NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

PUBLIC HEARING

GREEN ACRES PROGRAM, NOTICE OF PUBLIC HEARINGS ON PROPOSED CONVEYANCE OF PROPERTY IN THE CITY OF MILLVILLE, CUMBERLAND COUNTY

WEDNESDAY, MAY 7, 2014

REPORTED BY DEBRA L. PANGBURN, CCR, RPR, Notary Public for the State of New Jersey, at the City of Millville City Hall, Commission Chambers, 4th Floor, 12 S. High Street, Millville, NJ, on Wednesday, May 7, 2014, commencing at 6:30 p.m.

WYBLE REPORTING, INC. 500 Fernwood Road, Millville, NJ 08332 (856) 825-1430 * FAX (856) 825-3379

APPEARANCES:

JUDETH PICCININI YEANY, Chief Bureau of Legal Services and Stewardship New Jersey Department of Environmental Protection Green Acres Program

RAY CANTOR, Chief Advisor NJDEP Commissioner

JOHN H. KNOOP, III, City Engineer City of Millville, City Hall

THEODORE E. BAKER, County Solicitor County of Cumberland

SENATOR JEFF VAN DREW

ASSEMBLYMAN BOB ANDRZEJCZAK

VICE-MAYOR JAMES QUINN

SPEAKERS:

MARY HEISLER

EDWARD MARKOWSKI

MARY MESSECK

FRANK VIRGILIO

CHERYL REARDON

JANE GALETTO

ERIC NYMAN

FRANCIS RAPA

NELLY FAY KOHL

SHOSHANA OSOFSKY

MARGO PELLEGRINO

MEGAN TINSLEY

DONNA MILES

KIM AYRES

JIM WATSON

RENEE BRECHT

CHARLES FLICKINGER

JOE DERELLA

FRED AKERS

ROBERT ADAMS

1	PROCEEDINGS
2	* * *
3	MS. YEANY: Okay. I guess we're going
4	to get started.
5	My name is Judeth Piccinini Yeany,
6	Y-E-A-N-Y. I'm with the Green Acres Program at the
7	New Jersey Department of Environmental Protection.
8	A lot of you are familiar with our program because
9	we're responsible for administering Green Acres bond
10	money. We use it to buy property on behalf of the
11	state and we also distribute it to towns, counties
12	and nonprofits to either buy parks or develop parks
13	for recreational purposes, but we also serve as sort
14	of the real estate office for the Department of
15	Environmental Protection so when issues come up with
16	state properties, DEP properties such as someone
17	wanting to swap land with us or acquiring leasing
18	across one of our properties or, in this case, sell
19	a property, we handle that transaction for the
20	Department.
21	So we're here today to conduct a public
22	hearing on a proposed sale of property and part of
23	the reason we're conducting the hearing is we have a
24	statute that governs the conveyance of over an acre
25	of DEP property. So any time we want to sell

- 1 something in an amount more than an acre, we have a
- 2 process we have to follow that's dictated by what we
- 3 call our DEP Conveyance Statute. Some of you may
- 4 also know that as the Ogden-Rooney legislation.
- 5 It's a statute that's been in place for about
- 6 20 years and it's known after the original sponsors
- 7 of the bill.
- 8 So our statute requires that when we
- 9 want to do a sale of property, we have to follow a
- 10 pretty lengthy and detailed process before we go
- 11 through with the sale. And the first step in that
- 12 process is to prepare a report analyzing the
- 13 transaction and we've brought copies of the report
- 14 here today. They're on the table. We're actually
- 15 running low, but we're going to run off a few more
- 16 copies, and the report is also available on Green
- 17 Acres website.
- 18 So we prepare a report analyzing the
- 19 transaction and we describe what it is that we want
- 20 to do and we have to analyze the economics and the
- 21 environmental aspects of the transaction. We're
- 22 then required to distribute that report to certain
- local officials, both at the municipal and county
- level and to select members of the legislator, and
- 25 to advertise at least 30 days in advance that we're

1 going to conduct a public hearing on the proposed

- 2 sale.
- 3 So in back of the report, you see the
- 4 public hearing notice that brought you all here
- 5 today. That notice gets distributed in the New
- 6 Jersey Register, the DEP Bulletin, several
- 7 newspapers and we also post it on our website. I
- 8 think we asked the City to post it on their website
- 9 as well.
- 10 So we give notice that we're having a
- 11 public hearing, and if the transaction involves over
- 12 five acres, we're actually required to have two
- 13 public hearings. So in that case we have one
- 14 hearing in the municipality in which the property is
- 15 located, which here is Millville, and a second
- 16 hearing two weeks later in the City of Trenton where
- 17 our agency is located.
- 18 So we will be having a second public
- 19 hearing on this transaction on May 21st at the main
- 20 DEP building in Trenton and the details of that
- 21 hearing are also in the report. Once we conduct
- 22 that second public hearing and allow time for
- 23 additional public comment, we are required to wait
- 90 days before we can finalize any proposed sale of
- 25 property.

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1 So the earliest that we can take any
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- 2 action on the proposal that we're going to discuss
- 3 today is roughly the middle of August, so it would
- 4 be 90 days from that May 21st hearing. At the end
- of our process, we are required to gain approval of
- 6 the DEP Commissioner and a legislative body called
- 7 the State House Commission.
- 8 So we would take it, first, to our
- 9 commissioner if we decide to go through with this
- 10 transaction. Make our recommendations. He would
- 11 sign off on it and after that, we take it to the
- 12 State House Commission. We have no definite date on
- which we could bring it before them. They generally
- 14 meet quarterly and a meeting date hasn't been set
- 15 that far in advance.
- If the transaction's approved by the
- 17 commissioner and the State House Commissions, then
- 18 we would go through with the sale as proposed
- 19 tonight and we execute the deeds and documents with
- 20 the City. So I'm going to explain a little about
- 21 what it is that we propose to do and then we're
- 22 going to have a representative of the City explain
- 23 why they asked us to undertake this action, and then
- 24 we're going to open it up for you to give us your
- 25 comments on our proposal.

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So John's going to assist me in pointing
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 2
     to the map. Back in July of last year, we purchased
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     a property with Green Acres funding that I think we
 4
     refer to as the former Durand Glass property.
 5
     approximately 80 acres. It's located close to Route
 6
     55, but doesn't have access on 55. The street
 7
     address is Gorton Road and I believe it's boarded on
     one side by railroad tracks and on two other sides
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 9
     by other preserved land, nonprofit land and DEP land
10
     that's administered as part of one of our Wildlife
11
     Management areas.
12
                  So we purchased that property. We added
13
     it to the nearby Wildlife Management area and right
14
     now it's administered by our Division Fish and
15
     Wildlife as part of that Wildlife Management area.
16
     We are now proposing to sell that property directly
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     to either the City, Cumberland County or whatever
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     nonprofit or public entity they might designate for
19
     redevelopment purposes.
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                  The proposed purchase price or sale
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     price for us is $395,000, which represents, in our
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     estimation, the full fair market value of the
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     property with several adjustments for the technical
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     cost that we incurred in purchasing the property and
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the cost associated with selling it to the City.

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Our statute requires us, if we sell
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- 2 property, to take the proceeds and to use that money
- 3 for land acquisition. In some cases we do direct
- 4 swaps of land. Sometimes we deposit the check back
- 5 into the bond fund and we use it for a future
- 6 purchase that hasn't been identified at the time.
- 7 In this case we're proposing to take a portion of
- 8 the proceeds, 367,000, and use it to buy the
- 9 underlying fee interest in the -- what we refer to
- 10 in the report as the Holly Farm property.
- 11 So I think a lot of people are familiar
- 12 with the property that was owned by Atlantic
- 13 Electric that I believe technically is now owned by
- 14 Holly Ridge Development Corporation and it's been
- 15 the subject of many development discussions over the
- 16 years.
- 17 The various approvals associated with
- 18 that property, at least at the present time, would
- 19 envision that portion of the property be set aside
- 20 for conservation purposes but would not required to
- 21 go to the state. What we're proposing to do is take
- 22 the proceeds of this sale, use it to purchase those
- 23 100 acres for addition to our Wildlife Management
- 24 area and to allow a three-year period for that to
- 25 happen because we recognize that the development

1 might not occur in a time frame that would occur any

- 2 time soon.
- 3 So we're putting a three-year time frame
- 4 on that to try to make that happen. If we're not
- 5 able to accomplish that within the next three years,
- 6 we would identify another property in the future to
- 7 apply to those proceeds. We also indicate in the
- 8 report that we recognize that there could be a
- 9 perception that transferring the money to the Holly
- 10 Farm property might be perceived as facilitating
- 11 that development and we've indicated in the report
- 12 that it's our intention to ask the developer to
- identify a third property to be purchased and
- 14 transferred to the DEP, essentially the player to be
- 15 named later, as part of this transaction.
- We hope to have those details negotiated
- 17 by the time we would ask the Commissioner and the
- 18 City House Commission to approve this transaction,
- 19 but it was not something that we had fully figured
- 20 out at the time that we released this report in
- 21 March. And since the City was anxious to move
- 22 forward with this transaction, we're still working
- 23 out some of those details. I think that about sums
- 24 up the proposal.
- As I said, I'm going to have someone

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1 representing the City -- going to turn it over to
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- 2 Ted Baker who works for Cumberland County to explain
- 3 why the City asked us to sell the property.
- 4 When we do open it up for public
- 5 comment, I wanted to ask if people could identify
- 6 themselves for the court reporter. We are producing
- 7 a transcript of this hearing and we will post it
- 8 online as soon as it's available. If you could
- 9 spell your last name, give your affiliation if you
- 10 choose to do so and speak slowly enough for her to
- 11 capture what you're saying. And please, if we could
- 12 have one person talking at a time so that she can
- 13 capture everything that everybody says.
- Once we open it up, everyone's welcome
- 15 to come up to the podium and give us your thoughts
- 16 about this proposal, but we'll hear from the County
- 17 first.
- MR. BAKER: Good evening, Ms. Yeany. I
- 19 want to thank you for the opportunity to allow me on
- 20 behalf of the County of Cumberland and the City of
- 21 Millville to present the rationales why both the
- 22 County and the City believe that the appropriateness
- of the reconveyance of this property should take
- 24 place and why we believe we can substantiate it.
- 25 My name is Theodore E. Baker. I am

- 1 County Counsel for Cumberland County and I will
- 2 explain the reasons why we believe that it is
- 3 important that this property be reconveyed and
- 4 restored to its originally intended zoning use in
- 5 two areas. First, I will explain both
- 6 environmentally the reasons why this property does
- 7 not reflect the characteristics that mandate that
- 8 the property be conserved or preserved for
- 9 conservation or recreational use and, secondly, I'd
- 10 like to address the economic reasons why this parcel
- is of such value to both the County and to the City.
- 12 What I would like to do first is to give
- 13 a brief history with respect to the property.
- 14 First, I applaud the Department's willingness to
- 15 conduct a public hearing with regard to the
- 16 reconveyance of the property inasmuch as the public
- 17 interest is heard. You have an opportunity to
- 18 listen to all points of view and we regret that that
- 19 opportunity was not available to either the City or
- 20 the County when this property was purchased.
- We, therefore, think it's highly
- 22 appropriate that everyone have an opportunity to
- 23 participate at this time in exactly the process that
- 24 we feel is required. This property has been zoned
- as industrial or R-20 in the City of Millville since

- 1 at least 1989.
- 2 You will see on the map that the
- 3 property had a configuration where it was, what we
- 4 call, split zoning. It was R-20 in one area of the
- 5 property and it was industrial in the balance of the
- 6 property. The property had been zoned for
- 7 industrial use in large part, but in the year 2000
- 8 the then owner of the property, Galetto Realty
- 9 Company, sought to rezone the property and to
- 10 redivide the property in order to have the property
- in question, which is Block 579, Lot 18, an 80-acre
- 12 parcel, rezoned completely for industrial use.
- 13 That property was approved by the
- 14 Planning Board of the City of Millville for the
- 15 redivision of the property and the now configured
- 16 Block 7579, Lot 18, 80 acres is all industrial. It
- 17 has been that way since approximately 2000, so for
- 18 the last 14 years the property has been designated
- 19 as industrial.
- In addition to that, this property has
- 21 infrastructure that has been paid for with public
- 22 funds. That infrastructure consists of water and
- 23 sewer which runs generally mid-section of the
- 24 property, and the water and sewer was installed
- specifically to enable this property to be used for

- 1 industrial purposes.
- 2 Now although the maps don't generally
- 3 indicate clearly, it is nonetheless apparent to
- 4 anyone who is in the area that the general
- 5 surrounding of the property to the west side of
- 6 Route 55 is industrial and there is clear evidence
- 7 of industrial properties that are clearly
- 8 functioning in these areas.
- 9 To the east of the property, the
- 10 property is more open. This property's nonetheless
- in an industrial park of the City of Millville, the
- 12 Lascarides Industrial Park. The property was sold
- 13 by Galetto Realty in January of 2000 for
- 14 approximately \$400,000 and the balance of the
- 15 property that had been rezoned was then conveyed by
- 16 Galetto Realty for approximately \$775,000. That
- 17 property appears on the upper section of the map.
- 18 The property that was in the R-20 zone -- point it
- 19 out.
- MR. KNOOP: I'm the designated pointer.
- 21 This is the 80 acres -- this is the 80-acre parcel
- outlined here in blue, the split zoning that Ted had
- 23 referred to. This was the R-20 line initially and
- 24 this in 2000 got converted to an I-zone --
- MR. BAKER: And as you can see from the

- 1 map, the parcel that is below the yellow line was
- 2 the industrial zone and the property that has what
- 3 appears to be subdivision designations was the R-20
- 4 zone; is that correct?
- 5 MR. KNOOP: Correct. And at that time
- 6 at the request of the applicant, the buffer for the
- 7 I-1 zone also reached into the adjacent R-20 zone
- 8 200 feet to take full advantage of industrial
- 9 development of the lot.
- 10 MR. BAKER: And it's my understanding
- 11 that the 900-foot buffer zone remains in place with
- respect to Block 579, Lot 18, which means that any
- development that might take place on this property
- 14 would also have a 900-foot buffer between that
- 15 property and the surrounding property to the east.
- This property was designated by the City
- to be included in this industrial park and also to
- 18 be included in the sewer service area so that sewer
- 19 service could be afforded to any user or developer
- of the property, hence, the water and sewer
- 21 infrastructure that already exists.
- Now the property, in order to be
- 23 designated for that use, must also seek -- we must
- 24 also seek and obtain from the Department of
- 25 Environmental Protection approval to include it in

