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# *Commission Meeting*

of

## STATE HOUSE COMMISSION

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**LOCATION:** Committee Room 13  
State House Annex  
Trenton, New Jersey

**DATE:** March 25, 2002  
9:00 a.m.

**MEMBERS OF COMMISSION PRESENT:**

Paul Josephson  
(Representing Governor James E. McGreevey)  
Senator Walter J. Kavanaugh, Chair  
Senator Bernard F. Kenny Jr.  
Assemblyman Anthony Impreveduto  
Maureen Adams  
(Representing John E. McCormac)  
Kathy Steepy  
(Representing Charlene M. Holzbaur)



**ALSO PRESENT:**

Edward R. McGlynn, Secretary  
Robert J. Shaughnessy Jr., Counsel

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

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Tracy Carluccio

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**SENATOR KAVANAUGH (Chair):** Good morning, ladies and gentlemen. This meeting of the State House Commission on March 25, 2002, pursuant to the Open Public Meetings Act -- has notified the papers and all that was necessary to be informed of this session.

I ask you, Mr. McGlynn, the Secretary, to call the roll.

MR. McGLYNN (Secretary): Assistant Director Steepy.

MS. STEEPY: Here.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Here.

MR. McGLYNN: Assemblyman Impreveduto is on his way.

Senator Kenny.

SENATOR KENNY: Here.

MR. McGLYNN: Chief Josephson is on his way.

Chairman Kavanaugh.

SENATOR KAVANAUGH: Here.

We have four. To vote we need five. This is a seven member Commission. By statute, it calls for five to cast a vote. But we have the opportunity.

MR. McGLYNN: We have five.

SENATOR KAVANAUGH: We now have five.

MR. McGLYNN: Chief Josephson is here.

MR. PAUL JOSEPHSON: Good morning, Chairman.

SENATOR KAVANAUGH: Good morning, Paul.

MR. JOSEPHSON: I'm sorry members. I apologize.

SENATOR KAVANAUGH: At this time, if we could just go around the table. This is the newly formed Commission with the McGreevey administration. It's split with Senate and Assembly and also members of the administration -- some of the cabinet members. So, if we could start on my left, your right. If you just give your name and your title so that they have some insight of why you're going to either do them good or bad.

MS. STEEPY: Good morning. I'm Kathy Steepy. I'm with the Office of Management and Budget, and I'm representing the Controller, Charlene Holzbaur.

ASSISTANT TREASURER ADAMS: My name is Maureen Adams. I'm here on behalf of the State Treasurer, John McCormac.

MR. JOSEPHSON: My name is Paul Josephson. I'm Chief of the Authorities Unit for Governor McGreevey.

SENATOR KAVANAUGH: My name is Senator Walt Kavanaugh.

MR. McGLYNN: I'm Ed McGlynn, the Secretary for the Commission.

SENATOR KENNY: Senator Bernard Kenny.

MR. SHAUGHNESSY (Counsel): Good morning. Bob Shaughnessy, Deputy Attorney General, on behalf of the Department of Law and Public Safety, representing the State House Commission today.

Thank you.

SENATOR KAVANAUGH: Thank you, ladies and gentlemen. We ask for the approval of the December 13 meeting minutes.

ASSISTANT TREASURER ADAMS: I'll move that.

SENATOR KAVANAUGH: It's been moved and seconded.

Roll call.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Impreveduto is absent.

Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chief Josephson.

MR. JOSEPHSON: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Number two.

MR. McGLYNN: RPR Number 98-15, Block 105, Lot 7, in Union: The New Jersey Department of the Treasury, on behalf of Kean University, requests approval to dispose of approximately 2.5 acres of vacant land to the township of Union in exchange for property of relatively equal size and value. This action also recommends amending the lease to run for a term of 50 years so that it runs coterminous with the other agreements for the new Union Township Train Station.

SENATOR KAVANAUGH: Is there anyone here to comment?

(no response) A comment from the Commission? (no response)

Motion, please.

MS. STEEPY: Moved.

ASSISTANT TREASURER ADAMS: Second.

SENATOR KAVANAUGH: It's been moved and seconded.

Roll call.

MR. MCGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chief Josephson.

MR. JOSEPHSON: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Under new business, number three.

