

**TRANSCRIPT OF DECEMBER 8, 2022 PUBLIC HEARING ON
PROPOSED SALE OF MATT’S LANDING PROPERTY
FROM NJDEP TO MAURICE RIVER TOWNSHIP**

PRESENT:

FOR THE NJDEP:

Lisa Barno, Assistant Director, NJDEP, New Jersey Fish and Wildlife

Robert Longcor, Grant Coordinator, New Jersey Fish and Wildlife

Mary Monteschio, Regulatory Officer, NJDEP, New Jersey Fish and Wildlife

Judeth Yeany, Assistant Director, NJDEP, Office of Transactions and Public Land Administration

FOR THE STATE HOUSE COMMISSION:

Eric Brophy, Esq., Senior Advisor, Office of the Governor

FOR MAURICE RIVER TOWNSHIP:

Hon. Ken Whildin, Mayor, Maurice River Township

Denise Peterson, Township Clerk

John R. Dominy, Esq., Township Attorney

FOR THE PUBLIC:

Captain George Kumor

Dr. Lubonja

+two additional members of the public

NOTE: This is a computer-generated transcript. It has been reviewed by NJDEP staff and corrected for typographical and formatting errors. Additional non-substantive changes have been made to improve the readability of the transcript (such as eliminating time stamps inserted by the computer in the middle of a speaker’s remarks and filler words such as “umm”).

A video recording of this hearing is available at: <https://youtu.be/RvVERafN2uI>

0:0:0.0 --> 0:0:16.790

Yeany, Judeth [DEP]

OK, I just hit the button. We are being recorded and we're going to post the video of this hearing on the information page for this transaction once we have our IT folks convert it to a public video.

0:0:18.920 --> 0:0:31.970

Yeany, Judeth [DEP]

Good afternoon, everyone. My name is Judeth Yeany. That's Y E A NY, I'm the Assistant Director at the Department of Environmental Protection's, Office of Transactions and Public Land Administration.

I'm here today with Mary Monteschio from our New Jersey Fish and Wildlife. Mary is a regulatory officer for Fish and Wildlife. We are co-conducting this hearing with the State House Commission and representing the Commission is Eric Brophy from the Governor's office.

So normally I'd go through some housekeeping about how people can comment and keeping your mic muted, but I think we have a relatively small audience here. If we get joined by a crowd, then I'll do some housekeeping then. So I am going to discuss the procedural aspects of this hearing and why we're here today. Mary is then going to give a little bit of a factual background about what it is that we're proposing to do and then we're going to give the Township an opportunity to talk about why they've been working with us on this transaction and what their what their objectives are.

We're here today to conduct this public hearing because any time DEP wants to convey more than one acre of property, we are governed by what we call our DEP conveyance statute. It's part of Title 52, and some people also know it as the Ogden Rooney statute after the original sponsors of the bill. It's a statute that's been in place since 1993, and it's designed to ensure that we thoroughly examine the public interest when we want to convey property. So when we want to convey more than one acre of property, which is the case here, we have to go through a pretty lengthy and detailed process before we go through the conveyance. And the first step in that process is that we are required to prepare a report analyzing the transaction. The report is available on our website, and I did just drop the link to that location in the chat.

So the report is there, we prepare a report analyzing the transaction, describe what it is we want to do, and we're required to analyze both the economics and the environmental aspects of the transaction.

We're then required to distribute that report to certain local officials, both at the municipal and county level, to select members of the Legislature and to advertise at least 30 days in advance that we're going to conduct a public hearing on the proposed conveyance.

The public hearing notice gets distributed in in the New Jersey Register, the DEP Bulletin and several newspapers, and we also posted it on our website.

And if we give notice that we're having a public hearing and if the transaction involves over 5 acres, which this one does, we're actually required to have two public hearings.

And usually the first public hearing is held in the municipality in which the Department's property is located, which in this case is Maurice River Township, Cumberland County, and we're then required to have a second hearing two weeks later in the city of Trenton, where our agency is located.

One of those hearings is required to be a joint hearing with the State House Commission, which is a legislative Commission that's also required to conduct a public hearing on DEP conveyances that trigger this statute. The State House Commission has legislative oversight over state property for all state agencies. So that's why we're jointly conducting this hearing today with the representative of the Commission, as a precursor to the Commission being asked to approve this transaction down the line.

In this case, we're conducting both of the hearings remotely, which we believe, in some respects, will help the public participate in them.

The second hearing is a going to be an evening hearing so that people who work during the day will have an opportunity to comment on this transaction.

And that hearing is being held on January 10th at 6 o'clock.