- 1 the sewer service area. There was an exchange of
- 2 information and a debate, if you will, between the
- 3 Department of Environmental Protection and the City
- 4 in order to make the determination as to whether or
- 5 not this property was suitable for those uses. One
- of the things that was raised was whether or not
- 7 there were endangered species or that there was
- 8 critical habitat located on this property that could
- 9 conceivably preclude its use for industrial use as a
- 10 result of a determination that those types of
- 11 features existed.
- 12 And in order to have this property
- included in the sewer service area, it was necessary
- 14 to satisfy the Department that there were no such
- 15 issues. In order to do that, the then owner of the
- 16 property, Durand, commissioned an environmental firm
- 17 known as Trident Environmental Consultants in
- 18 September of 2011 to address those very issues.
- They did so and the consultant provided
- 20 the report to the DEP, as a result of which the DEP
- 21 agreed with the environmental consultant that this
- 22 property contained no features which warranted
- 23 preventing the property from being included in the
- 24 sewer service area.
- In fact, correspondence from Marilyn

1 Lennon, an assistant commissioner, was received on

- 2 February 8th, 2012, by the City which confirmed that
- 3 the property would be included for sewer service and
- 4 that the property could proceed for development.
- 5 That was on February 8th, 2012.
- 6 The report that was submitted to the
- 7 Department in its conclusions states, among other
- 8 things, quote: The subject property does not
- 9 contain suitable habitat to harbor and support
- 10 Barred Owl, Cope's Gray Treefrog or Red-headed
- 11 Woodpecker. Generally, the site does not contain
- 12 suitable mature forest for Barred Owl; does not
- 13 contain freshwater wetlands or breeding habitat for
- 14 Cope's Gray Treefrog; and does not contain
- 15 grove-like mast-producing habitat with snags for
- 16 Red-headed Woodpecker.
- 17 Due to the absence of nesting habitat
- 18 for Barred Owl and Red-headed Woodpecker and the
- 19 absence of breeding habitat for Cope's Gray
- 20 Treefrog, it is the finding of TEC, the
- 21 environmental consultant, that suitable habitat is
- 22 not present. With an absence of all of the
- 23 components required to sustain these three species,
- 24 the site cannot be considered suitable habitat in
- 25 making the Habitat Suitability Determination

- 1 pursuant to the regulatory provision that's cited.
- 2 The report goes on to talk about Corn
- 3 Snake and Northern Pine Snake and indicates that
- 4 while favorable sandy soils, notes Lakewood and
- 5 Evesboro soils, are mapped on-site and the
- 6 vegetation community structure and composition are
- 7 indicative of that typically favored by these snake
- 8 species, it goes on to note that all of the habitat
- 9 components required to sustain these species do not
- 10 appear to be present.
- 11 Specifically nesting habitat and
- 12 possibly overwintering habitat, hibernacula, do not
- 13 appear to be present for Northern Pine Snake and
- 14 there's a lack of a water source for Corn Snake. As
- 15 a result, the Department agreed with the developers
- 16 and owners at the time, Durand's assessment, that
- this property should be included in the sewer
- 18 service area.
- Based upon that, the City through its
- 20 developmental initiatives and its personnel has
- 21 attempted to have this property be developed
- 22 whenever possible and has made the property -- has
- offered the property is a better way to put it.
- 24 This property became of interest in 2012 to a
- 25 potential developer and throughout the early part of

- 1 2013. As it turns out, a developer was interested
- 2 in bringing industry near Millville. That
- 3 industrial development had the potential to bring
- 4 upwards of 500 jobs to the City and to the County.
- 5 We learned when the developer had
- 6 presented its proposal that this property had been
- 7 sold to Green Acres on July 29th, 2013. We also
- 8 learned that that sale had taken place without prior
- 9 notice to the City of Millville, without prior
- 10 notice to the County of Cumberland, without
- 11 publication in any official newspaper advising
- 12 anyone, including the public, that this sale was
- 13 being contemplated.
- The County and the City took exception
- 15 to that. We, therefore, applaud the Department for
- 16 considering our request that this property be
- 17 reconveyed. We understand that there is a process
- 18 and we would like to expedite that process and
- 19 that's why we are here. I want to make it clear to
- 20 everyone that we have a brief but fleeting
- 21 opportunity to attract a developer to this property
- 22 that already has roots in manufacturing in the City
- 23 of Millville.
- It is an opportunity that may very well
- 25 pass as a result of time that has gone before us.

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1 In the event that that developer does not come
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- 2 forward to purchase this property, then
- 3 unfortunately the City of Millville may lose a
- 4 manufacturing enterprise along with approximately 50
- 5 existing jobs. The County and the City are taking
- 6 whatever steps we can in order to avoid that
- 7 possibility.
- 8 We all live here in this county. We all
- 9 know what the problems are and it goes without
- 10 saying that Cumberland County has experienced
- 11 anywhere from an 11 to a 14 percent unemployment
- 12 rate during the great recession of 2008. Our
- 13 employment took a nose-dive to 14 percent levels.
- 14 We have not recovered. We need to bring jobs. We
- 15 need to bring rateables. Without them, your taxes
- 16 and your schools and opportunities for you and your
- 17 children will begin to decline even further. That's
- 18 why we place such a high priority on this property.
- This property has not only sewer and
- 20 water service, it has frontage on Gorton Road. It
- 21 has frontage along the only limited access to
- four-lane highway in the county, Route 55. There's
- 23 no interchange at this location presently, although,
- there had been discussion about one in this area.
- 25 The property is also in what we call a PA-2 planning

- 1 area.
- 2 There's what is known as a
- 3 cross-acceptance plan in the State of New Jersey
- 4 where the state planning commission and local
- 5 planning agencies work together to make designations
- of properties cross-accepted so that both the state
- 7 and the City of Millville concurred that a PA
- 8 designation, which is a suburban type of planning
- 9 designation, was appropriate on the state map and
- 10 the City has also intended always to preserve the
- 11 right of the City to have this property developed
- 12 for industrial uses which is not inconsistent with
- 13 that. As a result, the City believe and has always
- 14 moved forward with an intention to have this
- 15 property developed.
- 16 Other economic reasons which clearly
- 17 militate in favor of this property being used for
- 18 economic purposes are set forth in the Millville
- 19 Urban Redevelopment Corporation's assessment by
- 20 Triad Associates. It notes: Millville is the 33rd
- 21 highest most distressed municipality in the State of
- 22 New Jersev.
- Of the 566 municipalities, Millville
- 24 ranks 33rd in the state. This is one of the only
- 25 properties in the entire county which has rail

- 1 access, water and sewer access, proximity to a
- 2 four-lane highway as well as road frontage. It also
- 3 has improvement for inclusion for sewer and water
- 4 service. It is located in the Industrial Park.
- 5 Millville's median household income is
- 6 only 69 percent that of New Jersey's and lower than
- 7 most of Cumberland County. What is also interesting
- 8 is that Millville has a largely contributory
- 9 manufacturing base to its economy. Nearly
- 10 21 percent of your workforce works in Millville in
- 11 manufacturing.
- 12 This property was slated for
- manufacturing and not only would your 50 jobs remain
- 14 here, but ladies and gentlemen, you would also end
- up with approximately four to 500 new jobs with a
- 16 manufacturing facility that would do fabrication of
- 17 patio equipment and outdoor furniture as we
- 18 understand it. That opportunity is being -- is
- 19 closing fast.
- We may not be able to bring that here.
- 21 This process may ultimately not work to our
- 22 advantage. Despite that, the City and the County
- 23 firmly believe that this property must be reacquired
- 24 because it must be placed back into the inventory of
- 25 properties that in the County and the City can be

- 1 made available for development.
- 2 Failing that you will lose the
- 3 opportunity to create a significant rateable, you
- 4 will lose the opportunity to create jobs, you will
- 5 lose the opportunity to maintain opportunity for the
- 6 people who live here not to mention the children who
- 7 go to the schools that need to be supported by these
- 8 rateables. 38 percent of your county is restricted
- 9 or preserved.
- 10 It is not as though Cumberland County
- 11 has shirked its obligation or its interest in
- 12 preserving properties environmentally. What we have
- tried to do is to maintain a balance between
- 14 economic development and environmental preservation.
- 15 We recognize -- I think all of us here recognize the
- 16 beautiful county that we have and that we want to
- 17 preserve. We cannot do that with the absence of
- 18 rateables for development because without people and
- 19 prosperity, there is no opportunity for the rest of
- 20 us. The City and the County want to work to
- 21 preserve this property and to have it remain in the
- 22 inventory of industrial -- for industrial use.
- We need to go through this process and
- 24 we remain steadfast that we will take whatever
- 25 measures we can to preserve the opportunities that

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1 we believe both the City and the County must attempt
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- 2 to maintain. It is of public interest that we
- 3 believe militates in favor of what we are doing. We
- 4 did not undertake this process lightly. We have
- 5 been very vocal about it and we are here to express
- 6 why we think that this is so important.
- We, therefore, are asking the DEP and
- 8 we're asking the members of the public to support
- 9 this retransfer. There is nothing that we seek to
- 10 change that has not existed on this property for
- 11 over 25 years. We simply want to return the status
- 12 quo to what it should have been and what it was, and
- 13 return opportunity so that we can take advantage of
- 14 it. Thank you very much.
- MS. YEANY: Before we open the floor to
- 16 public, I want to mention two things: I've been
- joined by Ray Cantor who is the policy advisor to
- 18 Commissioner Bob Martin at the DEP and before we
- open up the floor to the public, I'm going to ask
- 20 Senator Van Drew to make some remarks on the record.
- 21 And I'm sorry, Assemblyman, I don't want to
- 22 mispronounce your name.
- MR. ANDRZEJCZAK: Easy to do.
- MR. VAN DREW: I always tell the joke,
- 25 anybody that can spell Assemblyman Andrzejczak's

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1 last name, I will buy them dinner anywhere in the
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- 2 State of New Jersey. And I know one day somebody's
- 3 going to memorize it and it will be a second meeting
- 4 that I'm at and they'll be able to do it.
- 5 On a serious note, thank you for the
- 6 opportunity to speak here today. I think, as you
- 7 know, I've been a supporter of open space, of
- 8 farmland preservation for many years as a mayor, as
- 9 a freeholder, as an assemblyman and now as a
- 10 senator. And as we've gone through the many
- 11 processes at the state level, whether it was
- dedicating money constitutionally through corporate
- 13 taxes or whether we were dedicating money -- and
- 14 these proposals have been there, as you know,
- 15 through the sales tax, whether it's been the bond
- issues in the past that I have voted for, I've been
- 17 supportive of it. It's important and necessary
- 18 public policy. At the same time, I want to be clear
- 19 that we need to have and was so eloquently just
- 20 stated before that balance. And we need to make
- 21 some sense of this.
- 22 So the purpose of open space and
- 23 farmland preservation, in this case, open space, is
- 24 so that we preserve those greenways, those areas,
- 25 those important parts of our environment that if

- 1 they are lost are going to have an extremely
- 2 detrimental effect to our environment where we may
- 3 lose certain special species and something that may
- 4 not be something that we can actually have
- 5 recuperate through the process. And I understand
- 6 that as well. This is different.
- 7 This is an area that is truly an
- 8 industrial commercial area. This is where I believe
- 9 the process went awry. The City was not really
- 10 involved with the process, didn't know about it and
- I know it was a willing buyer; but to really
- 12 understand what Cumberland County's going through
- 13 and, actually, deep South Jersey is going through --
- 14 and I try to make my colleagues really very much
- 15 aware of this when we have conversations in the
- 16 Senate Budget Committee and in other committees as
- 17 well. And again, it was stated previously but
- 18 people should understand that Cumberland County, not
- only in the State of New Jersey but nationally is
- 20 one of the poorest counties and has one of the
- 21 highest unemployment rates.
- It's on the top ten of unemployment in
- 23 the United States of America. The first legislative
- 24 district has these huge challenges. So we have to
- 25 be mindful of that and have good public policy that

- 1 balances the need for keeping our greenways and our
- 2 open spaces and yet, at the same time, allow our
- 3 residents and allows human beings to make a living.
- 4 The thought -- I don't have the words to
- 5 articulate how distressing this process was to me
- 6 when we are so desperately looking for jobs for our
- 7 people, and the potential to maintain jobs not only
- 8 is there, but to expand the number of jobs
- 9 significantly is there and we lost that through a
- 10 governmental process.
- I mean, we spend millions and, probably
- 12 over a longer period of time, billions of dollars in
- 13 the State of New Jersey trying to attract business,
- 14 trying to bring business here, trying to create
- 15 business here. We work through the EOA, Economic
- 16 Opportunity Act, Economic Opportunity Act No. 2, No.
- 17 3. We're working on all these issues, but here was
- 18 an opportunity that was right in front of us and it
- 19 went awry.
- What should happen here is this
- 21 property, which is so suited for commercial and
- 22 industrial use, should go back to its previous use.
- 23 We should go back to where it was. It has access to
- 24 Route 55. It has access to rail. It has water. It
- 25 has sewer. Those are not the type of areas and that

1 is not the type of planning that we speak about in

- 2 my mind when we speak of regular planning.
- If people can't make a living, if we
- 4 literally take the most productive, commercial
- 5 properties that we have away, we're not going to be
- 6 able to have open space either. We're going through
- 7 this great debate; we don't know how we're going to
- 8 pay for future open space and part of the problem is
- 9 the economy in the State of New Jersey.
- If we were doing better, we'd have more
- 11 money and we could even do better for the
- 12 environment. But as our people grow poorer,
- 13 particularly down here, and have greater challenges,
- if they don't have money in their pocket, if they
- 15 can't support their families, if they can't pay
- 16 their taxes, there will be no money for open space.
- 17 So the real public policy here in my
- 18 mind is to understand -- and I know that we all do,
- 19 but just reiterate what planning is about.
- 20 Planning's about ensuring that the areas that are
- 21 preserved for open space are special, pristine, pure
- greenways that are needed and nonreplaceable and not
- 23 appropriate for commercial and industrial
- 24 development. And at the same time making sure
- 25 through our planning and through incentives that the