MR. McGLYNN: RPR Number 02-12, Block 37.02, Lot 8, in Franklin: The New Jersey Department of the Treasury requests approval to lease a Department of Environmental Protection residential property located at 86 Meadow Avenue in Somerset County to Ron Wierks for a period of one year, with four one-year renewals at a monthly rental at \$950.

SENATOR KAVANAUGH: Anyone here to comment? (no response) Any Commission comments? (no response)

Motion?

MR. JOSEPHSON: So moved.

ASSISTANT TREASURER ADAMS: Second.

SENATOR KAVANAUGH: It's been moved and seconded.

Roll call, please.

MR. MCGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chief Josephson.

MR. JOSEPHSON: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Number Four, please.

MR. McGLYNN: RPR Number 02-15, Block 875.04, Lot 1.02, in Galloway: The New Jersey Department of the Treasury, on behalf of Stockton State College, requests approval to lease the Scott House, located on the grounds of the Stockton State College in Atlantic County to the Betty Bacharach Institute for Rehabilitation. The term is for five years, with one five-year renewal option at fair market rental.

SENATOR KAVANAUGH: How much from the public?

Is that a comment? (laughter)

I see no dollar amount in this. Do we have any?

MR. McGLYNN: It's to be negotiated at fair market rental.

SENATOR KAVANAUGH: Okay. Thank you.

Any member of the Commission have comments? (no response)

May we have a motion?

MR. JOSEPHSON: So moved.

ASSISTANT TREASURER ADAMS: Second.

SENATOR KAVANAUGH: It's moved and seconded.

Roll call.

MR. MCGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chief Josephson.

MR. JOSEPHSON: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Number Five.

MR. McGLYNN: RPR Number 02-17, Block 18, Lot 3, in Mahwah: The New Jersey Department of the Treasury, on behalf of Ramapo College, requests approval to grant an easement to PSE&G to install a gas main to service a new, 528-bed residential facility on the Ramapo College campus in Bergen County.

SENATOR KAVANAUGH: Public comment? (no response)  
Commission comment? (no response)

Motion, please.

MS. STEEPY: Moved.

SENATOR KAVANAUGH: Moved and seconded.



Roll call.

MR. MCGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chief Josephson.

MR. JOSEPHSON: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Number Six, please.

MR. McGLYNN: RPR Number 02-21, Block 13, Lots 53, 54, 59, 78, 80, and 81, in Trenton: The New Jersey Department of the Treasury, on behalf of the Department of Health and Senior Services, requests approval to dispose of a three-story, steel frame, surplus building located at 541 East State Street in Mercer County.

SENATOR KAVANAUGH: Anyone from the public? (no response) Any member of the Commission? (no response)

Can we have a motion?

MR. JOSEPHSON: So moved.

ASSISTANT TREASURER ADAMS: Second.

SENATOR KAVANAUGH: It's been moved and seconded.

Roll call.

MR. MCGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chief Josephson.

MR. JOSEPHSON: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Number Seven, in the Department of Transportation.

MR. McGLYNN: Thank you.

Project 30, acquired as Routes 43 and 39, Section 11C, 12S and 9, Parcels VX2R1A2A2, VX2R1A2B, and VX7, in Hammonton: The New Jersey Department of Transportation, Bureau of Right-of-Way, Property Management Unit, requests approval to sell an irregular shaped parcel of vacant land, which comprises three adjacent parcels containing 1.437 acres, in Atlantic County, for the price of \$68,000.

SENATOR KAVANAUGH: Comments from the public? (no response) Commission? (no response)

Motion, please.

MS. STEEPY: Moved.

SENATOR KAVANAUGH: Moved and seconded.

Roll call.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chief Josephson.

MR. JOSEPHSON: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Number Eight, please.

MR. McGLYNN: Project Route 77 and 56, Section 1D and 1A, Parcels VXR16B, VXR17A, and VXR17B, in Upper Deerfield. The New Jersey Department of Transportation, Bureau of Right-of-Way, Property Management Unit, requests approval to sell an irregular shaped parcel of vacant land, which comprises a small section of paved road containing 4966 square feet, in Cumberland County, for a recommended sale price of \$5000.

SENATOR KAVANAUGH: Comment from the public? (no response) Commission? (no response)

Motion.

MR. JOSEPHSON: So moved.

ASSISTANT TREASURER ADAMS: Second.

