economic
6 activity and felt kind of desperate
7 about how to do it. Come on. It's
8 just a travesty. Let's not let a
9 travesty happen here. Let's stick
10 with a good decision that was
11 originally made. Thank you.

12 MS. YEANY: Bill.

13 MR. WOLFE: Bill Wolfe,
14 W-O-L-F-E. I am from Bordentown. I
15 came here for three reasons. Somebody
16 shot me an email. I was left
17 scratching my head, because it seemed
18 like this was a pretty absurd
19 situation, where the department had
20 bought a parcel and then so quickly
21 turned around and wanted to sell it
22 back. I figured there must have been
23 either some heavy-handed effort on the
24 part of the department to do this or
25 some compelling case on the part of

1 the town that it was a mistake. So
2 you know, I was intrigued. I know
3 nothing about the land. I haven't
4 been there. I know nothing of the
5 conservation values. I support
6 everything that everybody was saying
7 before. That was one reason. The
8 second reason was to come hear the
9 arguments of people who did know these
10 things. The third reason is, quite
11 bluntly, I have written and been
12 speaking very critically about
13 frustration I have with the Green
14 Acres program. What I call this, a
15 willing seller's shotgun, scatter shot
16 type of approach, that is the opposite
17 of what you are calling a rational
18 phase planning process, that the
19 acquisitions are opportunistic,
20 they're based upon willing sellers and
21 they don't have an underlying plan
22 rationale. And this one, this is a
23 small piece of a region. This is
24 compellingly good landscape planning.
25 The acquisition works. So I wanted to

1 come and eat my own words for being
2 critical of the Green Acres program in
3 that regard.

4 In listening to the testimony
5 and listening to a retired man who's
6 been in the program, a professional
7 who has done the work, I felt now
8 obligated to address his frustration
9 and some of it that was recognized
10 about the fact that people at the
11 staff level who are doing the work are
12 somehow being undermined by some kind
13 of apparatus or deal from above.
14 That's in your decision document.
15 It's in your rationale. I'll get to
16 that in a moment. I was going to
17 mention one sense of my frustration of
18 the conservationists in the room, who
19 now I can share some of my frustration
20 with about undermining professional
21 work.

22 I trained in regional planning
23 at Cornell. I spent 13 years here as
24 a planner. I lead the team that did
25 the Category One Spring Buffer

1 Program, which did 2,000 miles of
2 stream, so almost 200,000 acres of
3 land protected with regulatory
4 protection. I represented the
5 commissioner on about eight regulatory
6 working groups to implement the big
7 map where we took the kind of multiple
8 criteria as to what defined good
9 conservation values, good water
10 resource values, good landscape
11 values. We mapped them and we
12 targeted lands for preservation. They
13 were called the red light zones or
14 something, I don't know. Essentially,
15 it was a mini state plan which tried
16 to show where we should develop and
17 where we should preserve. This piece
18 of land has virtually all the positive
19 attributes. The hard part is that it
20 also has what the county planner -- I
21 wish he was still here -- talked about
22 some of the development attributes
23 that are also, from a development
24 standpoint, multiple criteria,
25 water/sewer, industrial zoning, road

1 frontage. But those are all planning
2 figments of the past that we railed
3 upon for years and the department,
4 again, ten years ago was willing to
5 bite the bullet and say historically
6 that we have made some very bad
7 planning decisions, where we allowed
8 water and sewer lines to be extended
9 and where we've run roadways. So we
10 were on the verge of pulling all that
11 back and trying to bite the bullet and
12 do the right thing. That initiative
13 was defeated. The point is -- and
14 this is my professional frustration,
15 having been involved in that and
16 having gotten some good things done --
17 there are regulatory rules,
18 conservationists. There are
19 regulatory rules that preserve land.
20 We don't create open space. The land
21 is there. The land exists. The only
22 thing we do is modify the legal
23 ability to build the land and modify
24 the public's access to the land. You
25 can do that in various ways. One way

1 buying the land. Another way is
2 regulating the land. I feel very
3 frustrated that there's not enough
4 recognition in the conservation
5 community to the regulatory rules. I
6 am a regulatory guy.