So once we conduct the second public hearing and allow time for additional public comment, we are required to wait 90 days before we can finalize any proposed conveyance of property. So the Legislature did not want us to conduct the hearings and then turn around the next day and convey properties. So there's basically a 90 day cooling off period at the end of this process after which we can ask the DEP Commissioner and the State House Commission to approve the proposed conveyance.

So, with the second public hearing being January 10th and we allow two weeks for written public comment after the hearing, we anticipate that the earliest that anybody could take formal action on this proposed conveyance to approve it would be the middle of April.

The Commission generally meets quarterly and it generally in the past has met in March and June, although it can on occasion have a special meeting. So, to the extent we can, we will synchronize with the State House Commission and try to get this on the earliest possible agenda if we decide to go through with the conveyance after we complete this process. So, at the end of our process, we, if we do decide to proceed, we take the decision first to our Commissioner, and make our recommendations to the DEP Commissioner. If he signs off on it, we then take the recommendation to the State House Commission.

Let's see.

So at this point, I'm going to have Mary talk about the actual proposal. And Mary, I'll pull up the maps that we that we talked about earlier today, let me just share my screen.

0:6:51.270 --> 0:6:52.40

Monteschio, Mary [DEP]

Thank you, Judeth.

As you said earlier, my name is Mary Monteschio. I'm a regulatory officer with New Jersey Fish and Wildlife and one of my jobs is to marshall through these types of disposals.

So, this property is 5 acres in the Heislerville Wildlife Management Area.

And you can see on the map that little tiny blue strip of land is what we're talking about today.

Heislerville was originally purchased at 2200 acres or so in 1956 using Hunter and Angler license revenue for 25% and the other 75% was a federal grant.

This five acres of Matt's Landing, or I should say, known as Matt's landing, was subject at the time that we purchased it to 10 leases. Those 10 leases are now down to four leases or 4 marinas.

This strip of land was never suitable for Fish and Wildlife purposes. It's difficult for us to manage. It's remote for Fish and Wildlife to get out there, and there have been a lot of economic disadvantages that have occurred over the years to storms causing damage and other reasons, and it's just been very difficult for us to manage.

I mentioned that we used 75% federal funding for the purchase--that comes with its own strings. The feds have a separate disposal process. It requires a report that was attached to our report as Appendix 4 (the NEPA environmental analysis). It requires one hearing and a 30-day comment period. Because of this, again another party that is a part of these hearings.

As I said, we're going to use all of the comments as considered, both for the state process and for the federal process. And at the end of that process, we are required to report back to the federal government on what has happened and what comments we received. And again, there's a whole other minor process that we have to go through.

I think that's about all I have. However, we invited Maurice River Township to provide some comments about the land and their thoughts on the future of this strip of land. And so I am happy to introduce the mayor of Morris River Township, Ken Whildin.

0:9:40.30 --> 0:9:40.880

Maurice River Township [Mayor Ken Whildin]

Thank you, Mary.

Good afternoon, everyone.

I'll be really brief.

The DEP report indicates pretty much everything that that we want in this.

It's locally known as Matt's Landing. As Mary said, it was purchased in the 50's. The marinas have existed on the property prior to the DEP purchase.

The relationship between the DEP and the owners, the private owners, ha[s] been challenging to say the least over the last I don't know how many decades and this process to convey this land has been in the works for at least a decade.

So we would always we want to keep this a marina type district or marine related at least because it is right on the river. We don't have any other recreational facilities in the immediate area. The marinas that were directly across the river in our sister community, Commercial Township have all been purchased and closed. There is no recreational marinas on that in that area anymore. We're the last ones. We're about a mile from the mouth of the river and the entrance to the Delaware Bay. So, it is a significant recreational area for boating when the fish are here. We would like to keep it marine related maybe aquaculture or something like that moving forward and we just think that this is the best way to have the marina owners feel comfortable in investing in their properties.

Because as it stands now, I understand where they're coming from. They don't want to put a lot of money into their properties, if they don't own the land underneath. I mean, it's just common sense to us.

So, I think this transaction, if this goes through, this conveyance would be a benefit to both the Township and to the State of New Jersey.

Thank you.

0:11:35.910 --> 0:11:59.630

Yeany, Judeth [DEP]

I'm going to give the State House Commission representative a chance to speak in a second. I just want to put a couple of factual things on the record. So, the properties we're talking about in Maurice River Township, Cumberland County are located in Block 316, Lots 44.01, 44.02, 44.03, 44.04 and Block 294 Lot 1.