SENATOR KAVANAUGH: It's been seconded.

Roll call, please.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chief Josephson.

MR. JOSEPHSON: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Number Nine, please.

MR. McGLYNN: Project Route 78, Section 5A, Parcels VX9A1B, VX9A1C, VX9A4, VX18D, and VX2R20B, in Springfield: The Department of Transportation, Bureau of Right-of-Way, Property Management Unit, requests approval to sell two irregular shaped parcels of vacant land containing 0.535, plus or minus, acres or 24,236 square feet and 0.134, plus or minus, acres or 6080 square feet, in Union County, for a recommended sale price of \$13,000.

SENATOR KAVANAUGH: Anyone from the public? (no response) Commission? (no response)

Motion, please.

MR. JOSEPHSON: So moved.

ASSISTANT TREASURER ADAMS: Second.

SENATOR KAVANAUGH: Moved and seconded.

Roll call.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chief Josephson.

MR. JOSEPHSON: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Number 10, please

MR. McGLYNN: Project Route 92, Section 1, Parcel VX2R10B, in East Windsor: The New Jersey Department of Transportation, Bureau of Right-of-Way, Property Management Unit, requests approval to sell an irregular shaped parcel of vacant land containing 6.065, plus or minus, acres, in Mercer County, to be sold by direct sale at a recommended price of \$5000.

SENATOR KAVANAUGH: Anyone from the public? (no response) Commission? (no response)

Motion, please.

MR. JOSEPHSON: So moved.

ASSISTANT TREASURER ADAMS: Second.

SENATOR KAVANAUGH: Moved and seconded.

Roll call.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chief Josephson.

MR. JOSEPHSON: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Eleven, please.

MR. McGLYNN: Project Route 33, Section 5, Parcel VX23B, in Manalapan: The New Jersey Department of Transportation, Bureau of Right-of-Way, Property Management Unit, requests approval to sell an irregular shaped parcel of vacant land containing 0.723, plus or minus, acres or 31,494 square feet, in Monmouth County, as a direct sale at a recommended price of \$47,200.

SENATOR KAVANAUGH: Any comment from the public? (no response) Commission? (no response)

Roll call, please.

MR. McGLYNN: Do we have a motion?

SENATOR KAVANAUGH: Excuse me, motion.

MR. JOSEPHSON: So moved.

ASSISTANT TREASURER ADAMS: Second.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chief Josephson.

MR. JOSEPHSON: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Number 12, please.

MR. McGLYNN: Route 38, Section 3, Parcel VX8B, in Hainesport: The New Jersey Department of Transportation, Bureau of Right-of-Way, Property Management Unit, requests approval to sell a rectangular shaped parcel of vacant land containing 0.216, plus or minus, acres or 9409 square feet, in Burlington County, to be sold at public auction for a recommended price of \$4500.

SENATOR KAVANAUGH: Anyone from the public? (no response) Comment from the Commission? (no response)

Do I have a motion, please?

MR. JOSEPHSON: So moved.

MS. STEEPY: Second.

SENATOR KAVANAUGH: It's been moved and seconded.

Roll call.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chief Josephson.

MR. JOSEPHSON: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Project--

SENATOR KAVANAUGH: Department of--

MR. McGLYNN: I'm sorry, Number 13.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Project 185, Section 1, Parcels VX7E, VX7F, VXE7G, in Jersey City: The New Jersey Department of Transportation, Bureau of Right-of-Way, Property Management Unit, requests approval to sell two irregularly shaped, noncontiguous vacant lots within the Craven Point Redevelopment Plan area in Hudson County. The sites will be sold to the City of Jersey City at the recommended sale price of \$259,500.

SENATOR KAVANAUGH: Is there anyone from the public? (no response) Commission members? (no response)

Motion.

MR. JOSEPHSON: So moved.

ASSISTANT TREASURER ADAMS: Second.

SENATOR KAVANAUGH: Roll call, please.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.



MR. McGLYNN: Chief Josephson.

MR. JOSEPHSON: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Fourteen, please, the Department of Environmental Protection.

MR. McGLYNN: Delaware and Raritan Canal State Park, Block 1014, Lot 4, in Lambertville: The New Jersey Department of Environmental Protection, Division of Parks and Forestry, requests approval to enter into a new lease agreement to formalize a preexisting encroachment on park property of a wooden fence onto the towpath of the D and R Canal in Hunterdon County. The lease term would be for 20 years, with the option to renew for another 20-year term.