7 Your open space initiative that
8 you all supported in November defeated
9 in a very serious way the ability of
10 the departments to do some of the
11 planning, the regulatory-based
12 planning that I talked about and the
13 regulatory things, because that pot of
14 money that you think you created, you
15 didn't create it. You took it. All
16 right. You took it from existing
17 programs and nobody told you what you
18 were doing. I honestly believe that
19 if I had 100 percent of the
20 membership, of all your groups in a
21 room and I could spend time and
22 explain what happened, that I would
23 get 85 percent of the people in the
24 room to agree with me. What you did
25 was, instead of the past 50 years of

1 Green Acres program, where you created
2 new pots of money through bonds or
3 other financing means, this time
4 around you took money. You didn't
5 take money from the chamber of
6 commerce or commerce and economic
7 development or some other state pot of
8 money that was doing harm to the
9 environment. You took money from the
10 pots of money that fund the building
11 planning, that create gaps that
12 regulate and protect these resources.

13 MS. MAGER: Excuse me.

14 MR. WOLFE: Excuse me. I have
15 the floor now. Unfortunately, you're
16 going to have to deal with a little
17 bit of factual reality here that you
18 may not have heard from your
19 leadership and you may not have had in
20 your hand when you went to the poll
21 and voted yes on Open Space Question
22 Number 2.

23 MS. MAGER: I would be happy to
24 discuss it outside of this hearing
25 room.

1 MR. WOLFE: I have to ask for
2 the floor. Completely out of line.

3 MS. YEANY: Yes, you have the
4 floor, but we do need to keep it on
5 topic.

6 MR. WOLFE: I will go on the
7 record. I am the first one --
8 everybody is talking philosophical
9 values in here. I am talking about
10 what the department makes decisions
11 based upon. It's right here on page
12 two, people. It's called the
13 Rationale for Conveyance. All right.
14 The statute gives the department
15 discretion. There are Green Acre
16 regulations that talk about how those
17 decisions are made. I'm going to ask,
18 because I'm not an expert in the Green
19 Acres program, does the statute let
20 you say that you can make decisions
21 based upon ongoing efforts to relieve
22 the city's economic distress? Is that
23 a criteria and a regulation? You have
24 an adoption document. You have a
25 decision document. You will address

1 my question. I am addressing a
2 question on Page 3, a statement in the
3 black letter of your rationale that
4 says, quote, It's critical to the
5 ongoing efforts to alleviate the
6 city's distress. Is that a criteria
7 under Green Acres regulations, that
8 you can dispose of land on on that
9 basis and then, what is the factual
10 support for that basis? It says on
11 Page 2 that the city approached the
12 department. Who in the city, on what
13 date, in what fashion, and who in the
14 department? This gets to the point
15 Mr. Peifer made about trust of the
16 public, because I will tell you right
17 now -- and I spent 13 years of my
18 career here and I know how decisions
19 are made here -- if the Green Acres
20 staff worked very hard to do their job
21 correctly and did the right thing here
22 and then a year later some officials
23 in Cumberland County and Millville
24 objected and somehow had a pow wow
25 through their legislative liaison or

1 their legislature and they called and
2 had a meeting with the commissioner,
3 that's totally corrupt and that needs
4 to be made a matter of the record.
5 How was this decision made? It's a
6 very important thing. You're an
7 attorney. You know how to make
8 integrity decisions that are based on
9 law and regulation. If there were
10 ultra vires kind of interventions that
11 I see on an ongoing basis in some of
12 the work I'm doing, where legislatures
13 are meeting with the commissioner,
14 making decisions to override staff
15 decisions. That's what I think
16 happened here. I think, if that
17 happened, that the public should know
18 that. So when you make an allusion on
19 Page 2 to the city approaching the
20 department, you have an obligation to
21 explain exactly who said what to who
22 and when and how the decision was
23 made.

24 Now, if I were fighting you
25 guys -- I mean, if I was fighting the

1 project, I would be filing OPRS to get
2 those documents, because there is
3 emails that go around the place, they
4 are all public records, and I
5 guarantee you're going to find a
6 staffer who says, This is crazy, why
7 on God's earth are we doing this? You
8 see? That's the way to play the game
9 to win. If you want to preserve land
10 and win, you have got to take tactics
11 that you're objecting to.

12 In my earlier presentation,
13 where I was being critical of the
14 conservation community for what they
15 have done, unknowingly I believe,
16 unknowingly, by the same token, there
17 are means to get to the department's
18 decision making here that are in your
19 own text and you are putting -- you
20 are even putting things in quotes. A
21 major international corporation, you
22 put it in quotes. What does that
23 mean? Why did you put it in quotes?