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1 areas that are productive for commercial industrial
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- 2 are also areas that we incentivize literally.
- I mean, this is a project, truthfully,
- 4 that I could actually see the State of New Jersey
- 5 trying to help someone who would come in to that
- 6 area and build a business and incentivize that
- 7 business. And that's really what we should be
- 8 doing. So in my mind to make that exchange, to
- 9 redesignate this property, to ensure that it can be
- 10 used for its intended purpose is actually good for
- 11 the environment and it's good for the economy.
- 12 There are people who like to say that
- 13 you can't do both. They're wrong. You can do both,
- 14 and if we put our thinking caps on we can do both.
- 15 And just to reiterate one more time, I think this is
- 16 where the process went awry in this case. I know
- 17 it's extraordinarily unusual for DEP to do this. I
- 18 thank you for being here. I know it's
- 19 extraordinarily unusual to have a diversion. I
- 20 understand the process. I've been involved with it
- 21 before. This case mandates and dictates that we do
- 22 it for the sake of the people and the families that
- 23 work and live here, for the sake, in my mind, for
- 24 the future of the environment so that we do have
- 25 that proper balance. I believe it's what's right to

- 1 do.
- 2 So I just wanted, on the record, to be
- 3 as supportive as I possibly can for that process so
- 4 that we can get moving here in Millville and in
- 5 Cumberland County and in South Jersey. Thank you.
- 6 Assemblyman Andrzejczak.
- 7 MR. ANDRZEJCZAK: I'm going to keep it
- 8 very short tonight. My allergies are definitely
- 9 kicking my butt right now, but -- oh, it also helps
- 10 that everybody has basically already said what I was
- 11 going to say, so I am the Chairman for Agriculture
- 12 Natural Resources in the Assembly. I'm a big
- 13 supporter of open space and preserving farmland and
- 14 all of that, but for this instance, I don't feel
- 15 that it is appropriate for the City of Millville --
- 16 like it was stated before, without this land we're
- 17 going to lose jobs and with the land we're going to
- 18 gain 300 to 500 jobs.
- 19 It's going to make a huge impact on the
- 20 City of Millville and also on the county. So with
- 21 the economy the way it is right now, we need all the
- jobs that we can, especially down this way, and it's
- 23 sitting right in front of us. We just -- it's just
- 24 -- just out of reach, so big supporter of using the
- land for its original intended purpose and hopefully

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we can get it back to where it was. So thank you.

MS. YEANY: Thank you. Okay. Let me
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- 3 just remind people as you get up to testify, please
- 4 identify yourselves, spell your last name for the
- 5 record. I believe there's some city officials who
- 6 want to speak next.
- 7 MR. QUINN: Thank you. Thank you for
- 8 coming down and providing the hearing for us. I'm
- 9 the only commissioner, I'm the Vice-Mayor Jim Quinn,
- 10 Q-U-I-N-N, and a lot shorter than Andrzejczak,
- 11 that's for sure. I was here -- this is my 17th year
- 12 as elected official, 12 as mayor, now as a
- 13 vice-mayor, and I know a lot of my friends that are
- in the neighborhood Edgewood Acres are here this
- 15 evening and I was the person who came forward when
- 16 there was an asphalt plant that wanted to go in this
- 17 property and I had four colleagues on the commission
- 18 at the time who all supported putting an asphalt
- 19 plant there. I did not and I was able to convince
- 20 those people that that was not a good thing for that
- 21 property and for the residents who live close by.
- Now I want to tell you the flip side
- 23 tonight, ladies and gentlemen. The property that
- 24 wants to go there, the Railing Dynamics, does not
- 25 spew out fumes as maybe the asphalt plant would

1 have. The property is currently located just about

- 2 a block and-a-half from a residential section on
- 3 10th Street, Millville. They're where the General
- 4 Machine used to be. They've been there for years.
- 5 I didn't know they were there, to be
- 6 honest with you. They have about 70 employees right
- 7 now and we're very fortunate because in the City of
- 8 Millville they decided we liked this city, we liked
- 9 the opportunity to be here and we want to make
- 10 Millville, New Jersey our North American
- 11 headquarters for Railing Dynamics, Barrett and
- 12 Barrette I quess it's called.
- So they were going to close their other
- 14 plants in Canada, Tennessee, all over and come to
- 15 Millville; build a 400,000 square-foot facility that
- 16 would add a wonderful rateable and, by the way, we
- 17 just lost ten million in rateables last year because
- 18 people appealed their taxes which they're doing all
- 19 over the state.
- 20 So it would have been a real shot in the
- 21 arm for us for a rateable base of 400,000
- 22 square-foot building and as you've heard between
- 23 three to 500 jobs. That's what we stand to lose,
- 24 and this was very disturbing to us that all of a
- 25 sudden this land that had always been the industrial

- 1 park -- friend of mine is sitting here tonight said,
- 2 Jim, my whole life that's been the industrial park.
- 3 I said, Yes, it has been the industrial park.
- 4 The land has rail, it has water and
- 5 sewer and it's one of the few pieces of land -- in
- 6 fact, the only one they saw in the County that was
- 7 80 acres, the amount of land they needed to build a
- 8 400,000 square-foot facility. So folks, I stood up
- 9 for you and I fought the asphalt plant, but I'm
- 10 telling you now this is not an asphalt plant; this
- is something that will generate a lot of jobs, a
- 12 great rateable for the City and is not
- 13 environmentally sensitive whatsoever and I thank you
- 14 very much.
- MS. YEANY: Do any other elected
- officials want to go on the record before we open
- 17 this up to the public? Okay. I would ask people to
- 18 just approach the microphone, identify yourself as
- 19 I've said and let's just try to speak one at a time
- 20 so the court reporter can capture everything.
- MS. HEISLER: My name is Mary Heisler,
- 22 H-E-I-S-L-E-R. I'm a resident of Edgewood Acres.
- 23 My husband and I have lived there for about
- 24 20 years. He's been there a couple years longer
- 25 than I. I have a letter I'd like to read to you,

- 1 but I'd like to just address something that Mr. --
- 2 Senator Van Drew had mentioned about knowing how --
- 3 for us to realize how depressed this economy really
- 4 is.
- 5 He might remember; he might not, but in
- 6 the fall when he was running for reelection we had a
- 7 conversation in front of the Shop-Rite and I told
- 8 him about how I personally had been affected in a
- 9 negative way with some of the policies and with some
- 10 of the recession that occurred.
- 11 And I realize we do need jobs here, but
- we need the jobs to be in the right places and the
- 13 right kind of jobs, so I'm not anti-industry. I've
- 14 been hurt by this recession. I'm sure many other
- 15 people have, but I still believe that it's our --
- our commitment, our -- wrong word. It's our -- we
- 17 need to be willing to look ahead to the future and
- 18 make the right decisions for our -- for our future
- 19 generations environmentally as well as financially.
- Now I will read the letter. Dear Ms.
- 21 Piccinini Yeany, my husband and I are very concerned
- 22 that the land in dispute, Menantico Ponds Wildlife
- 23 Management Area, Block 578, Lot 19 is being
- 24 considered to be taken out of preservation and used
- 25 for industrial purposes. We object on many levels,

1 which we will list, but not write lengthy paragraphs

- 2 about all of them. Others can explain it better
- 3 than us, but we do understand the various issues.
- 4 As residents of part of Millville that border the
- 5 Menantico Wildlife Management area and is less than
- 6 a mile from where the plant would be located, we
- 7 worry about quality of life issues -- noise, air and
- 8 water pollution from traffic, fumes and industrial
- 9 waste, pollutants seeping into the ground water.
- 10 There are plenty of vacant properties in Millville's
- industrial parks that would seem to be suitable for
- 12 proposed use. Might need some adaptations, but I
- 13 think they could be used. It would make sense to
- 14 cleanup, adapt and reuse brownfields rather than
- 15 develop untouched land.
- We applaud the DEP for the original
- 17 decision to preserve that property. Your own
- 18 investigation determined that it is a significant
- 19 and high priority area, one in which preservation
- 20 would be very beneficial to Green Acres philosophy
- 21 and purpose. It saddens us to think that "preserved
- in perpetuity" in this case lasts about one year,
- 23 maybe less. We find it hard to believe that it
- 24 could lose its environmental value that quickly.
- Once a piece of property is developed,

- 1 there's no going back and recovering the original
- 2 ecosystem. As part of one of the largest tracts of
- 3 preserved land in the most densely populated state,
- 4 it behooves you, the New Jersey Department of
- 5 Environmental Protection, to add us, the citizens,
- 6 local and county officials, to fight to maintain its
- 7 integrity.
- Please don't give in to shortsighted
- 9 economic and/or political pressure to deprive our
- 10 citizens, presently and in the future, of this
- 11 precious resource. The land slash diversion seems
- 12 to be a very poor bargain for the citizens of New
- 13 Jersey. The land was purchased with taxpayers'
- 14 funds. Millville and Cumberland County are suing to
- 15 reverse the sale, we assume using taxpayer funds.
- 16 If private funding is being used to sue, the
- 17 citizens should be made aware of what special
- 18 interest groups and/or what individuals stand to
- 19 benefit.
- The residents and taxpayers will not
- 21 benefit from this. Millville would buy the land
- 22 using taxpayers' money again. The NJ DEP then would
- 23 maybe buy the land at Holly Ridge, but that's
- 24 already unsuitable to be built on in that area
- 25 because of the wetlands. This seems like a very

- 1 convoluted and wasteful way of doing business.
- 2 The precedent this diversion would set
- 3 is very frightening. That means that no preserved
- 4 land is ever really preserved in perpetuity. This
- 5 is not something that New Jersey should be inclined
- 6 to set precedent for. We'll leave other people to
- 7 discuss in more detail and with more facts other
- 8 concerns -- the size of the property considered, the
- 9 environmental and recreational values.
- 10 Vinyl fencing is very toxic not only
- 11 when manufactured, but also when cut or sanded as in
- 12 construction of fences. In some studies, components
- of polyvinyl chloride are suspected to be
- 14 carcinogenic. Tiny particles from being cut, being
- shaped, being moved will become airborne -- in my
- 16 development we live downwind -- and will seep into
- 17 the ground water.
- Now if the -- this area of the Durand
- 19 property, former Durand property, is considered --
- 20 was considered an important water recharge area, do
- 21 we really want polyvinyl chlorides seeping into the
- 22 ground water and coming into our drinking water and
- 23 our fishing areas? I have a printout of some of the
- 24 hazards if anybody wishes to see them.
- Last of all, we don't feel that this

1 debate should be even happening. The DEP bought the

- 2 property for valid reasons following a law.
- 3 Millville should accept that and try to make other
- 4 accommodations for the company. We know that
- 5 Millville and Cumberland County need businesses and
- 6 employment.
- 7 Why not promote the unique environmental
- 8 qualities of our area and build ecotourism industry
- 9 on our open spaces, build industries near other
- 10 industries, reuse brownfields, renovate buildings or
- 11 rebuild them? When we travel around the City, we
- see so many vacant properties. The industrial ones
- 13 could and should be reused.
- 14 Please, I ask you, don't bow to
- 15 political and economic pressure to reverse a sound
- 16 decision that your Department made. Doing so will
- 17 not benefit the majority of our people in the long
- 18 run. Thank you.
- MS. YEANY: Did you want to submit that
- 20 copy of the written comments for the record?
- MS. HEISLER: Yes, I can.
- MS. YEANY: Can you bring it up?
- MS. HEISLER: Sure.
- 24 MS. YEANY: I should have mentioned at
- 25 the beginning and indicate for the report, we're

- 1 allowing two weeks for written public comment after
- 2 tonight's hearing. After which we'll close the
- 3 record for this hearing, but since we're having
- 4 another hearing two weeks from now and allowing an
- 5 additional two weeks after that, you really have a
- 6 month to submit written comment to me as the contact
- 7 person -- my e-mail address is in the report -- if
- 8 you think of anything you want to say after the
- 9 hearing is over.
- 10 Go ahead.
- MR. MARKOWSKI: Yes. My name is Edward
- 12 Markowski, M-A-R-K-O-W-S-K-I. And I'm here tonight
- 13 representing the New Jersey Outdoor Lion's
- 14 Conservation Foundation. I'm going to be a lot
- 15 shorter and will tell you that the Conservation
- 16 Foundation opposes the transfer of Durand to a
- 17 private individual.
- 18 We believe that Green Acres purchases,
- 19 A, should stay in Green Acres and should stay
- 20 protected forever. We also believe that its close
- 21 proximity to the Menantico Wildlife Management area
- 22 makes it a very important key to allowing the
- 23 management area to expand. We also feel that the
- 24 environmental study that was done was extremely
- 25 limited in nature; in fact, it didn't take into

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1 consideration the continuous nature of the habitat,
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- 2 particularly when it comes to the pine snake.
- 3 And finally, we believe that transfer of
- 4 this size would set a precedent and that is a
- 5 dangerous precedent because, believe me, this is not
- 6 the only municipality that covets properties that
- 7 are owned by the State of New Jersey administered.
- 8 There are other entities in South Jersey
- 9 right now that, once this were to be transferred,
- 10 I'm sure would step forward and attempt to gain the
- 11 same advantage of getting back properties that have
- 12 been preserved for the public for many years. Thank
- 13 you very much.
- MS. MESSECK: Mary Messeck,
- 15 M-E-S-S-E-C-K. I've heard a lot, I've read a lot.
- 16 I understand the idea behind preservation of land
- 17 and everything else. Since this property was
- 18 originally designated as industrial, which means
- 19 it's workable, it's meant to cause a living, as
- 20 someone had mentioned earlier.
- We have empty homes. The empty homes
- 22 are due to the fact that there's lack of jobs.
- 23 Without a job you can't sit there and pay your
- 24 taxes. You can't keep your home up. Something that
- is going to benefit people where we're going to