SENATOR KAVANAUGH: Is there anyone from the public? (no response) Commission member comments? (no response)

Motion, please.

MR. JOSEPHSON: So moved.

ASSISTANT TREASURER ADAMS: Second.

SENATOR KAVANAUGH: Roll call.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chief Josephson.

MR. JOSEPHSON: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Fifteen, please.

MR. McGLYNN: Cape May Point State Park, Block 790, Lot 6, in Cape May: The New Jersey Department of Environmental Protection, Division of Parks and Forestry, requests approval to enter into a new lease agreement with Mid-Atlantic Center for the Arts, a nonprofit corporation, for the restoration, preservation, development, improvement, maintenance, operation, and interpretation of the submarine tower as a historic site open to the public. The lease term is for 25 years, with the option to renew for another 25-year term.

SENATOR KAVANAUGH: Anyone from the public to comment?

(no response) Commission? (no response)

Just one quick question. Is this 25 years-- Is that a normal lease, or is that we've been doing five and 10 years leases?

MR. McGLYNN: Someone from Green Acres is here to answer that question.

SENATOR KAVANAUGH: Green Acres.

Put the light on, please. (referring to PA microphone) Give your name.

**JUDETH PICCININI YEANY:** I'm Judeth Yeany, from Green Acres.

Green Acres was not involved in that lease. Parks and Forestry asked for that to be put on the agenda. So I don't know what their normal lease term has been these days.

SENATOR KAVANAUGH: All right. I'm just wondering that it seems like a long period of time -- if there's any changes. I'm not going to be here in 25 years. (laughter) If you owe me money, I'll be here.

MS. PICCININI YEANY: I'm sure if the Commission would prefer a shorter term, you can state what your preference is on that and give that as guidance to Parks and Forestry.

MR. McGLYNN: Maybe what you can do is asked Parks and Forestry. I think it can be approved today -- but just to give us something in writing as to why it is a 25-year term.

MS. PICCININI YEANY: Okay. We'll take care of that.

MR. McGLYNN: If we have to revisit it, we will revisit it.

SENATOR KAVANAUGH: Okay.

All right. Motion, please.

ASSISTANT TREASURER ADAMS: So moved.

MS. STEEPY: Second.

SENATOR KAVANAUGH: I wish to comment that we're going to ask Forestry.

Roll call, please.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chief Josephson.

MR. JOSEPHSON: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Sixteen.

MR. McGLYNN: Hopatcong State Park, Block 371, Lots 1, 2, 3, and 4, in Allamuchy and Mt. Olive: The DEP, Division of Parks and Forestry, requests approval to enter into a new lease with the Waterloo Foundation for the Arts, in Warren County, for a period of 12 years and another 12-year renewal term.

SENATOR KAVANAUGH: Comment from the public? (no response) Commission? (no response)

Once again, this is 12 years. It doesn't seem-- I've never remembered where they have all these different-- It was pretty much set. We can review-- Once again--

Does the Commission have any comment? (no response)

Motion?

MR. JOSEPHSON: I'll move that, subject to a review.

SENATOR KAVANAUGH: Second?

MS. STEEPY: Second.

SENATOR KAVANAUGH: Roll call, please.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chief Josephson.

MR. JOSEPHSON: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Seventeen, please.

MR. McGLYNN: Rancocas State Park, Block 2, Lot 3A, in Westampton: The New Jersey Department of Environmental Protection, Division of Parks and Forestry, requests approval to enter into a new lease with Crosswinds Radio Control Club of a 12-acre field to be used for flying radio controlled airplanes in Burlington County. The lease term is for five years with the option to renew for another five-year term.

SENATOR KAVANAUGH: Anyone here from the public to comment? (no response) Commission? (no response)

Motion, please.

ASSISTANT TREASURER ADAMS: So moved.

MS. STEEPY: Second.

SENATOR KAVANAUGH: Moved and seconded.

Roll call.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chief Josephson.

MR. JOSEPHSON: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Eighteen, please.