24 MS. YEANY: That's a quotation
25 from the exhibit that was attached to

1 the report that was prepared by the
2 Millville Urban Redevelopment
3 Corporation.

4 MR. WOLFE: Okay.

5 MS. YEANY: It's a direct
6 quote.

7 MR. WOLFE: From what I see
8 here, they are no longer on board with
9 doing this?

10 MS. YEANY: I think they have
11 had some organizational issues. At
12 the time that we originally proposed
13 the transaction in March of 2014, they
14 were active, but they had some
15 structural restructuring.

16 MR. WOLFE: So what people have
17 previously said, this is speculative,
18 that it has no real basis, there's no
19 reality to it? Then how does it
20 alleviate and is critical to the
21 ongoing efforts of the city's economic
22 distress? That would mean that it
23 would have to be ready to be shoveled
24 in the ground, eight-month
25 construction schedule, people

1 employed, taxes going, people going to
2 lunch in the downtown. That's the way
3 to create economic activity that's
4 going to alleviate the economic
5 distress. I heard 13 percent
6 unemployment rate. These are the
7 ways. This is all hypothetical. It
8 sounds to me to be insane. So the
9 only thing I can infer from the facts
10 I have before me -- and, again, that's
11 why I came here to listen -- the only
12 thing I have, all the people making
13 the same point. This is something
14 that stinks to high heaven and you
15 shouldn't be doing this kind of stuff,
16 because it does undermine the
17 integrity of public trust in the
18 program and that's not a good thing.

19 For those that are -- I will
20 finish on this point, for those that
21 would like to, in good faith,
22 understand my criticism of Open Space
23 Ballot Question Number 2, I invite you
24 to invite me to one of your meetings,
25 where we can sit down and share the

1 documents and share the facts and have
2 it out, because I wish we had it out
3 before we are to the place we are now,
4 because then we wouldn't have the
5 parks department scrambling to get
6 their capital budget restored, to get
7 \$3.8 million in operating revenues
8 restored, to get \$32 million in
9 capital funds restored, which were
10 taken and put in a new pot of money
11 under Open Space Ballot Question
12 Number 2, including water quality
13 monitoring work that Dave knows about,
14 that the department does watershed
15 planning work, water quality
16 monitoring work, water quality
17 assessment work, land use regulation,
18 wetlands permitting, geological survey
19 science, hydrogeological engineering,
20 hydrological effects of water
21 allocation, ecological effects of that
22 stuff. All the technical work the
23 department does is all severely
24 impacted by the open space question
25 and it did more harm than good.

1 MS. YEANY: Thank you. Does
2 anybody else wish to testify?

3 MR. GELLERMAN: Curt Gellerman,
4 G-E-L-L-E-R-M-A-N, recently retired
5 from Green Acres, 37 years. I am the
6 person that acquired that site. It's
7 not about me. I am just saying.

8 I agree with most of these
9 positive statements that have been
10 made about making sure that this piece
11 stays in open space. Lots of planning
12 went into the purchase prior to the
13 purchase of this site. The city --
14 this is an important point. The city
15 and the county, I am sure, were well
16 aware of this site being on a list for
17 Green Acres purchase. This property
18 was under the MLS service, listed for
19 six years, available to anyone to
20 purchase for six years. Two times the
21 local people defeated plans for
22 development of this site, two times.
23 The last time was the asphalt plant.
24 That was soundly defeated by the
25 population of Millville. I hope that

1 the department considers all of the
2 petitions that have been signed by the
3 local people of the City of Millville.

4 A couple of things to point out
5 to you. Everything on this map, this
6 excellent map here, is open space,
7 except for the yellow and the white.
8 The yellow are pieces that were
9 offered to the department, but we
10 never decided to pick up on it. This
11 white line that you see here
12 represents Route 55. That's not shown
13 on the map. That yellow piece there
14 was offered to the department, Green
15 Acres program, but never -- we never
16 even made an offer on it. We were not
17 interested in that piece, because it's
18 a piece that is outside of 55. It's
19 on the west side of 55. It didn't
20 make sense for the department to
21 manage. Everything else to the east
22 of this tract, it makes sense for
23 management. It's got great habitat
24 and all those other things that have
25 been well stated today. So that 55

1 corridor cuts off our interest. Like
2 the local person said about us going
3 in willy nilly and purchasing within
4 the City of Millville, that's not the
5 case. Excellent planning goes into
6 effect before we actually acquire any
7 property. The fact that this property
8 was listed for six years by a realtor
9 and the realtor came forward with the
10 offer to the state and we looked at it
11 and then decided that we'd move on it.
12 Months before we acquire this site,
13 notices go out to various sections of
14 city government in Cumberland and
15 within the county to let them know
16 that the state is moving forward with
17 an acquisition.