We propose to convey 5.58 acres in fee and to grant the Township and access easement over an additional 1.07 acres on what's right now known as Matts Landing Road but is technically owned in fee by Fish and Wildlife. So, the access easement is necessary for the Marina property not to be landlocked if it goes out of Fish and Wildlife hands.

The proposed purchase price is \$185,000. And Mary, if you could clarify one thing for me on this map that I have up on the screen. [Figure 1] Matts Landing is roughly where this little boat graphic is on this side where the key says Heislerville boat launch. The boat launch will remain in Fish and Wildlife's hands, right ? (or not) I just don't remember that.

0:12:51.810 --> 0:12:57.640

Monteschio, Mary [DEP]

Yes, there is a separate boat launch just north of those five acres that we want to convey.

0:12:58.120 --> 0:13:23.70

Yeany, Judeth [DEP]

OK, so I didn't want to create the implication that there would no longer be a public boat launch in that area if we go through with this conveyance. So we have here, you know, the general location map and you can see up in the corner where the thin little strip is. [Figure 2] That is the entire Heislerville Wildlife Management Area, which is about 7600 acres. We're proposing to take less than six out of it.

The blue, the area in blue on this map [Figure 3] outlines the proposed area of conveyance and the little thin red strip is the access easement that would run the length of the of the conveyance.

Umm, this is just a little bit of an aerial, showing it with the surrounding area of a lot of this area back here is part of the wildlife management area and this is the most recent aerial we could find for March of 2022 that shows quite a collection of dilapidated structures on on site.

So I'll turn this over to Mr Brophy from the State House Commission. I don't know if there's anything you'd like to comment on.

0:14:6.420 --> 0:14:20.970

Brophy, Eric [GOV]

Yeah. Thanks, Judeth. Eric Brophy senior advisor to the Governor and designee for the State House Commission. I just one question for the municipality. Do you have any plans, specific plans for the property at the moment?

0:14:22.910 --> 0:14:31.440

Maurice River Township [Mayor Ken Whildin]

So, for the for the properties that are currently owned, we would like to turn them over to the current property owners.

For a nominal fee.

0:14:38.550 --> 0:14:43.200

Brophy, Eric [GOV]

OK, so the municipality doesn't plan to use them at all. It's just going to be a straight turnover.

0:14:43.440 --> 0:14:44.330

Maurice River Township [Mayor Ken Whildin]

That is correct.

0:14:44.740 --> 0:14:45.770

Brophy, Eric [GOV]

Great. Thank you.

I don't have anything else Judeth, thank you.

0:14:50.990 --> 0:15:21.600

Yeany, Judeth [DEP]

I should mention for the record something that I think the Township is already aware of and that we're going to discuss with them in more detail next week, but part of the statutory restrictions that go along with this conveyance statute are that if the zoning of the area were to change in the next 25 years, we have to at least have a conversation with the town about whether that increases the value of the property and whether any additional compensation is due to the State. So, there was a concern with the transaction that triggered this statute being passed in the first place, that we conveyed property to a town that everybody knew was going to flip it to a higher use pretty much the minute it was over, which is what happened. And you know, there was a legislative intention to prevent that from happening. It doesn't require payment to the state, but it says we at least have to evaluate. And it also offers the option that if a property were rezoned in a way that significantly increases the value within that 25-year period that the other party could offer land or other forms of compensation. So, it's actually not something that's ever been triggered in the time that we've been doing these transactions, but it is a statutory requirement that goes into the deed.

And you know we will discuss that with the Township, but our take I think when we proposed this was that the current zoning would allow what the Township wants to see happen out there and that there wasn't necessarily an intention to rezone, just merely subdividing the property. I don't, I don't think would be a problem for us.

So, I do not think we've been joined by any members of the public. I don't know if any other public representatives want to speak. If not, I think I would just suggest that we stay on the line until at least 2:30 before closing the record of the hearing.

Did the Township attorney want to say anything?

You're muted, sir.

0:17:3.590 --> 0:17:4.820

Maurice River Township [Mayor Ken Whildin]

You're still muted, John.

0:17:6.980 --> 0:17:20.450

John R. Dominy, Esq. (Guest)

All right. Well, that may be a good thing. No, I'm fine. And I appreciate the offer for me to bring something up, but we'll, we'll we're going to talk further as you as you stated. And other than that, I'm fine. Thank you.

0:17:26.360 --> 0:17:47.770

Yeany, Judeth [DEP]

Sorry, I was muted then. What I said was OK, my suggestion is that we stay on the line until 2:30. We did advertise that the meeting would go from two to four or until the close of public comment. And since it's remote, people are not as likely to get caught in traffic. But sometimes people are running late. So I think we'll give it a few more minutes before we shut down the hearing.