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1 bring in jobs which means we'll now stop having more
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- 2 homes that are empty and boarded up on a single
- 3 block than we have residents living on that block.
- 4 I've lived in this city for a little
- 5 over 20 years and I have seen within the last five
- 6 years, our city dwindling down to the point where
- 7 it's going to be a ghost town. That's unacceptable.
- 8 We keep saying we want people to come to Millville.
- 9 We want to emphasize the good things we have. Well,
- 10 how we going to have those good things if, A, we
- 11 have no jobs, we have no people living in this town
- 12 because nobody can afford to live. You have to have
- 13 finances in order to provide.
- 14 Anybody, just look through the City you
- 15 will see that. We've had some businesses come to
- 16 this town. They've been here a while and then they
- 17 pack up and left. This doesn't give the City any
- 18 rateables, money coming in. It's money that's going
- 19 out because somebody has to cover somebody not
- 20 paying their fair share. Please think again. Think
- 21 of the people since this was originally an
- 22 industrial piece of property. I thank you.
- MS. YEANY: Thank you.
- MR. VIRGILIO: My name is Frank
- 25 Virgilio. I'm president of New Jersey State

- 1 Federation Sportsmen's Club. My name is spelled V
- 2 as in Victor, I-R-G-I-L-I-O. I'd like to thank the
- 3 DEP, the Commissioner, the Governor, Senator,
- 4 Assemblyman for all you have done making this
- 5 regulatory hearing possible.
- I use the word "regulatory;" I'll come
- 7 back to that a little bit later in what I have to
- 8 say. I also thank the Senate and DEP for the Green
- 9 Acre bond issues that they float allowing us to have
- 10 this preserve special spaces. Let me tell you
- 11 little bit about my organization.
- 12 New Jersey State Federation of Sportsmen
- 13 clubs was organized in 1935. We have 150,000
- 14 members statewide in 20 counties. We have three
- 15 regional county organizations and we have in
- 16 Millville alone, this ZIP Code, 2000 members off the
- 17 database that I pulled two days ago, just in
- 18 Millville alone, 2000 members. Green space,
- 19 Wildlife Management areas is extremely important to
- 20 New Jersey Federation Sportsmen clubs.
- Back in 1932, the first tract of
- 22 property was purchased in North Jersey. It was
- 23 purchased with hunter and angler money, not taxpayer
- 24 money. Money from the hunting licenses and fishing
- licenses and that started the New Jersey Wildlife

- 1 Management area system in New Jersey.
- 2 Since that year we continue to buy and
- 3 add ground to our Wildlife Management area system
- 4 until 1961 when Green Acres bond issues came about
- 5 and then taxpayers started buying it. Also it's our
- 6 hunter dollars that actually pay for the maintenance
- 7 and upkeep of the Wildlife Management area system,
- 8 not taxpayer dollars. That comes from the Division
- 9 of Fish and Wildlife, the hunter and angler
- 10 revolving account and that money only comes from
- 11 license fees levied on hunters and fishermen, so
- we're the ones that are paying for this.
- We want our property. You talk about a
- 14 repressed area. Millville is a repressed area.
- 15 Prior to retiring I was a conservation officer in
- 16 the State of New Jersey; in other words, game
- 17 warden. I patrolled down here in these areas. I
- 18 will tell you that there are many, many substance
- 19 hunters and fishermen in the Millville area and in
- 20 the Cumberland County area.
- 21 I'm also a member of Fortescue Anglers
- down in Fortescue and I'm the representative of
- 23 Cumberland County Federation. Our sportsmen want
- open spaces, we want green spaces and we want
- 25 contiguous green spaces. What we fear the most --

- 1 and this was in many conference calls over the past
- 2 two weeks since we heard about this -- we fear the
- 3 legal precedent that would be set by this and every
- 4 municipality would look at that.
- 5 I speak about that legal precedent and
- 6 get back to that regulatory process. Right now
- 7 we're eligible to speak our voice. This is the
- 8 voice of the people, the voice of the constituents
- 9 of our elected officials and the DEP because --
- 10 that's because regulation allows that.
- Once DEP transfers this property, then
- 12 it becomes a legal process where like the town my
- 13 town, the town of Glassboro, we have about
- 2,000 acres in Wildlife Management area system. The
- 15 adjacent town Clayton has the industrial complex
- 16 there. Safety clean. They can't expand that
- industrial complex because it's Wildlife Management
- 18 area, but what they could do is say, wait a second.
- 19 Millville did it. Why can't we sue to do it?
- 20 Once you start to sue to do it, it's no
- 21 longer a regulatory process; it becomes a court
- 22 process and the voice of the people is no longer
- 23 heard. It's just judges and attorneys, and most of
- 24 us in this room understand what happens when judges
- 25 and attorneys get their hands on this stuff. It's

- 1 left to a decision from someone on the bench.
- 2 Our 150,000 members statewide have
- 3 appreciated what DEP and this Governor has done for
- 4 sportsmen. You have been strong supporters of most
- 5 of our issues. Senator Van Drew has been strong
- 6 supporters of a lot of our issues and I'm sure that
- 7 the new Assemblyman and the new chair will also view
- 8 these issues favorably.
- 9 I wish this was just about jobs and I
- 10 wish Millville understood the value of these jobs in
- 11 their community and started bidding for this
- 12 property before DEP sold it. It wasn't like this
- 13 property wasn't there. Millville had lots of
- 14 opportunities. They didn't utilize those
- 15 opportunities. Now all of a sudden they decide,
- 16 wait a minute, foul.
- 17 One last point I want to make. We
- 18 called a one-to-one buyout or one-to-one transfer.
- 19 Excuse me. The sportsmen view this property now as
- 20 value added because we own it and because it's our
- 21 property to hunt on, to fish on, to hike on, to
- 22 bird-watch on, we don't think it's a one-to-one
- 23 transfer. Okay? We're looking at five to one, ten
- 24 to one, 15 to one. You can't place a value on our
- 25 open space. Thank you.

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1 MS. REARDON: Hi. I'm Cheryl Reardon
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- 2 with the Association of New Jersey Environmental
- 3 Commissions known as ANJEC, South Jersey project
- 4 director. ANJEC is nonprofit organization that
- 5 works to support the efforts of environmental
- 6 commissions in 388 towns in New Jersey. We also
- 7 coordinate the work of the South Jersey Bayshore
- 8 Coalition which is united effort of over 20 active
- 9 nonprofits working to protect the natural resources
- 10 of the South Jersey Bayshore region.
- 11 ANJEC strongly opposes the sale of the
- 12 80-acre parcel of land formerly known as Durand
- 13 property. Just ten months ago, the NJDEP Green
- 14 Acres preserved this land using public funds because
- of its extraordinary environmental and habitat value
- 16 as well as its connectivity to adjacent preserved
- 17 lands. The land is integral to one of the largest
- 18 and most pristine, critical tracts of forest in all
- 19 of southern New Jersey.
- In addition, this land is upland
- 21 property with significant recharge capacity
- 22 essential to recharge of the Kirkwood-Cohansey
- 23 aquifer which millions of people throughout South
- 24 Jersey rely on for their water supply. This deal
- 25 sets a terrible precedent for the state. If this

1 transfer is allowed, no preserved lands will be safe

- 2 from being flipped for private use.
- 3 A sale of such a large property by the
- 4 NJDEP is unprecedented and undermines over 50 years
- 5 of public trust in open space acquisitions and sheds
- 6 a dark cloud over the future of land preservation
- 7 throughout New Jersey. New Jersey law requires that
- 8 municipal governments adhere to strict standards for
- 9 land diversions of preserved land. The state should
- 10 absolutely be required to abide by the same rules
- 11 and standards that is required of municipalities.
- 12 Green Acres preserved this land for all
- 13 the right reasons. Nothing has changed since NJDEP
- 14 purchased this land just ten months ago. The same
- 15 environmental values exist today as they did last
- 16 year. This exceptional piece of property must
- 17 remain preserved as it provides the connecting link
- in the forested Wildlife Management area that
- 19 surrounds it. NJDEP's diversion should not even be
- 20 a consideration. Thank you.
- MS. GALETTO: My name is Jane Morton
- 22 Galetto. I represent Citizens United to Protect the
- 23 Maurice River and Its Tributaries and I'd like to
- 24 welcome the DEP here to Millville tonight. We thank
- 25 you for listening to what we have to say.

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1 I represent a membership that exceeds a
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- 2 thousand people. I'm going to be a little bit
- 3 choppy tonight because I know there's a lot of
- 4 people that want to speak and I can submit our most
- 5 organized statement in writing later.
- The DEP, as you know, is proposed to
- 7 sell an 80-acre portion of the 474 acre New Jersey
- 8 Division of Wildlife Menantico Ponds Management area
- 9 for private use. They purchased the Durand property
- 10 for preservation just ten months ago. These
- 11 80 acres are contiguous to a 95-acre parcel owned by
- 12 The Nature Conservancy and also connected via the
- 13 Menantico Ponds Wildlife Management area to
- 14 approximately 3,000 acre Manumuskin Preserve also
- 15 connected and owned by The Nature Conservancy.
- 16 These Nature Conservancy properties are
- 17 currently in the process of being transferred to the
- 18 DEP and added to the Menantico Ponds Wildlife
- 19 Management area; thus the Durand tract is integral
- 20 to one of the largest, most pristine tracts of
- 21 forest in all of southern New Jersey.
- Just recently in these very halls our
- 23 organization spoke in favor of this transfer right
- 24 here. Now we fear that the next 75, 25, 100, 500, a
- 25 thousand jobs will jeopardize these adjacent lands

1 as well. This is a validation of public trust. We

- 2 have to be able to trust you to protect our lands.
- 3 Your mission is the DEP, the Department of
- 4 Environmental Protection. If we can't trust you to
- 5 keep protected lands protected, who can we trust?
- 6 What's going to happen to the park in
- 7 downtown Millville that's bought with Green Acres?
- 8 Gees, maybe the next CVS wants to go there? Maybe
- 9 Corporation XYZ that gave to Senator XYZ's campaign
- 10 wants to go there? When does it stop? We trust you
- 11 to protect these spaces. In fact, it was me that
- 12 called Curt Gellerman telling him that the
- opportunity to purchase this property was a
- 14 possibility. It's surrounded by protected space.
- 15 Sixty percent of its borders surrounded by protected
- 16 space. It's the area with the railroad track, the
- 17 700-some feet that's adjacent to the industrial
- 18 area. The rest is part of the forest. It's really
- 19 distressing.
- I can't imagine over my almost 30 years
- of dedication in time to the environment how many
- 22 times I've gotten up and spoken for the DEP, for the
- 23 endangered species of New Jersey, for the sportsmen,
- 24 for free and now I feel betrayed. I don't want to
- 25 feel betrayed.

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1 The Durand property is the largest tract
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- 2 ever proposed for diversion from preserved status to
- 3 other ownership either for private or public uses.
- 4 A diversion of Green Acres property is first and
- 5 foremost often for public purpose. Second, in rare
- 6 circumstances, diversions have been approved for
- 7 private purposes but they're usually limited to an
- 8 acre or two.
- 9 The state has never approved or even
- 10 proposed a diversion as huge as 80 acres for
- 11 commercial industrial development. To do so, as my
- 12 friends have suggested, would set a regrettable
- 13 precedent. It opens the floodgates for any
- 14 municipality to claim the need for economic
- 15 development to seek to divert public lands from
- 16 Green Acres properties into private and commercial
- 17 use. This would severely undermine 50 years of the
- 18 public's supporting Green Acres. As you know, the
- 19 Durand tract has enormous environmental values. You
- 20 already heard testimony as to the types of species
- 21 that are on this tract, so I'll not elaborate.
- The purported replacement property, the
- 23 Holly Farm, does not compensate for the
- 24 environmental loss because the replacement property
- 25 has been committed to preservation for over

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1 12 years. Yes, there's been a reconfiguration of
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- 2 the development on the property closer to the road,
- 3 but it still has 900-some homes and the amount of
- 4 land it would seek to protect with the swap is still
- 5 the same. And in these very halls, the Millville
- 6 Planning Board already required that that be a
- 7 set-aside, so there's no gain here.
- 8 The approval of the general development
- 9 plan for the Holly Farm tract was in 2004 and the
- 10 DEP proposes to purchase the same 930 acres that the
- 11 developer and the Millville Planning Board have
- 12 already committed to preserve, thus the DEP's claim
- on replacement is an empty gesture with no
- 14 environmental or economic value.
- I think maybe the most disturbing thing
- of all is that the DEP for the Holly Farm made four
- 17 attempts to purchase. Myself and my colleagues have
- 18 worked for over 25 years to see that this property
- 19 is protected. Last year the Board of Public
- 20 Utilities' decision to allow this property to be
- 21 transferred into private hands of a developer was
- 22 overturned because they said the BPU did not look at
- 23 the facts closely enough. That opened the door for
- 24 the DEP to finally exercise the option. They chose
- 25 not to do so.