18 The other thing I wanted to
19 mention to you is that open space
20 these days is an easy target for
21 developers as well as just planning
22 for other uses other than preservation
23 and that's why our stewardship program
24 works so hard to maintain the
25 properties that we've already

1 acquired. Diverting pieces -- even
2 though this was a recent purchase,
3 diverting pieces once they are
4 acquired is the wrong thing to do,
5 whether it be for development for a
6 factory or for pipelines that are
7 going to come in. Even if they
8 benefit, you have to look at the other
9 alternative uses and other potential
10 properties that might be available to
11 the city or any other planner. You've
12 got many other industrial sites here
13 within this area that could be used.
14 This yellow piece here is also within
15 an industrial site. Industry is on
16 the west side of Route 55 here in
17 Millville, also there is a few
18 industrial pieces on this side.

19 Another thing I want to point
20 out to you, that the acquisition of
21 this site in 1996 didn't raise any
22 opposition at all within Millville and
23 that's also within the industrial
24 zone. There are properties that are
25 zoned industry or commercial that

1 should just absolutely not be in those
2 zones, but they are because the
3 township, the city, needs taxes and
4 that's how they collect their taxes.
5 They can collect a higher rate of
6 taxes on those zones than they can on
7 residential.

8 Again, I would just like to
9 hope that the department listens to
10 the local people, all the petitions
11 that have been signed by the local
12 folks. Thank you very much.

13 MS. YEANY: Yes. Go ahead.

14 MR. STOUT: Jerrold Stout. Is
15 there a public relations person from
16 the DEP here?

17 MS. YEANY: Not that I am aware
18 of.

19 MR. STOUT: What is the
20 procedure going to be to publicize
21 this meeting to the newspapers? Has
22 there been any plan put forth?

23 MS. YEANY: You mean as far as
24 newspaper coverage of the hearing?

25 MR. STOUT: For someone to

1 produce a condensed version of what
2 went on here and give it to the local
3 newspaper.

4 MS. YEANY: We weren't planning
5 on issuing a press release.

6 MR. STOUT: Can I ask that this
7 please happen?

8 MS. YEANY: You can contact our
9 press office.

10 MR. STOUT: I don't work here
11 anymore.

12 MS. YEANY: I am saying that as
13 a member of the public you can contact
14 the press office. It's not really our
15 practice to issue press releases.

16 MR. STOUT: This should be done
17 as public relations from this office.

18 MS. YEANY: We have a process
19 that we are following that involves
20 public notices in the newspaper, the
21 New Jersey Register, the DEP bulletin,
22 and we put the information on our
23 website. I said at the beginning that
24 we are going to post the transcripts
25 of the December hearing and this

1 hearing. The December one is already
2 available. I just need to get it
3 online. As soon as we get this
4 transcript, we will post it online.
5 There was a reporter present at the
6 Millville hearing. I know there was
7 some local coverage.

8 MR. STOUT: I am not talking
9 about Millville. I am talking about
10 this hearing. I am requesting that,
11 through your office, a condensed
12 summation of what went on in this
13 meeting to be produced for the local
14 newspaper.

15 MS. YEANY: Well, I think from
16 our perspective that would be
17 premature. This is information
18 gathering and this public comment
19 period is going to be open for another
20 two weeks, after which we will
21 summarize everything that's been said
22 and make the recommendation to our
23 decision makers. I don't think it's
24 our practice to alert the press in the
25 middle of that process. You are

1 always welcome to alert the press
2 yourself and bring them to the
3 hearings, but I don't see us doing
4 that at this juncture.