0:17:48.360 --> 0:17:48.720

Maurice River Township

Excuse me.

They might not know that they're out there.

Right, Judeth?

0:17:55.290 --> 0:18:0.470

Yeany, Judeth [DEP]

Is the hearing on January 10th being held as part of a council meeting, or is that a separate proceeding?

0:18:1.960 --> 0:18:3.730

Maurice River Township [Mayor Ken Whildin]

This is a separate proceeding.

0:18:4.210 --> 0:18:5.80

Yeany, Judeth [DEP]

OK. Thank you.

0:18:5.610 --> 0:18:7.970

Maurice River Township [Mayor Ken Whildin]

We do have a few members of the public in person here that probably will want to speak.

0:18:13.300 --> 0:18:13.790

Yeany, Judeth [DEP]

Oh, OK.

I mean they're welcome to do that now. I think we've given the presentation that we're going to give, so.

0:18:21.690 --> 0:18:25.300

Maurice River Township [Mayor Ken Whildin]

OK. So we're going to open the floor to public comment then.

0:18:26.410 --> 0:18:36.720

Yeany, Judeth [DEP]

If the commenters could just identify themselves and spell their name. If they have an affiliation with a group that they'd like to let us know about, they can do that also.

0:18:37.180 --> 0:18:43.110

Maurice River Township [Mayor Ken Whildin]

Sure. And we're going to try to change our camera system so you folks can see the commenters.

Could you go to the gallery please?

There we go.

OK.

Public comment.

Maybe just have him step forward.

If you want to make public comment just step forwards here to the microphone, the chair.

0:19:5.790 --> 0:19:10.140

Yeany, Judeth [DEP]

Yeah. I think sitting at the table there would be sufficient for us to be able to see people.

0:19:8.620 --> 0:19:22.980

Public Commenter—George Kumor

Yeah. I was out in the field sampling today, so you'll have to pardon my appearance. I do juvenile fish samples for the State of New Jersey and for the federal people. But I'm Captain George Kumor K-U-M-O-R.

And I came today to offer my comments in regards to Matts Landing, commonly known as Matt's Landing. I totally support the effort for it to progress into private ownership. As the mayor had said, we lost all of our waterfront on the Commercial side of the river due to the industrialization of it with graveling. This is the last place we have left.

The marinas are in dilapidated condition because they cannot invest properly.

I worked as an advisor with Fish and Game and Land Use in the DEP with the acquisition of lands for PSE&G Thompson's Beach, and I convinced the state, the Township and private owners to let Thompsons Beach go back to nature, that was a good decision.

Because of the location, this is a location that has to be preserved because there's none left and it's not hard to preserve with private investment. I do believe if we convey them properties, they should remain marinas. I don't think they should be private residences. We have enough of private residences on the river for people that choose to retire to something like that. So with that in mind I think it would be very useful.

And I heard mention of a public boat ramp. I don't know where that is at Matt's Landing. If you're referring to, there's ramps there that are being used by the public that are now the present marinas, that's fine because if we have them as a marina, they could be open, they will be open to the public. That would be our land use or whatever. We can make that a condition of use or whatever. So with those thoughts in mind, I mainly want to support that and we do have people in mind that want to invest in that area and some of them are present tonight and so I don't know if they wish to speak or not, but that's they'll have the opportunity. Yeah.

So mainly it's my guidance. I'm a village elder is the reason I'm here and this is a village decision. This decision is based on everybody in town. And this is a big part of our life, Matt's Landing--without it I don't exist. People don't exist. That's our world. It sounds silly maybe to somebody sitting you know in the city somewhere, but this is a cultural thing. It existed forever from the old man that goes down there gets a couple of crabs or catches perch to the people that tie crab boats there to make you know, living. It's what we are. And we need that. I commend the Township too for sticking it out for all these years. And it was a tough process because this is a small town and time took its toll and we have changes of administration in our Township and I give them credit for picking up the pieces and moving forward with it.

And hopefully we could put this to bed and I could see it in my lifetime because I'm the old man. OK, thank you, everybody. I appreciate it.

Maurice River Township [Mayor Ken Whildin]

Thank you, George.

0:22:42.520 --> 0:22:53.830

Yeany, Judeth [DEP]

Thank you. Those are very helpful comments. Before we get to the next commenter--Lisa Barno from Fish and Wildlife. Maybe you can clarify if this conveyance goes through, where is the nearest public boat ramp?

0:22:57.870 --> 0:23:5.660

Barno, Lisa [DEP]

Judeth, I don't have that information handy at this moment. I was just listening in to see what the public comment was.