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1 One of the greatest betrayals of my
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- 2 environmental career. Then we raised promises of
- 3 \$1.7 million and we went to the Commissioner's
- 4 Office and we said, Okay. We've raised \$1.7 million
- 5 toward the purchase of the Holly Farm. Again, they
- 6 chose not to purchase the whole thing.
- 7 Then The Nature Conservancy in the final
- 8 hours said we want to preserve the entire piece.
- 9 Again, the DEP did not. They turned their back on
- 10 their mission. The Holly Farm tract must be
- 11 preserved in its entirety to protect the
- 12 environmental and habitat benefits of the site.
- And there's a third pea in the shell
- 14 game as you attested to earlier. A piece of
- 15 property we're not even sure what it is. We hear
- 16 rumored what it is, so we don't even know the
- 17 outcome. There's language if this doesn't happen in
- 18 three years, well, then -- well, then we'll put it
- 19 into a bank in which we can purchase some other land
- 20 in Cumberland County. Not necessarily that it has
- 21 to be in the same watershed as the wild and scenic
- 22 rivers that border these sites, not that it has to
- 23 be in the Maurice River watershed, not that it has
- 24 to be adjacent forest; just, you know, we'll
- 25 purchase something for 390-some thousand dollars or

- 1 whatever the fee is.
- 2 So I'd like to address some of the other
- 3 testimony that was in favor of this. We believe
- 4 there's more suitable properties in Millville and
- 5 Cumberland County to develop than the property in
- 6 this block which makes up one of the most
- 7 ecologically sensitive forest complexes in the
- 8 state. We're providing a May 2014 list of known
- 9 industrial sites for Salem/Cumberland County. This
- does not necessarily include abandoned sites or all
- 11 available sites.
- We assert that it's incumbent upon the
- 13 DEP to put their efforts into helping Millville to
- 14 explore the properties or to redevelop sites
- including brownfields before targeting Green Acres
- 16 priority purchases. This was a priority purchase.
- 17 Arguments that this represents a loss of jobs in
- 18 Millville is questionable. The land has been
- 19 available for purchase for decades. The City and
- 20 County argue they are losing jobs.
- 21 First, we once again refer you to the
- 22 list of available Cumberland County properties in
- 23 the report. Second, we would like to state that all
- 24 of our citizens -- that many of our citizens also
- commute to other towns for work, so this isn't the

- 1 only place that Millvillians work.
- 2 One of the companies that the City of
- 3 Millville has touted as a candidate for this
- 4 property is the Railing Dynamics Company. In
- 5 numerous press accounts, the South Jersey Chamber
- 6 reports the company has shown -- and the Atlantic
- 7 City Press and others that the company is shown as
- 8 relocating to a building in Egg Harbor Township. In
- 9 today's depressed economy the cost of an existing
- 10 building is many magnitudes less than building a
- 11 building, so it's conceivable that they picked this
- 12 site because of economic reasons in Egg Harbor
- 13 Township.
- 14 It underscores the need for Millville to
- 15 get assistance from the DEP to redevelop some of our
- 16 existing abandoned buildings as opposed to building
- on virgin properties. In this case the state is not
- 18 losing jobs and you represent the state. The
- 19 location is for a short commute for Millvillians as
- 20 well. Many of our members are Millvillians and we'd
- 21 like to see the jobs available here, but again,
- 22 Millville has industrial space and I've provided you
- 23 a list of that and other county space. Further,
- 24 it's our understanding that the footprint necessary
- 25 for the vinyl railing company is smaller than

- 1 80 acres, so why would we sell all 80 acres.
- 2 Further, I was on a committee for the
- 3 site -- the school board as a site selection
- 4 committee and we dismissed this property because of
- 5 safety issues because of evacuation; that to get
- 6 over the tracks is the only way out, and if there's
- 7 rail lines and they're blocked or people can't get
- 8 in and out because of rail schedules, then it's not
- 9 safe.
- 10 So I'm not so sure that if it was not
- 11 safe for a school that it's so safe for people to
- 12 work. The City characterizes the land as being an
- industrial property within the City's Industrial
- 14 Park. Presently the land is owned by you, the DEP,
- and you bought it just ten brief months ago.
- 16 As was stated by one of my former
- 17 associates, nothing's changed. The one thing that I
- 18 hope will come out of this is that I will once again
- 19 stand side by side with all my friends at the DEP
- 20 and do the right thing for protecting the
- 21 environment of New Jersey and that I'll never, ever
- 22 once again have to give a testimony like the one I
- 23 gave this evening. Thank you.
- MR. NYMAN: My name is Eric Nyman,
- 25 N-Y-M-A-N. I'm a Millville resident, homeowner and

- 1 local business owner, and my restaurant's been in
- 2 business for little over three years. I want to say
- 3 that it's very disturbing that the DEP is
- 4 considering selling this land that was supposed to
- 5 be preserved in perpetuity and a lot of people with
- 6 more knowledge about natural habitats than I have,
- 7 have already said things I don't need to rehash, but
- 8 anyone with even a very rudimentary understanding of
- 9 an ecosystem knows that it's not the primary -- the
- 10 specific location of the endangered species that
- 11 matters, but the contiguous area that they can roam
- 12 freely through. You know, if you have an endangered
- owl, you don't just say, All right. Cut down the
- 14 whole forest and leave the tree with the owl in it;
- 15 they'll thrive like that.
- This is part of the Menantico area.
- 17 Over 50 percent of it borders preserved space and it
- 18 should remain so. In regards to what the town's
- 19 doing here -- hey, Mike, Jim -- I can't imagine how
- 20 hard it is to try to do the right thing for the
- 21 town. Jim, I want to commend you for helping stop
- 22 the asphalt plant in recent times. I appreciate the
- 23 help in keeping me in business and for having me on
- 24 your show a few times. I know you're trying to do
- 25 the right thing and this is not the right thing. To

- 1 bring in a new business to, you know, take over
- 2 preserved land -- and whether the land was in the
- 3 past designated for industry, it's not anymore.
- 4 It's passed on.
- 5 Right now that land is preserved and
- 6 that status should have remained. What -- the
- 7 direction of this town can't be to keep starting new
- 8 projects that may fail. Look at the Motorsports
- 9 Park, look at the Arts District. Right now I have a
- 10 business in the Arts District and there's five
- 11 blocks of Arts District and there's maybe one block
- of arts stuff, you know.
- The whole district could be condensed
- 14 there. And there's condemned buildings, buildings
- 15 for sale and buildings for rent and abandoned
- 16 buildings, and the town needs to take care of what's
- 17 already been developed before it goes ruining new
- 18 spaces.
- 19 Also, I mean, this must be so tempting
- 20 to sell this property for so much money to bring in
- 21 a new company that's going to bring new jobs. I
- 22 mean that's, you know -- that would be wonderful,
- 23 but it's risky. I mean, it was an industrial job
- 24 that brought me to Millville five years ago. I took
- 25 a job in the industrial park in the old Bessler (ph)

- 1 Building building pipe organs. Well, that company
- 2 folded after me working there for a year. That's
- 3 why I have a restaurant now, but, you know, that
- 4 didn't last. Bessler didn't last.
- 5 Bessler was a company that relocated to
- 6 Tennessee and they went out of business, I want to
- 7 say, about four years ago, you know. Their
- 8 relocation didn't work for them. This new company
- 9 -- I forget the name of it, but the fencing outdoor
- 10 patio company, they're proposing closing down plants
- in other locations and moving here? That sounds
- 12 like a desperate measure; that doesn't sound like a
- 13 really successful company that's on the up and up.
- 14 You know better than me?
- 15 Maybe they are, but it's still a huge
- 16 risk. And if they do that now, they're going to
- abandon their workers in these other places, they're
- 18 going to abandon what they vested in those towns.
- 19 What makes you think they won't do it to us as soon
- 20 as they find a better opportunity somewhere else
- 21 perhaps overseas, you know, Arkansas, whatever?
- We can't put this trust in this company.
- 23 Let's put the trust in the open land which we know
- 24 brings people here. A lot of my customers come
- 25 here, they're always asking me where are the good

- 1 trails, you know, where can I go take a nice hike.
- 2 I sent them to Menantico. I personally go to
- 3 Menantico quite frequently myself. It's a beautiful
- 4 place and needs to be kept that way. That's pretty
- 5 much it. Thank you.
- 6 MR. RAPA: Hi. My name is Francis Rapa.
- 7 I'm the -- oh, last name's spelled R-A-P-A. I'm the
- 8 Delaware Bay Regional Manager with the New Jersey
- 9 Conservation Foundation and we're a statewide
- 10 nonprofit land trust that was formed in 1960 and
- 11 we've helped preserve over 125,000 acres of parks
- 12 and open space around the entire State of New
- 13 Jersey.
- Before I start reading my prepared
- 15 remarks, I want to comment on something we heard a
- 16 few times tonight and that's the -- about the
- importance of returning this property to its
- 18 original zoning or intended use. And to that I just
- 19 want to say that so many of our really important
- 20 preserved public lands were saved from really crazy
- 21 development schemes, whether it be industrial
- 22 proposals or resource extraction -- and that's from
- 23 some of our greatest national treasures down to
- local parks and in our communities. Even in our own
- 25 backyard, the Pinelands National Reserve was saved

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from a proposal to build a regional jet port and a
 1
 2
     futuristic city of tomorrow, so -- so to that I say
 3
     that argument really doesn't hold a lot of water.
 4
                 Moving on to my prepared remarks.
 5
     proposed conveyance promises to set a harmful
 6
     precedent that will negatively affect residents,
 7
     entire communities and the environment across New
 8
     Jersey. It threatens the integrity of the entire
 9
     public Open Space Preservation Program in New Jersey
10
     past, present and future. It exposes all public
11
     preserved land to potential development threats from
12
     political expediency and shortsighted planning.
13
                  It threatens to weaken one of the
14
     nation's most successful Open Space Programs
15
     including over 50 years of Green Acres Open Space
16
     acquisitions, 13 voter-approved bond issues and a
17
     million acres of state parks, forests, natural lands
18
     and State Wildlife Management areas like the Durand
19
     property. It threatens to undermine public trust in
20
     New Jersey's Open Space Program, one of the most
21
     popular programs among the state's citizens and one
22
     of its greatest success stories.
                                        It further
23
     threatens to undermine public support for future
     open space ballot questions. It threatens to
24
25
     discredit the work of expert DEP staff who
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- 1 objectively and scientifically evaluate land for the
- 2 important qualities and worthiness of preservation.
- 3 It threatens to undermine the sportsmen and
- 4 sportswomen, naturalists and other outdoor
- 5 enthusiasts who depend on state lands for recreation
- 6 and leisure. And particularly, it shortchanges the
- 7 City of Millville, its residents and taxpayers.
- 8 Millville, no doubt, is in need of jobs
- 9 and sustainable economic growth, but diverting
- 10 protected lands to factory development is not the
- 11 answer. If you listen to some local officials you
- 12 will hear that there's too much preserved land and
- 13 not enough space for growth, but, in fact, over
- 3,000 acres, nearly five square miles of Millville
- 15 are devoted to industrial and commercial
- 16 enterprises.
- 17 At what point do City leaders decide
- 18 that they want to protect wildlife habitat, water
- 19 quality and environmentally sensitive areas and grow
- 20 industry and commerce in more appropriate locations.
- 21 Yet, rather than aggressively pursue infill
- 22 development, redevelopment, brownfield development
- 23 and adaptive reuse, some will direct taxpayer
- 24 resources to facilitate development in Millville's
- 25 best and most vulnerable natural places and now on

- 1 publically owned parkland.
- 2 Millville residents deserve better.
- 3 Just because Millville has a city form of government
- 4 doesn't mean that the entire municipality should be
- 5 intensively developed or that its rich, natural
- 6 heritage is expendable. Along with its people,
- 7 Millville's natural assets are in large part what
- 8 make this city worth investing in, working in and
- 9 living in.
- 10 Don't squander your most valuable assets
- in exchange for short-term gain. Sale of this
- 12 public trust land to the City of Millville or any
- 13 entity for the purpose of development is an
- 14 all-around bad idea.
- 15 The New Jersey Conservation Foundation
- 16 not only opposes this proposed conveyance, but we
- 17 respectfully urge the City and the Department to
- 18 withdraw this proposal before it goes any further.
- 19 There's far too much at risk to stay on this path.
- 20 Thank you.
- 21 MS. KOHL: My name is Nelly Fay Kohl,
- 22 K-O-H-L. I'm just a little concerned. I look
- 23 around Millville and the only time I'll go downtown
- 24 Millville is the third Friday because the City is
- 25 very ugly. You know, I think that it's ghetto-ish.

- 1 You know, you have a lot of -- nothing but poor all
- 2 over downtown Millville because nobody else wants to
- 3 live there.
- 4 It's dangerous and one of the biggest
- 5 reasons is because you've got all these abandoned
- 6 buildings. You've had all kinds of people that have
- 7 come in and set up, like, the Wheaton's buildings.
- 8 You've got blocks and blocks of buildings that are
- 9 dilapidated. You know, if you want industry to come
- in and be beneficial for the people and you want the
- 11 people to have good quality lives that has to be
- 12 cleaned up because if you allow businesses to come
- in and destroy good land that hasn't been touched,
- 14 then, you know, it's -- you're kind of defeating
- 15 your purpose.
- 16 You're not cleaning up the area so that
- 17 people want to live there and want to make it a
- 18 better place and that's -- you know, I don't even
- 19 want to bring my grandkids in that town. It's ugly.
- 20 It needs to be cleaned up. Don't destroy more land.
- 21 Take care of what you have.
- MS. OSOFSKY: My name is Shoshana
- Osofsky. It's O-S as in snail, O-F as in frog,
- 24 S-K-Y as in Yak. I live in Bridgeton. I wanted --
- 25 I haven't heard anybody say anything about the

- 1 climate change report that was released yesterday,
- 2 and so the report predicts loss of forests around
- 3 the country starting in the west but then the East
- 4 Coast is going to suffer from loss of forests and
- 5 increased wildfires, which we are already seeing
- 6 here on the East Coast. Loss of diversity.
- 7 The fragmenting and intact ecosystem is
- 8 going to exacerbate the losses that we're already
- 9 going to be seeing that are -- that are too late to
- 10 stop, and so -- and we're going to be seeing more
- 11 extreme weather events. I don't have to tell you
- 12 about Sandy and the consequences of that and the
- derecho. We're going to be seeing more of that.
- 14 The other thing that I wanted to mention
- is that 500 minimum wage jobs will not improve the
- 16 quality of life here because people cannot live on
- 17 minimum wage jobs, and so there's still going to be
- 18 foreclosed and abandoned homes. Thank you.
- 19 MS. PELLEGRINO: Hi. Thanks for having
- 20 this hearing. I'm Margo Pellegrino. I'm from
- 21 Medford Lakes. I'm from Burlington County. A
- 22 couple months ago, maybe about a year or so ago, we
- 23 had this crazy thing occur where the Board of
- 24 Freeholders decided to diminish the tax for open
- 25 space.