5 MR. STOUT: Thank you.

6 MS. YEANY: Thank you. Yes.

7 MR. GALETTO: My name is Jane
8 Morton Galetto. I am the president of
9 Citizens United to Protect the Maurice
10 River. Prior to this, we have not
11 been able to specifically point out
12 that the local government's officials
13 that have spoken to the DEP have
14 falsely represented that the wool was
15 pulled over their eyes, that they had
16 no knowledge of sale of this property,
17 but now that the very person that
18 testified, Curt Gellerman, that they
19 had the knowledge, it's very important
20 for you to take that into
21 consideration in your record and I
22 think it puts into question a lot of
23 things that are said and are
24 represented to you when, once again,
25 there's been no resolution or anything

1 to support the purchase of the
2 property and, again, they have had the
3 ability to purchase all along and that
4 they knew that the property was being
5 sought for purchase. If they didn't,
6 then maybe they have to look at the
7 levels within their own governments
8 for their flaws. In other words,
9 maybe the people are not
10 misrepresenting, maybe they weren't
11 knowledgeable, but they have their own
12 employees and their own reporting
13 systems to thank for their lack of
14 knowledge, not the wool being pulled
15 over their eyes by the Green Acres
16 department, because that's not true.
17 I think that it's important for you to
18 realize that.

19 I had something else I wanted
20 to point out. I forget. I have been
21 fighting these battles so long that I
22 forget. The one other thing I want to
23 point out that's changed since we last
24 met that's related is the fact that
25 the Holly Farm is all part of the mix

1 here before and so tonight, once
2 again, or this afternoon, have
3 recognized that that was a flawed
4 concept, to move forward in that way,
5 so we thank you for the recognition of
6 that.

7 I would like to point out
8 another flawed concept and that's that
9 the environmental community, after
10 José Fernandez testified before the
11 board of public utilities that the
12 state was willing to purchase this
13 land for preservation and then all of
14 these environmental organizations that
15 testified here today fought for that
16 property for 13 years after, through
17 all the BPU testing and whatnot, that
18 we wanted the land to be preserved.
19 In the final hour, when we won the BPU
20 case this past year and we went to the
21 DEP and we said, Okay, fellows, the
22 door is open. You can preserve this
23 space -- correct?

24 MR. DEVITO: And we had money.

25 MR. GALETTO: And they said --

1 MR. DEVITO: We had the money.

2 MR. GALETTO: And so
3 environmental communities, we said, We
4 will get the money. The nature
5 conversancy came in and they said, We
6 are willing, and they still went
7 through with this -- I don't even know
8 how you can portray it as, but the
9 idea of swapping the Green Acres
10 property that's part of the wildlife
11 management area that we have been
12 referring to as the Durand piece,
13 that's wrongfully being presented as
14 the Durand piece, wrongfully being
15 presented in the documents as the
16 Durand piece, is the Menantico
17 Wildlife Management area, and talking
18 about swapping that piece, getting
19 some of this land over here from the
20 developer of what we commonly call the
21 Holly Farm, and then having them give
22 money so that we can buy something
23 that will replace this property. So
24 we opened the door for the purchase.
25 We paved the ground for the purchase.

1 I want to point out, though, that
2 something has happened since the last
3 hearing and that's that the public has
4 approved the money to purchase that
5 property. So you now have the money
6 to purchase the property and I just
7 want to point out to the same people
8 that said we didn't have the money,
9 now we do --

10 So the ball is in your court
11 again on the Holly Farm as well. All
12 these different perversions and all
13 the things that are constantly
14 portrayed, I don't know what they are.
15 All I know is that all of us are in
16 the business of trying to preserve
17 space. I would ask you to kindly
18 consider the fact that the door is
19 once again open for that as well.

20 Lastly, some people said some
21 things that I thought were sort of
22 erroneous about the trading space. My
23 understanding is that not only do you
24 have to find something with equal
25 value but actually greater value when

1 you do diversion as a town. I think
2 there's a multiplier effect that goes
3 into effect. Judeth, could you
4 address that?

5 MS. YEANY: On the local side
6 of the program, it has to be of at
7 least equal fair market value, real
8 estate value. There is a multiple of
9 computation, either two to one or four
10 to one or greater, depending on the
11 type of project, and reasonably
12 equivalent quality of the property, so
13 not necessarily greater but at least
14 equivalent.

15 Just to address something that
16 I think -- I forgets whether it was
17 Mr. Moss or Mr. Wolfe said it, I mean,
18 technically, those rules do not apply
19 on the state side of the program.