0:23:6.160 --> 0:23:6.820

Yeany, Judeth [DEP]

OK.

We'll clarify that for the record and we'll, we'll discuss that when we conduct the second public hearing.

Would the other gentlemen in the audience like to comment?

0:23:19.810 --> 0:23:21.220

Maurice River Township [Mayor Ken Whildin]

Anyone else for public comment?

Well, ma'am.

Sure.

0:23:30.780 --> 0:23:35.50

Yeany, Judeth [DEP]

You know, I knew when I said that I was going to get myself in trouble because I couldn't see everybody in the audience.

0:23:35.300 --> 0:23:35.790

Maurice River Township [Mayor Ken Whildin]

Right.

0:23:35.910 --> 0:24:7.130

Public Commenter—Dr. Lubonja

Hi. I'm Doctor Lubonja L-U-B-O-N-J-A and it's my first time here so I'm very, very kind of happy and I wanted to give you just another point of view from another outsider in a way. You know, I came years ago here and I was amazed with everything around the area that is so beautiful and a little bit kind of left aside I felt like almost it was abandonment.

Kind of the first time I came in, I went around, and I began cleaning up. Pretty much a little bit of trash from people that came from Philly to fish, and that's how I got to know people in the city and I caught their eyes pretty much kind of cleaning up on my own because I thought it's a beautiful nature. It's such a beautiful nature and needs to be preserved and I own beautiful sailing boat and I believe in environmental cleaning, maintaining.

Originally, I'm from Europe and I'm American and that I'm saying that because I think I think it's a beautiful area you have here. To preserve it is very, very important.

And I thought the first thing that came up in my mind, I said, I really loved the sailing boats, so it would fit with this environment so well, I even thought about having the natural soap, that everything natural. So, on those crabs and everything that is in the water and the fish would be like really maintaining their life and sharing life in this part of this area of New Jersey. And I

really loved the people. And somehow during the Covid I saw that having the marina there, it kind of like I met all the people that was fishing crabs. And I met so many people in there socializing, even though it's a little bit ironic during the Covid. But people were outside and that Marina kind of in a way it just saved even the way of thinking that we are in Covid and now we're like adoring the nature and appreciating the nature.

Unfortunately, last year I had to leave with my boat. I couldn't dock there anymore because of the circumstances. Things are a little bit, you know, falling apart. So certain things need to be adjusted. And if this opportunity were given, I would really greatly appreciate and I would be one of the investors if the possibility were given to me and I do appreciate and agree with my previous speaker, that just building a very nice marina and would be I think beneficial to even the environment to us of course, but to hopefully to the City too, you know, to invite in really good people with vision and. So I'm looking forward to it.

Thank you.

Maurice River Township [Mayor Ken Whildin]

OK. Thank you very much.

0:26:59.50 --> 0:26:59.640

Yeany, Judeth [DEP]

Thank you.

Would anyone else like to comment?

0:27:4.350 --> 0:27:5.30

Maurice River Township [Mayor Ken Whildin]

Anyone else?

I don't see anybody raising their hand, Judeth.

0:27:12.140 --> 0:27:22.270

Yeany, Judeth [DEP]

So as I mentioned, we do accept written comments for two weeks following the hearing and really up until the time that we make our final decision, you can always send us comments.

The address--Mary's e-mail address is on our website and we dropped it into the chat for those of you participating by video conference. For those of you in the audience, I believe the Township officials could give you that address if you can't find it online.

So it's 2:32.

Unless there's an objection from the Township or the State House Commission representative, I think we can close the hearing.

I think we would, we would be notified if somebody used the link after 2:30 and attempts to restart the hearings. So we'll just deal with that possibility if it arises.

And as I mentioned, the second hearing on this proposed conveyance is on January 10th at 6:00 o'clock also remotely, I believe the Township officials will be hosting the public in the same location.

0:28:26.880 --> 0:28:27.580

Maurice River Township [Mayor Ken Whildin]

That is correct.

0:28:28.170 --> 0:28:38.950

Yeany, Judeth [DEP]

And that hearing will be solely conducted by the DEP, unless Mr. Brophy really wants to join us. But the Commission's only required to have one hearing; we're required to have two.

We'll inform the Commission of how the second hearing goes and after that we will make a final recommendation to our Commissioner and to the State House Commission. So we appreciate everyone's time today. Thank you for joining us. Thank you to the members of the public for their comments and I'm going to stop recording and we're going to close the hearing.

0:29:1.370 --> 0:29:1.970

Maurice River Township [Mayor Ken Whildin]

Thank you.

[end of transcript]