MR. McGLYNN: Ringwood State Park, Block 371, Lot 1, Ringwood: The New Jersey Department of Environmental Protection, Division of Parks and Forestry, requests approval to enter into a new lease with the Borough of Ringwood to store file cabinets and records in the historic Burdell House in Passaic County. The lease term is for 20 years, with the option to renew for another 20-year term.

SENATOR KAVANAUGH: Anyone from the public to comment?

(no response) Commission?

MR. JOSEPHSON: Yes, I had a quick question about the--

SENATOR KAVANAUGH: Yes, Paul.

MR. JOSEPHSON: What's the nature of the investment to be made by the borough -- property?

Is there anybody here that could speak to that? (no response)

Are they definitely-- I guess my question is, are they definitely doing an improvement, or is it an improvement that's subject--

MR. McGLYNN: We're supposed to be--

Can you hear me? My light, for some-- (referring to PA microphone) No, there it goes.

According to the fact sheet-- It says, the renovation of a historic dwelling renovated and maintained at minimal cost to the State and to the public, thus adding to the appearance and historic integrity of the surroundings. So apparently, they are going to redo the building.

SENATOR KAVANAUGH: They're going to redo and store file cabinets in it. (laughter)

MR. JOSEPHSON: I'll move that.

SENATOR KAVANAUGH: It's moved and seconded.

Roll call, please.

MR. MCGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chief Josephson.

MR. JOSEPHSON: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Nineteen, please.

MR. McGLYNN: Lebanon State Forest, Block 897, Lot 1.01 and Block 899, Lot 1 and Block 898, Lot 1, in Pemberton: The New Jersey Department of Environmental Protection, Division of Parks and Forestry,

requests approval to enter into a new lease with the Whitesbog Preservation Trust to maintain and interpret Whitesbog Village, in Burlington County, for a period of five years with an option to renew for another five years.

SENATOR KAVANAUGH: Any member of the public? (no response) Commission? (no response)

Can we have a motion?

MR. JOSEPHSON: So moved.

ASSISTANT TREASURER ADAMS: Second.

SENATOR KAVANAUGH: It's been moved and seconded. Roll call, please.

MR. MCGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chief Josephson.

MR. JOSEPHSON: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Twenty, please.

MR. McGLYNN: Maple Drive Park, Block 225.01, Lot 2.01 access easement; Block 239, Lot 2; Block 231, Lot 3, in Hazlet: The New Jersey Department of Environmental Protection, on behalf of the Township of Hazlet, requests approval to divert approximately 2.20 acres of parkland to



expand commuter parking for the Hazlet Train Station. At a separate location within the park, the township has also requested approval to convey an access easement consisting of .09 acre to an adjacent property owner to resolve the title. As compensation, Hazlet will dedicate, for recreation and conservation purposes, approximately 2.3 acres known as Block 223, Lots 1 and 7. In addition, portions of Highland Avenue, Manor Avenue, Arlington Avenue, and Idaho Place, totaling approximately 2.27 acres-- The assessed value of the total area to be diverted is \$134,000. The assessed value of the replacement land is \$336,205.

SENATOR KAVANAUGH: Any public comment? (no response)  
Commission? (no response)

Motion, please.

ASSISTANT TREASURER ADAMS: So moved.

SENATOR KAVANAUGH: Moved and seconded.

Roll call.

MR. MCGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chief Josephson.

MR. JOSEPHSON: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Twenty-one, and this is why so many people got up so early this morning to come down.

MR. McGLYNN: The Clinton Wildlife Management Area, Block 11, Lot 24, in Union: The New Jersey Department of Environmental Protection, on behalf of the Division of Fish and Wildlife, requests approval to convey to TRANS Continental Gas Pipeline Corporation, a permanent easement and temporary work space easements needed to install a 42-inch natural gas pipeline across the southwest corner of the Clinton Wildlife Management Area next to two existing natural gas pipelines in Hunterdon County. The permanent and temporary easements requested by TRANSCO were appraised at \$6800. As compensation, TRANSCO proposes to pay the DEP a total sum of \$52,300. Of this amount, \$43,300 will be used for the acquisition of open space. An additional \$9000 will be used to plow and seed the entire field to provide early succession grassland habitat to benefit wildlife.

SENATOR KAVANAUGH: All right. How many people care to comment on this one? (no response)

ASSISTANT TREASURER ADAMS: It's 31, Senator.