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The room was standing room only, packed
 1
 2
     outside in the other room, the backup room for a
 3
     popular tax they did not want to see cut.
 4
     freeholders had a lot of surplus to buildup. We
 5
     don't know why, but we can only guess. Why would
 6
     you not buy land to preserve when the market is down
 7
     and you can buy more and preserve more?
 8
                  I am really worried that this swap will
 9
     impact our open space in Burlington County.
10
     why I'm here. Back in 1907, holy cow, that guy was
11
     really sharp because Teddy Roosevelt said then, The
12
     conservation of natural resources is the fundamental
13
     problem. Unless we solve that problem, it will
14
     avail us little to solve all others, and that was in
15
     his address to the Deep Waterway Convention in
16
     Memphis, Tennessee in October 4th, 1907.
17
                 We're still fighting these battles and I
18
     really hope that you decide against this swap
19
     because I brought my children here on a school
20
             They weren't really thrilled.
     niaht.
                                             They were
2.1
     happy with the Bagliani sandwiches, though, because
22
     they do love Bagliani hoagies but I did see that it
23
     was really necessary and important for my kids and
     for all of the kids. And what is going on here are
24
25
     the promise of jobs to basically scrap environmental
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- 1 protections is going on all across this state, not
- 2 just here. Thank you.
- 3 MS. TINSLEY: Hello. My name is Megan
- 4 Tinsley. Last name's spelled T-I-N-S-L-E-Y,
- 5 representing New Jersey Audubon Society, a statewide
- 6 not-for-profit organization consisting of over
- 7 23,000 members dedicated to connecting people with
- 8 nature and preserving New Jersey's wildlife
- 9 including threatened/endangered species.
- 10 So we've heard a lot of great comments
- 11 tonight particularly from the Millville area and
- they're all very valid and I just want to broaden
- 13 this a little bit and put it into a statewide
- 14 perspective to talk about open space preservation in
- 15 New Jersey as a whole.
- So we have a great record as a state, a
- 17 great record in reputation for preserving our open
- 18 space. In New Jersey, as you know, it's the most
- 19 densely populated state and the first state in our
- 20 nation predicted to reach full build-out meaning
- 21 that all lands are either developed or allocated to
- 22 some other purpose.
- 23 So clearly open space preservation is a
- 24 continuing priority. And New Jersey essentially is
- out of money to continue these preservation efforts.

- 1 So such a proposed diversion that we're discussing
- 2 tonight, therefore, not only undermines the purpose
- 3 for which this property was acquired but also
- 4 undermines the future of public support for all
- 5 continued open space efforts in New Jersey.
- 6 Why wouldn't you ask yourself if
- 7 property's acquired for the purpose of open space in
- 8 meeting all of the requirements of the Green Acres
- 9 Program can be sold for an industrial use, why
- 10 should the public continue to support open space
- 11 preservation efforts? And the public support is
- 12 critical to future open space efforts, whether we do
- 13 this in the future in the state through buying
- 14 measures or other means, we need public and voter
- 15 support.
- So open spaces are critical not only for
- 17 providing our residents with opportunities for fresh
- 18 air and recreation, but also for aquifer recharge
- 19 and flood water buffering to name just a few reasons
- 20 open spaces are important. In a recent draft report
- 21 prepared by the Department of Environmental
- 22 Protection, the State identifies the need for the
- preservation of at least 650,000 additional acres in
- New Jersey for water quality preservation efforts
- 25 alone. So clearly there are needs remaining and

- 1 thus the reason that public support is still so
- 2 important.
- 3 So this parcel, as had been mentioned,
- 4 is particularly valuable because it is adjacent to
- 5 two other conservation parcels and I don't think I
- 6 can put it any better than the gentleman did about
- 7 the owl. Those -- those properties that are
- 8 adjacent in adding to an existing Wildlife
- 9 Management or other conservation area add to the
- 10 quality of that area and provide buffers between
- 11 other parcels and uses for lands that species need
- 12 to spread out.
- So certainly we in the conservation
- 14 community are not blind to the economic realities or
- 15 the need for jobs. That's a critical issue and we
- 16 recognize it, but there are economic figures related
- 17 to outdoor recreation in the State of New Jersey.
- So in the State of New Jersey -- and
- 19 this is from a report entitled, "The Outdoor
- 20 Recreation Economy," it contributes 17.8 billion in
- 21 consumer spending, 6.1 billion in wages and salaries
- 22 and 158,000 direct New Jersey jobs. That's from
- 23 outdoor recreation in our state.
- So clearly this is not just about an
- 25 80-acre parcel of land, but that parcel of land is

- 1 part of something bigger and that is a Wildlife
- 2 Management area that provides recreation
- 3 opportunity, provides places for people to go and
- 4 the public spend money to do that. So clearly --
- 5 let's see.
- 6 There are many other points to mention,
- 7 many others have been mentioned, but to summarize
- 8 I'll just say that this decision is much bigger than
- 9 the 80 acres in question. Clearly those acres
- 10 themselves are important ecologically. That's why
- 11 they were acquired by the Green Acres Program in the
- 12 first place, but this decision is also critically
- important for the future of open space efforts.
- 14 A diversion would undermine the public
- trust in preservation efforts and many identify
- 16 needs remain. It also sets a dangerous precedent,
- 17 and it is a net loss for open space because the
- 18 property proposed for acquisition, if this diversion
- 19 were to occur, is already committed to conservation
- 20 so, therefore, we oppose this proposal. Thank you.
- MS. MILES: My name is Donna Miles,
- 22 M-I-L-E-S. I'm a citizen of Millville. I've been
- 23 hearing the comments tonight. Couple of things I
- just want to point out. Whoever it was that paid
- 25 the environmental company to come look at habitat

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1 and endangered species, you guys got swindled.
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- 2 Let me just tell you: I live there --
- 3 we have a Red-headed Woodpecker and I don't own a
- 4 firearm. I'm pretty sure if I did, I'd be in jail
- 5 for killing an endangered species. They live, like,
- 6 literally on our property. Like, we get these
- 7 stinking tree -- the treefrogs on our pools. I mean
- 8 I'm not kidding you. They're here. They're
- 9 adaptable. I'm sure that you could probably line
- 10 them up down High Street and they might figure out a
- 11 way to survive, but that's really no reason to say
- just because, you know, it doesn't -- the
- 13 environment doesn't meet this criteria or that
- 14 criteria that somehow it's not worthwhile to an
- 15 endangered species. Somebody swindled you.
- 16 Anyway -- and with regards to Cumberland
- 17 County being 40 percent open space, I really think
- 18 that the point needs to be made that those numbers
- 19 are for Cumberland County. If you're talking about
- 20 the City of Millville in open space in the City of
- 21 Millville, you're really talking about Menantico or
- 22 Union Lake and we're never, ever, ever having this
- 23 conversation about wanting to put a factory in Union
- 24 Lake. It's not lost on the people on the east side,
- 25 just for the record.

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1 Anyway, tonight environmental activists
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- 2 have spoken on how this plan threatens the local
- 3 aquifers which sustain the Delaware Bay, the 11
- 4 endangered species that live on the land in question
- 5 and the spread of possible toxicity to both wildlife
- 6 and water supplies. Edgewood Acres have spoken on
- 7 the inevitable noise pollution. Side note:
- 8 Racetrack and inevitable traffic issues.
- 9 Let us remember our 15-year struggle for
- 10 a light at Court Boulevard. No. They will say they
- 11 refuse to pay for their children and grandchildren
- 12 to possibly be exposed to potential chemicals from
- 13 manufacturing waste and runoff. Residents of
- 14 Millville will speak against buying the same
- 15 property twice with tax dollars that should go
- 16 towards schools or anti-crime programs.
- 17 They will reference all of the empty
- 18 sites in the industrial park as well as the
- 19 inexcusable number of abandoned buildings in town
- 20 representing the numerous companies who have come to
- 21 rape our city and its workforce, only to leave once
- 22 the tax breaks have expired.
- New Jerseyans will say the math doesn't
- 24 add up, and everyone knows that the 900-acres of the
- 25 Holly Farm are already unbuildable anyway.

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1 Christie's budget deficit is $1.1 billion as per the
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- 2 Daily Journal two days ago, but yet we're talking
- 3 about spending almost \$400,000 to officially
- 4 preserve land that no builder in his right mind
- 5 would even think about laying foundations on.
- 6 You may hear from people who believe
- 7 this plan will create the thousand plus jobs
- 8 mentioned in the Daily Journal this week. Side
- 9 note: That's now gone down to 500 and now 300, and
- 10 as an aside, when you're talking about manufacturing
- 11 that could potentially put off chemicals, you got to
- think about Gorton's and their 250 jobs. So really
- we're looking at potentially 50 to 250 jobs by the
- 14 time you net out all the people that would lose
- 15 their jobs when Gorton's shutdown because you have
- 16 toxic stuff built right next to it. We already went
- 17 through that with the asphalt plant.
- I wouldn't want to infringe on their
- 19 pipe dreams by mentioning the racetrack and all the
- 20 jobs that was supposed to bring or any of the other
- 21 times we were told bringing in some company at our
- 22 own peril was going to save our city. After
- 23 accounting for the temporary jobs included in the
- 24 building phase, this number would still seem to
- 25 imply that the company would be increasing its

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1 Millville workforce tenfold. This is either a
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- 2 miracle or a lie, and Millville is not known for
- 3 miracles. Truly -- truly, this is the economic
- 4 opportunity we're discussing for Millville.
- 5 I can't speak for everyone here tonight;
- 6 I can only speak for myself and for myself I will
- 7 say this: No. 1, Google vinyl. It's scary stuff.
- 8 If you think it's safe, please feel free to consider
- 9 building this factory in your backyards. No. 2,
- 10 every time this issue is raised with reference to
- anything bordering on the wildlife/Menantico
- 12 wildlife preserve and taking preserved lands, I will
- 13 be here and every time I will bring back more
- 14 people.
- We do not accept this transference. We
- 16 do not accept these shady-at-best business dealings.
- 17 We do not accept our taxes being used to sue the
- 18 state over the site nor do we accept our tax money
- 19 being used to buy land that we've already paid for
- via the state to compensate some roque contractor
- 21 who made a bad purchase. No. 3, we will not
- 22 sacrifice our neighborhood, our environment or our
- family's health in the name of economic progress and
- 24 certainly not for the pseudo-progress we have
- 25 discussed here tonight.

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City of Millville: Thank you for
 1
 2
     reminding me that a pivotal natural resource
 3
     literally lives in my backyard and at the sound of
 4
     the Barred Owl hooting at dusk are the cries of an
 5
     endangered species. Thank you for reminding me that
 6
     neighbors can and will unit to protect homesteads,
 7
     environment and health; but thank you most of all
 8
     for reminding me that as soon as we turn our
 9
     taxpaying backs to you, you'll come up with some new
10
     toxic industrial endeavor to build in our backyards
11
     before you even get home to yours on the other side
12
     of town.
13
                  Everyone has a choice to make tonight.
14
     The state has to decide if it wants to be the Garden
15
     State or the factory state, Millville has to decide
16
     if it's going to be embracing nature at all or if
17
     we're just going to keep trying to bring in 50 jobs
18
     at a time on 80 acres at a time and my family must
19
     decide if we will take our public responsibility,
20
     education, tax dollars and elected officials should
2.1
     represent the people not corporations' attitude out
22
     of Millville and out of New Jersey all together.
23
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25 23 years I utilized my professional planning license

MS. AYRES:

24

A-Y-R-E-S.

I'm a citizen of Millville, but for

Hi. My name is Kim Ayres,

1 as the planner for the city. Probably 20 of those

- 2 years arguing with DEP over various policies and
- 3 procedures.
- 4 I'm not here to speak for or against the
- 5 development. I happen to believe that the property
- 6 is located in industrial park. It's unique with
- 7 rail siding. I probably participated in most of the
- 8 development plans that had been presented to the
- 9 City over the past 20 years.
- 10 I am not an advocate for the fencing
- 11 company, for the asphalt company; I'm simply
- 12 advocate that I think this land could be suitably
- developed and would be a great opportunity for the
- 14 people who are here from the neighborhood to remain
- involved and to let the City and planning officials
- 16 know what you would accept and what kind of borders
- 17 you want, what kind of buffers could be put there
- and what you're looking for for that property.
- 19 What I do want to use the opportunity
- 20 tonight is to tell you that your process tonight and
- 21 your process over time and your dealings with the
- 22 City have been horrible. I think any time that you
- 23 come to a public hearing like this and you see
- 24 everybody on each side of the issue expressing their
- 25 displeasure with the policy, expressing their

1 displeasure with the procedures, then you need to

- 2 take back with you that something is really wrong
- 3 here. Not just in this process, but in the way
- 4 you're going about your business, the way you're
- 5 going about implementing your regulations and
- 6 ignoring them, frankly, a lot of the time.
- 7 You've already set precedent here.
- 8 You've given common ground to people that ordinarily
- 9 don't have a lot of common ground. In my time at
- 10 the City we worked hard, Jane and I were off and on
- 11 different sides of the issue, but we're squarely on
- 12 the same side of this issue. The only difference is
- 13 the City of Millville is used to that type of
- 14 treatment from DEP.
- When the organizations that are your
- 16 advocates go across the state trying to lobby for
- 17 your policies and plans, speak before local planning
- 18 boards, speak before municipalities, advocating for
- 19 protection, which is what you're all about; when
- they stand before you and tell you they're
- 21 distressed, they're upset, there's something to
- 22 that.
- 23 I've witnessed here at the City DEP
- 24 coming in and arbitrarily changing planning
- 25 designations without notifying the City. I've

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1 witnessed them implementing regulations that are not
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- 2 in force yet. I've witnessed abuse of the landscape
- 3 plan. I've gone to meetings and meeting after
- 4 meeting at DEP where we could not even get to the
- 5 subject matter because the Holly Farm came up.
- 6 So I think, in my mind, I understand
- 7 your regulation and that two different properties
- 8 are involved, but I think each property should
- 9 really stand on its own merits. Either this
- 10 property is a property that's suitable for
- 11 industrial development and either the Holly Farm is
- 12 suitable or not suitable for preservation and
- 13 partial development or they're not.
- I don't think they should be linked and
- 15 I think the process of quid pro quo with the City
- 16 and debating with the City and dangling that
- 17 property in front of the City every single time
- 18 there is an issue with DEP, it needs to stop and
- 19 that's the only way the City can go forward and try
- 20 to find some kind of balance between what should be
- 21 developed and what should be preserved.
- MR. WATSON: Well said, Kim. She's a
- 23 tough act to follow. Good evening. My name is Jim
- 24 Watson. I'm Director of Economic Development for
- 25 Cumberland County over at the Improvement Authority