20 MR. GALETTO: We are well aware
21 of that. We are also well aware of
22 the fact -- the one thing I think that
23 you did say that makes a great deal of
24 sense to me is, if you're going to
25 hold all the other entities to it,

1 then you certainly, with an addition
2 of the DEP, have to hold yourself to
3 at least the same barometer.

4 Then the other thing that I
5 thought was erroneously projected, but
6 not intentionally, is the idea that --
7 that the other spaces are already
8 built on or that other spaces don't
9 exist. In fact, we gave a list of
10 available space. Not all of it is
11 brownfields. A lot of it is
12 completely undeveloped. A lot of it
13 is within the industrial park. A lot
14 of it is within the industrial park
15 in -- in the airport industrial park
16 in Millville and, furthermore, even a
17 greater amount of space, since the
18 county has put their hat in the ring
19 here, throughout the entire Cumberland
20 County. There is many spaces and
21 available lands for development, not
22 just redevelopment but development to
23 begin with. I much prefer to see
24 redevelopment. But my point is, is
25 that the concept that you have to show

1 that other spaces are not available,
2 there is plenty of other spaces
3 available in Cumberland County. As
4 far as jobs for Millvillians, you
5 don't have to live in Millville to --
6 you know, you don't have to have a job
7 available to you in Millville in order
8 for you to have a job. I live in
9 Millville. I work in Millville. My
10 husband works in Vineland. You know,
11 there's plenty of -- I am sure you
12 could work in Philadelphia, for that
13 matter. The point being that, if
14 Cumberland County is throwing their
15 hat in the ring here as if there is
16 not available lands and there is many.
17 I just wanted to point that out.
18 Thank you.

19 MS. YEANY: Hold on one second.
20 Since you have a clarification, why
21 don't you go first.

22 MR. WOLFE: Bill Wolfe again.
23 Since my testimony was just referred
24 to by the hearing officer, I feel I
25 have to clarify. As I started my

1 statement, I said I was not an expert
2 on the Green Acres regulations, but,
3 number two, I am an expert on
4 government decision making. When you
5 refer to your decision document and
6 your rationale, the rationale being
7 the alleviation of economic distress,
8 let me make an analogy to say why I
9 think that's totally improper. If the
10 rationale said, My brother-in-law
11 drove by and felt it was a beautiful
12 parcel of land that he would like to
13 acquire, and then the commissioner and
14 you made a decision to dispense with
15 it for that purpose, you would clearly
16 say that you didn't have the
17 authority, that it rose to being an
18 arbitrary decision that was so outside
19 of your statutory authority that you
20 couldn't get away with it. So there
21 is some line somewhere long the way,
22 whether it's in regulation or not, as
23 to how the department can make a
24 decision. I am objecting to the fact
25 that the department is affirmatively

1 making the decision in a stated
2 rationale, in a written document, that
3 the rationale for the decision is
4 alleviation of economic distress of a
5 town. I don't think that the
6 department can make any decision on
7 that basis, any decision whatsoever.
8 You are not in the economic
9 development business. It is not your
10 job to alleviate economic distress of
11 a municipality and you could never
12 ever do that. Then you obviously have
13 some kind of body of law in Green
14 Acres, or whatever it is that we are
15 sitting here under, telling you what
16 you are supposed to do. There's a
17 statutory objective, preserve land,
18 there is bond statements and covenants
19 that tell you what to do. There is a
20 whole 50 year tradition of
21 preservation. You can't just pull a
22 rabbit out of a hat and say, We are
23 doing this. Have you ever done it
24 before? Have you ever said, We are
25 alleviating economic distress? If you

1 have, I am shocked that the
2 conservation community has not made
3 that a huge issue, to say, You can't
4 do this.

5 I come into this blind. I am
6 glad I don't know anything about this
7 program, because if you are running a
8 program to say you're taking preserved
9 land and giving it back to the
10 development to alleviate economic
11 distress, that's the express purpose
12 that I think Tittel referenced
13 earlier, that typically you had to
14 have some kind of public purpose. Is
15 that a legal requirement, that you
16 have to have a public objective?

17 MS. YEANY: I think that's open
18 to discussion down the line.

19 MR. WOLFE: Right. So what's
20 the nexus between the public objective
21 and the alleviation of stress and
22 distress? Those are really, really
23 not kind of exoterical concepts.