SENATOR KAVANAUGH: Oh, I have to go 10 more.

Okay. Is there any public comment? (no response) Commission comment? (no response)

Motion.

ASSISTANT TREASURER ADAMS: So moved.

MS. STEEPY: Second.

SENATOR KAVANAUGH: Roll call, please.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chief Josephson.

MR. JOSEPHSON: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Twenty-two.

MR. McGLYNN: Doral Court Open Space, Block 1111, Lot 6, in Union: The New Jersey Department of Environmental Protection, on behalf of Manalapan, requests permission to make legal a previous inadvertent sale of .858 of an acre of open space. A single family home was constructed on this site and is currently occupied by a subsequent owner. The township now seeks to rectify the matter in order to remain eligible for Green Acres funding. The township will use \$92,460 from its general treasury funds to acquire approximately 4.35 acres of a 20.98-acre parcel currently being purchased as open space.

SENATOR KAVANAUGH: Anyone here from the public to comment? (no response) Commission? (no response)

Motion, please.

MS. STEEPY: Moved.

SENATOR KAVANAUGH: It's been moved and seconded.

Roll call.

MR. MCGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chief Josephson.

MR. JOSEPHSON: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Twenty-three, please.

MR. McGLYNN: Fortescue State Marina, Block 63, Lot 2, in Downe: The New Jersey DEP, on behalf of the Division of Parks and Forestry, requests approval to convey to the Bayview Water Company 0.092 acres, in fee simple, for construction of a 100,000-gallon elevated water tank to serve emergency services needs in the vicinity of the Fortescue State Marina.

SENATOR KAVANAUGH: Anyone from the public to comment?

(no response) Commission comments? (no response)

Motion, please.

MS. STEEPY: Moved.

SENATOR KAVANAUGH: Moved and seconded.

Roll call.

MR. MCGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chief Josephson.

MR. JOSEPHSON: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Twenty-four, please.

MR. McGLYNN: Johnson Park, Block 836, parts of Lot 6, 6.01, and 7.01 and Block 837.2, part of Lot 5, in Piscataway: The DEP, on behalf of the county of Middlesex, requests approval to dispose of 1.59 acres of Johnson Park to the New Jersey Department of Transportation for the widening of River Road, Route 18. As compensation, Middlesex County will receive, from the DOT, a 3.31 acre parcel located to the east of Route 18 and contiguous to Johnson Park.

SENATOR KAVANAUGH: Anyone here from the public to comment? (no response)

This is to enhance Rutgers Stadium for the traffic going by.

Is there anybody from the Commission? (no response)

Motion, please.

ASSISTANT TREASURER ADAMS: So moved.

MR. JOSEPHSON: Second.

SENATOR KAVANAUGH: Moved and seconded.

Roll call.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chief Josephson.

MR. JOSEPHSON: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Twenty-five, please.

MR. McGLYNN: Abbotts Meadow Wildlife Management Area, Block 42, Part of Lot 1, in Elsinboro: The DEP, on behalf of the Division of Fish and Wildlife, requests approval to sell a historic barn, outbuildings, and up to 0.95 acre of surrounding land, with historic preservation and conservation restrictions at fair market value, to the owner of a neighboring historic house auctioned by the State in 1998. The sale will be with historic and conservation restrictions at fair market value as established by an appraisal.

SENATOR KAVANAUGH: Anyone from the public to comment?

(no response) Commission comments? (no response)

May we have a motion?

ASSISTANT TREASURER ADAMS: Moved.

SENATOR KAVANAUGH: Moved and seconded.

Roll call.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chief Josephson.

MR. JOSEPHSON: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Twenty-six, please.

MR. McGLYNN: Wildcat Ridge Wildlife Management Area, Block 22301, Part of Lot 5, in Rockaway: The DEP, on behalf of the Division of Fish and Wildlife, requests approval to sell 0.395 plus or minus acres of land along the boundary of the Wildcat Ridge Wildlife Management Area to an abutting owner to resolve an existing encroachment issue and straighten out the State's boundary of ownership.

SENATOR KAVANAUGH: Anyone here from the public? (no response) Commission comments? (no response)

Motion, please.

ASSISTANT TREASURER ADAMS: Moved.

SENATOR KAVANAUGH: Moved and seconded.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chief Josephson.

MR. JOSEPHSON: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Twenty-seven, please.