- 1 across the street, so you probably know where I
- 2 already stand on this issue.
- We have worked with the State Economic
- 4 Development Authority, we work with the State
- 5 Business and Action Center. We've worked with the
- 6 state, the traction arm which is Choose New Jersey
- 7 and we work with them to strive to bring companies
- 8 in and this is one of those companies actively
- 9 working as one arm of the state working to bring in
- 10 and the other arm kind of working against that.
- I would echo what Kim has said is that
- 12 the two really need to be working together and I've
- 13 seen -- I think we've seen through this process the
- 14 two are not really communicating together. You hear
- 15 from the passion and I love the passion of the
- 16 environmental community in this community. They
- 17 know what they're talking about, they know what they
- love and they come out in places like this, they
- 19 have their voice heard and they drive this
- 20 environmental purpose, which is excellent.
- 21 And we've heard from the young lady from
- 22 the Audubon Society that it is ecotourism, it is an
- 23 economic driver and there is no doubt that this is
- 24 an absolutely, beautiful, preserved, sustained area
- for years and years to come because of your efforts

- 1 and I applaud you of that because you've done a
- 2 phenomenal job and this area's known because of its
- 3 beautiful environmental area from the Bayshore up to
- 4 the more northern sections.
- 5 So ecotourism is key and it's a big part
- 6 and it sounds like many of you coming up have a lot
- 7 of good ideas for economic development, believe me.
- 8 I'll give you my card; you can call. We'll work as
- 9 a team to bring in development. We're certainly
- 10 working. It's not an either or. It's not working
- 11 the downtown or bringing in this company. We're
- working on all aspects to try infill, brownfields at
- 13 Wheaton's. Wherever it might be, we're striving to
- 14 bring in jobs, clean jobs, good jobs.
- 15 You don't always have a choice --
- 16 sometimes you do -- of all the jobs that you bring
- in. We would like certain clean tech jobs and all
- 18 of the great things that come with those, but we
- 19 strive to do what we can do in order to bring people
- jobs and to bring rateables and so people can
- 21 sustain their livelihoods and their families. We've
- 22 heard tonight about the voice of the people being
- 23 heard and, again, I applaud this process with the
- 24 DEP, the process with everyone here coming and
- 25 talking and communicating and their voice being

- 1 heard.
- 2 Quite frankly, the voice was not heard
- 3 when this property was purchased by DEP. There was
- 4 no public process. So although you want fairness
- 5 and we all want fairness for all of our voices to be
- 6 heard, it was not heard with this process.
- 7 Fortunately, you have the opportunity to share your
- 8 voice and your thoughts and your comments now.
- 9 The other side in terms of business
- 10 community didn't have that opportunity to be able to
- 11 share their voice and their concerns when DEP came
- in to purchase this. We heard about trust; that we
- 13 must be able to trust that the DEP is going to
- 14 follow their own rules when it comes to open and
- 15 public process for acquiring land and we've heard a
- 16 lot about precedent setting.
- 17 The municipality has gone through the
- 18 fair public process of cross-acceptance, the county
- 19 has gone through the fair and open process of the
- 20 public and cross-acceptance, the state has gone
- 21 through the open and fair cross-acceptance process
- for this land to be deemed where it was as
- 23 industrial space. The purpose of that
- 24 cross-acceptance and fairness and openness of all of
- 25 that is so that someone cannot come in in the dark

- 1 of night and not tell anyone and purchase that
- 2 property and use it for whatever they want. And
- 3 that protects you, it protects us, it protects
- 4 everyone. However, that's not what happened in this
- 5 case.
- They came in and purchased property
- 7 without telling the public. We don't want that and
- 8 you don't want that. We want to have that
- 9 commonality of fairness. This is precedent setting,
- 10 you're right, where we can plan in an open and
- 11 public way for property to be set aside and planned
- 12 with DEP, with the state and say that this is an
- industrial property in an open and public fair
- 14 manner and then be able to -- someone come in and
- 15 purchase that property opposite of that
- 16 cross-acceptance process, against that
- 17 cross-acceptance open and fair process that is
- 18 precedent setting, and that's something that we want
- 19 to work against and something I think we could all
- 20 come against and say that shouldn't happen. Thank
- 21 you.
- 22 MS. BRECHT: Good evening. Renee
- 23 Brecht. That's Bravo, Romeo, Echo, Charlie, Hotel,
- 24 Tango, and yes, I worked at the rescue squad at one
- 25 time. I am -- I am the program director for the

- 1 American Littoral Society. We are not a book club;
- 2 we are coastal advocacy organization founded in
- 3 1961.
- 4 We have several offices and several
- 5 chapters -- Jamaica Bay, New York; Sarasota,
- 6 Florida. We have -- and our headquarters is in St.
- 7 Hook and we also have policy office in Trenton as
- 8 well as an office in Boston, and we have the office
- 9 here in the Delaware Bayshore that works with the
- 10 Cumberland, Salem and Cape May County and I'm the
- 11 director for that office.
- I want to say thank you for making this
- evening available for us this evening to come and
- 14 discuss this extremely critical matter both from the
- 15 side of the City and the County as well as from the
- 16 perspective of those who live in the area and the --
- 17 those who are concerned with the environment area.
- 18 So I'm going to try and lop off anything
- 19 anyone's already talked about and shorten it a
- 20 little bit. I know it's getting a bit late here.
- 21 First thing I want to say -- oh, this is cool. I
- 22 can't see you guys. You're blurry. I can just see
- 23 my notes.
- So one thing I do want to say, we want
- 25 to stop and think about what's being proposed here

- 1 and that is that the state wants to sell off
- 2 conservation lands to an industrial developer, and
- 3 so my question begins this way: How can that be
- 4 anything but wrong?
- 5 The DEP, as recorded, acknowledges that
- 6 the tract was acquired through the Garden State
- 7 Preservation Trust Act of 1999 and it was acquired
- 8 because it is adjacent to existing Wildlife
- 9 Management areas and it extends the conservation
- 10 value of those protected lands as well as having its
- 11 own values.
- 12 It's acquisition was part of an overall
- 13 regional strategy to -- that was established to
- 14 protect areas in the Menantico Ponds complex and the
- 15 adjacent federally designated wild and scenic rivers
- 16 and it builds on the investments -- the previous
- investments in conservation by The Nature
- 18 Conservancy and the state itself.
- 19 It was and is one of the remaining
- 20 missing pieces in completing the conservation areas.
- 21 This was a vulnerable site and if left unprotected
- 22 and open for development you would compromise the
- 23 earlier investments in conservation.
- This is not so dissimilar in some ways
- 25 to the General Collard (ph) acquisition by Green

- 1 Acres several years back which was also in the
- 2 Millville Industrial Park. I should probably add
- 3 here that I grew up in Millville and I'm currently a
- 4 Millville resident as well.
- 5 The City raised no objections when
- 6 General Collard's was purchased from the industrial
- 7 park and the DEP has acknowledged that the site does
- 8 have conservation values. It has landscape features
- 9 that are protecting threatened and endangered
- 10 species. You know, we find it doubtful that the
- 11 wildlife read the survey signs and stop once they
- 12 get to this tract.
- There is significant ground water
- 14 protection and aquifer recharge. Some of the
- 15 highest recharge rates in the area. It's surface
- 16 water protection rated. The natural resource values
- 17 were rated. The continuation of the greenway was
- 18 extremely important and the recreational
- 19 opportunities were also spoken to.
- The site was listed by the New Jersey
- 21 Division of Fish and Wildlife in the Green Acres
- 22 purchase as being high priority. If the DEP sells
- 23 off this land for industrial development, the
- 24 development will cause harm to conservation values
- 25 including direct loss of the site, but also loss to

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1 the adjacent protected areas, fragmentation,
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- 2 intrusion into sensitive habitats, secondary impacts
- 3 from industrial development adjacent to the
- 4 protected area, loss of habitat values along the
- 5 adjacent borders of the development site and these
- 6 impacts, while commonly acknowledged by the DEP,
- 7 were not evaluated in the report which we find to be
- 8 a major defect in the environmental analyses.
- 9 So the DEP report, in our opinion,
- 10 poorly evaluates these issues in its rush to act as
- 11 a real estate agent for the industrial development
- and in the sense we find the report weak and
- 13 lacking. The DEP should not be acting as a real
- 14 agent for industrial developers or for the City.
- 15 The DEP does not have a legal charge to act as an
- 16 agent for the developers and particularly to sell
- 17 conservation lands off to provide land for them.
- Not only do you have no legal charge to
- 19 act as a real estate agent for the industrial
- 20 developers or the City, it is inappropriate and it's
- 21 a failure on the DEP to act in such a manner. To do
- 22 so represents an arbitrary and capricious failure on
- 23 the part of the DEP to represent the public's
- 24 interest in doing this deal with the developers.
- The DEP's charge is to protect the land.

- 1 That's what you did, that's what you were supposed
- 2 to do and that's what you're supposed to be
- 3 upholding. This is especially wrong in the time
- 4 when the state has run out of conservation funding
- 5 and the Governor has refused to provide a method of
- 6 supporting future conservation efforts.
- 7 This property was on the open market for
- 8 years with no successful sales. This was a willing
- 9 seller, a willing buyer. The compensation that has
- 10 been proposed is vague and indeterminant. There are
- 11 a lot of "if this, then that, if not this, then
- 12 that." For a fair compensation to be accurately
- determined, they need to not be so vague and so
- 14 indeterminant.
- So I think we really need to look at the
- 16 compensation rules and see if the public is really,
- in fact, being shortchanged. And again, we believe
- 18 that the analysis done to facilitate the selling off
- 19 of public lands was a weak evaluation. It is not
- 20 the role of the DEP to be a real estate agent for a
- 21 developer. This state is under no obligation to
- 22 notify a municipality when it intends to purchase
- 23 property and it does not do that for the rationale
- 24 that it would jack up the price above the fair
- 25 market value and would make it not able to be

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1 purchased. Also there are other reasons as well.
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- 2 The owner should not be required to have
- 3 government permission to sell your own property, nor
- 4 should he have the sale of his property impeded by
- 5 the government if he wishes to legally sell his own
- 6 property.
- 7 The City and County have made many
- 8 claims about not having been notified or coordinated
- 9 with on this project, and even though this is
- 10 irrelevant because the state does not need to
- 11 consult regarding the acquisition of property to
- 12 protect the environment in New Jersey, the reality
- is that both the County Health Department and the
- 14 City did receive standard environmental hazardous
- assessments that are required prior to any Green
- 16 Acres property purchase, and in all three forms were
- 17 completed by the County and City employees and
- 18 returned in December 2012 and January 2013 and
- 19 returned to the state.
- 20 The City's argument they were not
- 21 notified simply holds no weight realistically or
- 22 legally. The City and County claim that the
- 23 purchase was not properly coordinated within the
- 24 state but yet, in fact, the 1991 Local Management
- 25 Plan for the Maurice River places the former Durand

- 1 tract within Critical Area 1.
- The DEP's 2008 Wildlife Action Plan
- 3 calls for protection and acquisition of pinelands
- 4 type forests in the Menantico Tributaries. It was
- 5 in compliance with the State Comprehensive Outdoor
- 6 Recreation Plan as it is required to be. There are
- 7 no other state plans that exist legally that it is
- 8 required to be in compliance with. I will note that
- 9 on the Triad paperwork, No. 8 -- No. 19, when it
- 10 talks about Ms. Marilyn Lennon's letter and the --
- 11 talks about the Cumberland County Wastewater
- 12 Management Plan, that has not yet been approved.
- 13 The City's argument the purchase was not
- 14 properly coordinated is incorrect. The City and
- 15 County claim that this is a site that is part of an
- 16 economic plan and has been included in their
- 17 planning prior to the state acquisition. That makes
- 18 us question the wisdom of local planning that
- 19 includes a site that has been identified on state
- 20 mapping, the landscape map, as threatened and
- 21 endangered species habitat and is adjacent to state
- 22 protected conservation lands and has a long history
- 23 of inaccessibility.
- Identifying such a site for inclusion in
- 25 industrial development plan guarantees that there

- 1 will be conflicts; regulatory conflicts, that
- 2 they're going to occur whenever any prospective
- 3 developer attempts to develop this property. This
- 4 is poor planning at its best. We have to question
- 5 the wisdom of including such a site in industrial
- 6 development plans when the City of Millville is full
- 7 of abandoned and empty and underutilized sites.
- 8 Is this the best that our City and
- 9 County are capable of? Instead of developing
- 10 creative, effective plans to revitalize abandoned,
- 11 historical industrial properties, the City plans to
- 12 push its economic development priorities into
- 13 environmentally sensitive lands that are subject to
- 14 controls. It is outrageous that the Christie
- 15 administration is supporting and rewarding such poor
- 16 planning by being willing to sell off the public's
- 17 conservation lands. Bad planning.
- 18 Why develop green spaces when other --
- 19 when there are other opportunities? Are you telling
- 20 me that our City and County are not creative or
- 21 innovative enough for potential buyers? There is no
- 22 reason why this poor planning should be given
- 23 legitimacy over the state's interest in conservation
- 24 unless the DEP and the Christie administration are
- 25 simply acting as real estate agents for industrial