24 MS. YEANY: Thank you. Go
25 ahead.

1 MR. MOSS: Robert Moss, and I
2 didn't spell it before, M-O-S-S. What
3 I said on the replacement land was
4 substantially equivalent in terms of
5 conservation and public outdoor
6 recreation purposes, that was not
7 intended to be a statement of any
8 specific law or statute or regulation.
9 I was trying to phrase things in terms
10 of commonsense. It's obvious that
11 this is what's required. It was not
12 intended to be a statement of law.
13 Oh, if you wanted -- intended
14 something, it was like a floor, the
15 minimum requirements.

16 MS. YEANY: Thank you.

17 MR. GATENS: My name is Thomas
18 Gatens, G-A-T-E-N-S. I'm a taxpayer
19 and resident of Millville. One of the
20 points that I want to make about this
21 piece of property, and it's not
22 anything really to do with whether you
23 keep it or not, is this has got a
24 messed up sewer line running through
25 it. If you're involved with

1 environmental protection, that's
2 something that is a real no-no. That
3 went out in 1964. If you try to bring
4 access to this property down an
5 extension of Cork Boulevard, it's
6 going to go right over that. If you
7 send any truck down that road on top
8 of an asbestos pipe, you're going to
9 shatter it. I spent 50 years in
10 construction. Most of the projects,
11 there are projects all over the state
12 I worked on, from the Atlantic City
13 Tunnel project, the Battleship New
14 Jersey project, Route 295 in
15 Bordentown, I worked as a surveyor, as
16 a project manager, and eventually my
17 wife and I had our own company. I am
18 very affected by this being brought
19 out as a selling point for that piece
20 of property.

21 The City of Millville has
22 problems right now with the DEP
23 because of their sewer pipe. If they
24 want to correct the sewer pipe, why
25 not correct that line? That's it.

1 MS. YEANY: Thank you.

2 MS. BRECHT: Renee Brecht,
3 American Littoral Society. In my last
4 statement in Millville, I had nine
5 pages of comments and 38 exhibits, I
6 just wanted to remind people that in
7 those exhibits were a couple of signed
8 papers from the county and the city
9 that had been sent from Green Acres
10 that showed that, in fact, there had
11 been some sort of notice that they had
12 to sign for that there was no
13 hazardous waste on the property. I
14 also submitted a number of pages that
15 showed many months worth off the
16 county's website where it lists this
17 property for sale. To Bill Wolfe's
18 point, I have about 12 inches worth of
19 OPR documents that you would be
20 welcome to take a look at. There are
21 certain names that you will see
22 repeated very often, Cynthia
23 Sosnowski, and so forth. But I will
24 tell you one thing, that there was one
25 comment, I think Cynthia Sosnowski

1 made, I believe, don't quote me but I
2 think it was she that made it, that
3 said we are doing lot of things for
4 Millville and we would really
5 appreciate it if you could do this for
6 us. There was another point, when
7 there was an email from Ray Cantor
8 that says, I do not approve of getting
9 municipal approval first and we are
10 not going to sell it back, and then,
11 after phone calls, stories changed.

12 MS. YEANY: Thank you. Okay.
13 I think we are going to close the
14 record. It's about 4:37, it looks
15 like. As I said, we will accept
16 written comment for two more weeks,
17 through the 20th, after which we will
18 gather together everything we've
19 received and make our final
20 recommendation.

21 Thank you for coming,
22 especially in the bad weather.

23 - - -

24 (Whereupon, the hearing was
25 concluded. Time noted, 4:41 p.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

- - -

C E R T I F I C A T E

- - -

COMMONWEALTH OF PENNSYLVANIA:
COUNTY OF BUCKS:

I, Kimberly A. Wornczyk, a Notary Public within and for the County and State foregoing, do hereby certify that the foregoing hearing was taken before me, at the time and place indicated and was correctly recorded in machine shorthand by me and thereafter transcribed under my supervision with computer-aided transcription; that the transcript is a true record of the proceedings; and that I am neither of counsel nor kin to any party in said action, nor interested in the outcome thereof.

WITNESS my hand and official seal
this 6th day of January, 2015,

Kimberly A. Wornczyk, RPR, NJ CCR
Notary Public