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1 developers and willing to give away the state's
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- 2 conservation lands.
- 3 So again I ask, let's stop and think
- 4 about what's being proposed here: The state wants
- 5 to sell off conservation lands to an industrial
- 6 developer. How can that be anything but wrong?
- 7 MR. FLICKINGER: My name's Charles
- 8 Flickinger, F-L-I-C-K-I-N-G-E-R. I live on Broad
- 9 Street here in Millville and I may be on the
- 10 environmentalist's side if this was not an
- 11 industrial park. That is the purpose of industrial
- 12 park is development and I also want to say that
- 13 until this has happened, this so-called vinyl place
- 14 that wants to build here, I only live a half a mile
- 15 away and I never knew they were there until this hit
- 16 the newspaper. So this talk of if building there is
- 17 going to affect residents, I don't see that
- 18 happening because I live a half a mile from where
- 19 they are now and there is nothing.
- 20 And the other thing I wanted to say is
- 21 Millville is already one-third protected and there
- 22 was mention of when is it going to stop. I just
- 23 want to know the other way when is it going to stop.
- 24 When Millville is completely preserved? Thank you.
- 25 MR. DERELLA: My name's Joe Derella,

- 1 D-E-R-E-L-L-A, Freeholder Director. I'm also
- 2 lifelong resident of the City of Millville. I
- 3 cannot tell you whether this company's going to
- 4 relocate here or not. We would hope because it does
- 5 create jobs and I know there's a lot of criticism by
- 6 people here in regards to the condition of the City,
- 7 the condition of the County. I can tell you from
- 8 years of experience and now being heavily involved
- 9 with trying to solve some of these problems we've
- 10 been faced with, two root issues that we have and it
- 11 keeps coming back to is education and the
- 12 opportunity for people to earn a living.
- 13 I'll divert back to this particular
- 14 issue. The County's major concern, one of probably
- 15 the most in the lawsuit is to have a fair and open
- 16 process. We feel that this land for 25 years was
- zoned industrial. The previous owners fought to
- 18 make sure it was industrial so that they could get
- 19 the best price for their land when they sold it and
- 20 that's fair.
- The DEP could have easily worked a deal
- 22 and had a letter of intent on a particular cost and
- 23 had this hearing prior to the sale. That's a major
- 24 concern as it should be for everyone here. Because
- 25 at this point they could go into anywhere in the

- 1 City of Millville, anywhere in the State of New
- 2 Jersey and make a deal and we're stuck with this
- 3 process. So that's one of the main focuses of the
- 4 lawsuit is to make sure the process is fair and it
- 5 can be fair.
- 6 City of Millville has over 12 square
- 7 miles that are conserved. They are clearly off the
- 8 records and they're preserved. Someone made the
- 9 comment about the east side -- excuse me -- west
- 10 side by the lake. Four thousand acres, if I'm not
- 11 mistaken, are already preserved over there around
- 12 that lake and rightfully so. All we want,
- 13 basically, is a fair -- I've given everybody an
- 14 opportunity to speak without interrupting or
- 15 talking, so -- all what the County's pushing for and
- 16 supporting the City of Millville is to make sure in
- 17 the future this process can be open from the very
- 18 beginning.
- 19 You had two state agencies working
- 20 against each other, conservation through the DEP and
- 21 the Office of Economic Development to the Lieutenant
- 22 Governor's office setting up this company to take --
- 23 to come and relocate to the City of Millville.
- 24 They're a very viable company. They did take a look
- and there was a big announcement in the paper in

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1 regards to their opportunity in Galloway. They are
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- 2 walking away currently from that because of the
- 3 environmental issue and the cost to clean that up.
- 4 Yes, we have a lot of industrial spots
- 5 in the City of Millville that need to be revived.
- 6 They're brownfields. City has to own them and it's
- 7 going to take many, many years to remediate and find
- 8 the money to do so. That's a problem. Again, I
- 9 can't tell you if this company's going to locate
- 10 here; I can't tell you if another company wants to
- 11 be there, but this process needs to be open from the
- 12 very beginning and I think the City of Millville,
- 13 the residents and the County should have had an
- 14 opportunity to have this hearing prior to the
- 15 official sale.
- 16 If you say that this piece of property
- 17 has been for sale for many years, then why was the
- 18 current owner of Durand when they had it fought so
- 19 hard in 2011, 2012 to keep it an industrial site.
- 20 They had plans to expand at one point. The economy
- 21 changed that, but they are still one of our largest
- 22 employers in the City of Millville. It's
- 23 manufacturing. That's what this City was built on.
- Now -- again, I repeat myself for the
- 25 third time: I couldn't tell you if this company's

- 1 really going to come back and take a look. I know
- 2 that they received an entire list of properties all
- 3 over the state and out of all that list they really
- 4 preferred this site. Again, that's their business
- 5 decision, but, again, from the County's perspective,
- 6 we really would like to have this process happen the
- 7 time prior to sale and we could have maybe worked
- 8 our way through the process. Thank you.
- 9 MS. YEANY: Thank you. Mr. Baker,
- 10 before you testify again, I'd just like to make sure
- 11 nobody else wants to testify --
- 12 MR. BAKER: That's fine. I didn't think
- 13 there was that's why I came back up.
- MS. YEANY: I think we have a couple.
- 15 MR. AKERS: Good evening. My name is
- 16 Fred Akers, A-K-E-R-S, Fred Akers. I'm the River
- 17 Manager for the Great Egg Harbor Wild and Scenic
- 18 River and I just want to reinforce the comments
- 19 about property rights, because I think that's an
- 20 important issue that should not be lost here.
- I've been an environmental advocate and
- 22 an environmental professional for about 15 years and
- over and over again I'll hear that
- 24 environmental regulations are not fair to property
- 25 rights. So people own property and they want to use

1 their property, they want to do what they want to do

- 2 with their property and rules and regulations can
- 3 interfere with the use of their property. And one
- 4 of the fairest ways to protect land is to buy the
- 5 property rights from a willing seller fair and
- 6 square, and that should really be nobody's business
- 7 except for the seller and the buyer in the
- 8 negotiations.
- 9 And you can have environmental
- 10 regulations of lot sizes or can't be close to
- 11 endangered species, but the zoning is also a
- 12 regulation that restricts property rights, and in
- 13 this particular case, the owner of the property had
- 14 the right to decide to sell it for the price they
- 15 wanted to sell it to whoever wanted to buy it.
- 16 That's kind of like a freedom of America. Thank
- 17 you.
- 18 MR. ADAMS: My name is Robert Adams,
- 19 2410 Mistletoe Lane. I've lived there 45 years.
- 20 I've lived in Millville all my life. Why take and
- 21 put an industrial plant -- which if it's zoned
- 22 industrial, they can put anything they want there.
- 23 The next thing is, we live and we built up one of
- 24 the nicest neighbors in Millville.
- We don't have any problems. Nobody gets

- 1 shot, no houses are boarded up and if you see a
- 2 police officer -- maybe once a week. Why we're
- 3 going to get stuck with some -- which nobody knows
- 4 what's going to go there. Derella's already said
- 5 that.
- The next thing is that all the people
- 7 seem to be for it don't live there. That's an
- 8 issue. Everybody's for something when it doesn't
- 9 hurt them. I've paid a lot of property taxes in
- 10 45 years. And when I moved there it was very few
- 11 homes and it's all been built up, and I think it's
- one of the nicest neighborhoods in Millville. We
- don't have any \$500,000 homes, but we have a lot of
- 14 nice well-kept homes. I just don't understand it.
- 15 It seems as though why do we want -- why do they
- 16 pick on us? It just doesn't make sense to me.
- 17 One reason I think we have such a nice
- 18 neighborhood is there's no homes for sale. When
- 19 people move away, they move to the cemetery. All my
- 20 neighbors have been there for years. Nothing
- 21 changes. I just don't understand it. I don't know
- 22 how far that is to Quince Lane where I live --
- 23 thousand feet? It's crazy. It's just -- I'm sorry.
- 24 It doesn't make sense. Thank you.
- 25 MR. BAKER: I'll be brief. There are

- 1 two points that I'd like to make in response to some
- of the remarks that have been advanced here tonight.
- 3 The first is as to the environmental sensitivity and
- 4 the flora and the fauna that exist on this property.
- 5 There are two studies that have been
- 6 done on this property in the last 30 years, one in
- 7 1989 and one in 2011. They both reached the same
- 8 conclusion that the environmental boundary of the
- 9 property was limited and that the flora and fauna as
- 10 critical habitat and species simply was not present.
- I understand the argument about contiguous
- 12 properties. That argument can apply no matter where
- 13 property is and it can be advanced ad nauseam.
- 14 The second point that is important to
- 15 note is that the argument that has been made here
- 16 that the Department was not required to seek out
- 17 local opinion in connection with the purchase of
- 18 this property is not only inaccurate, it's legally
- 19 incorrect. Their own guidelines required it, but
- 20 they didn't follow them. And the very
- 21 environmentalists who stood up here and spoke to you
- 22 to tell you how important this property was was the
- 23 people who were participating behind closed doors to
- 24 effectuate this purchase.
- 25 They're the same people who are using a

```
1 public process to oppose it. We don't object to
```

- 2 that. What we object to is the private process by
- 3 which the property was purchased to the exclusion of
- 4 other public interests and, in particular, your
- 5 governing body and the County governing body who
- 6 have spent -- expended a lot of resources trying to
- 7 balance these interests. That was ignored. That's
- 8 why this parcel has been challenged and that's why
- 9 we have done that, not to undermine environmental
- 10 protection.
- If there was a public process and the
- 12 conclusions through research and study, none of
- which have been submitted except what we have
- 14 presented to the Department in connection with this
- 15 hearing, if that were true, we might take a
- 16 different position but it was the exclusion of the
- 17 County and the City from this process that generated
- 18 our opposition.
- We didn't do it because we wanted to
- 20 simply harm the environment; what we want to do is
- 21 to ensure that there is a process that we as the
- 22 officials who are trying to manage the governments
- 23 in this County can participate in. That's what we
- 24 want to do and that is why there's been a challenge
- 25 here. That's why we're having this public hearing,

- 1 but we want fairness to be reciprocal. We wanted it
- 2 to occur.
- 3 The same people who told you that we
- 4 were given notice, we were not given notice. The
- 5 County was given no notice. The City received an
- 6 inquiry as to the environmental contamination in the
- 7 property, but the governing body, the clerk, the
- 8 planning departments were excluded.
- 9 And the same people who will tell you
- 10 that this property should remain preserved are the
- 11 same people that participated behind the scenes and
- 12 that's what we feel is in error.
- 13 MR. VIRGILIO: I take offense to the
- 14 label the gentleman just provided for all groups as
- 15 a blanket "we all participated behind the scenes."
- 16 Again, I represent 150,000 people in the State of
- 17 New Jersey, many in Millville, many in Cumberland
- 18 County. I never heard of the Durand property until
- 19 I heard it was going to be sold. That's when I was
- 20 involved.
- I know nothing about behind the scenes,
- 22 and I-- if you want to name who did it, name the
- 23 organizations, but don't put all of our
- 24 organizations on that same label. Thank you.
- MS. GALETTO: My name is Jane Morton

- 1 Galetto. I represent Citizens United to Protect the
- 2 Maurice River and because of what the attorney just
- 3 said, I feel compelled to come back up.
- 4 When the BPU hearing was won in favor of
- 5 the litigants, the only way to protect the property
- 6 was to talk to the DEP who had the ability to
- 7 purchase it. We're talking about the Holly Farm.
- 8 We never suggested any trades with any other
- 9 properties. We wouldn't discuss any trades with any
- 10 other properties. They're two separate issues.
- 11 Rarely, do Kim and I agree so strongly.
- 12 Property should stand on their own
- 13 separate merits. That's what we stressed. We're
- 14 very appreciative to the DEP for listening to us
- when we went to Trenton, but we in no way engaged in
- 16 any slippery tricky deals or anything. And we met
- 17 with the neighborhood that's adjacent to this
- 18 property and we characterized the names that we had
- 19 honestly and accurately to them so there was nothing
- 20 secret about that.
- 21 The only thing that we didn't discuss
- 22 were things that were held in settlement
- 23 conversations. When the DEP became involved, those
- 24 conversations became a matter of public record and
- 25 we know that because our fellow groups that

1 solicited the information got the information from

- 2 the DEP.
- 3 So I don't think the DEP's dealings were
- 4 sneaky and in closed doors that I am aware of.
- 5 Maybe they were because I haven't solicited other
- 6 people's records of conversations, but all the
- 7 conversations that I'm aware of were part of the
- 8 record. I know that because Renee Brecht from the
- 9 Littoral Society filed an OPRA and got those
- 10 records, so I don't want to unfairly characterize
- 11 Ray or Green Acres as partaking in something
- 12 slippery and sneaky; I just want to say I want them
- 13 to do their mission and help us protect these
- 14 properties. That's all.
- MS. BRECHT: Renee Brecht again with the
- 16 Littoral Society. I just wanted to say as part of
- 17 that OPRA request, I was privy to the three
- documents that were signed by the two city personnel
- 19 and the one county board person that acknowledged
- 20 the environmental hazardous assessment that I
- 21 referenced earlier.
- MS. YEANY: Would anyone else like to
- 23 testify for the record? Okay.
- We're going to close the record then and
- as I mentioned earlier, we're keeping the

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opportunity for written public comment open until
 1
 2
     the date of the next hearing May 21st at which point
 3
     we'll just close the record for this hearing.
 4
                  We will post any written comments that
 5
     we receive online and we will post the transcript of
 6
     this hearing online as soon as we receive it, and
 7
     we'll do the same for the second hearing. I realize
     probably most of you will not trek up to Trenton for
 8
 9
     the second hearing. It is during the day and -- but
10
     we will make that transcript available and any
11
     written comments we get, we will post online before
     making our final recommendation on this proposal.
12
13
                  Thanks very much for coming and have a
14
     good evening.
15
16
                      (Whereupon, the hearing is hereby
17
             concluded at 8:50 p.m.)
18
19
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2.1
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1	CERTIFICATION				
2	* * *				
3	I, DEBRA L. PANGBURN, a Certified Court				
4	Reporter of the State of New Jersey, do hereby				
5	certify that the foregoing is a true and accurate				
6	transcript of the proceeding taken by me in the				
7	above-captioned matter.				
8					
9					
10					
11					
12					
13	DEBRA L. PANGBURN, RPR				
14	CCR Certificate No. XI01947				
15					
16					
17					
18	Dated: MAY 22, 2014				
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