MR. McGLYNN: New Bridge Landing State Park, Block 1304, Part of Lot 1, Block 1305, Part of Lot 5, in River Edge: The DEP, on behalf of the Division of Parks and Forestry, requests approval to convey to Bergen County .0966 acres, in fee simple, for proposed right-of-way and intersection improvements on Hackensack Avenue and Main Street in Bergen County.

SENATOR KAVANAUGH: Anyone here from the public? (no response) Commission members? (no response)

Motion, please.

MR. JOSEPHSON: So moved.

MS. STEEPY: Second.

SENATOR KAVANAUGH: It's been moved and seconded.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chief Josephson.



MR. JOSEPHSON: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Twenty-eight, please.

MR. McGLYNN: Sharlatt Park, Block 156, Part of Lot 34, and Bonneview Park, Block 21.01, Part of Lot 42, in Montville: The DEP, on behalf of the Township of Montville, requests permission to divert a total of 0.256 acre of parkland for the construction of a stormwater outfall structure and a two-million-gallon-water tank. As compensation for the diversion of the parkland, the township proposes to dedicate, for conservation and recreation purposes, .93 of an acre of municipal property.

SENATOR KAVANAUGH: Any public comment? (no response)  
Commission comment? (no response)

Motion, please.

ASSISTANT TREASURER ADAMS: Moved.

SENATOR KAVANAUGH: Moved and seconded.

Roll call.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chief Josephson.

MR. JOSEPHSON: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Twenty-nine, please.

MR. McGLYNN: Rockaway River Wildlife Management Area, Block 270, Portions of Lots 3, 4, 5.02, and 5.03, in Jefferson: The DEP, on behalf of the Division of Fish and Wildlife, seeks to enter into a 20-year lease with the Township of Jefferson for the development of playing fields and walking trails on approximately 20 acres in return for the transfer, in fee simple, of 106-plus acres of land for addition to the Rockaway River Wildlife Management Area in Morris County.

SENATOR KAVANAUGH: Anyone here from the public to comment? (no response) Commission comments? (no response)

Motion, please.

MR. JOSEPHSON: Moved.

SENATOR KAVANAUGH: Moved and seconded.

Roll call.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chief Josephson.

MR. JOSEPHSON: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Thirty, please.

MR. McGLYNN: Mill Brook Lane Open Space, Block 5, part of Lot 3.02, in Union Township; Case Road Park, Evergreen Drive Open Space, Block 76, part of Lots 31, 32, 34.02, Block 61, part of Lots 36, 901, 902, Block 61.02, part of Lots 4, 35, in Branchburg Township: The New Jersey DEP, on behalf of the Townships of Branchburg and Union, requests approval to allow the townships to grant permanent and temporary work space easements to TRANSCO for the construction of a 42-inch natural gas pipeline. As compensation for the 3.04 acres of permanent easement and 9.36 acres of temporary work space, TRANSCO will pay Branchburg Township \$50,000. The appraised value of the permanent easement, or \$14,375, will be used by Branchburg for acquisition of new parkland. The remaining \$35,625 will be used by Branchburg for park improvements.

SENATOR KAVANAUGH: Anyone here from the public to comment? (no response) Commission members? (no response)

Motion, please.

ASSISTANT TREASURER ADAMS: So moved.

SENATOR KAVANAUGH: It's been moved and seconded.

Roll call.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chief Josephson.

MR. JOSEPHSON: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

(Cellular phone rings)

Don't dance yet. (laughter)

MR. McGLYNN: How come it's not playing, "When Irish Eyes are Smiling"?

SENATOR KAVANAUGH: Thirty-one, please.

MR. McGLYNN: Delaware and Raritan Canal State Park, Block 11, Lot 22, Block 11, Lot 100, in Stockton: The DEP, on behalf of the Division of Parks and Forestry, requests approval to grant two drainage easements totaling .037 of an acre to My Ben Association, Limited Liability Corporation. The easements are necessary to meet approval requirements imposed on My Ben by various State and local agencies in connection with the development of a 44-lot residential subdivision on a 24.5-acre parcel in Stockton.

SENATOR KAVANAUGH: Thirty-one-- Comments from the public. How many-- We have two -- three. Can we go for four? We'll do three.

If you two of you would come forward, the third could come when the first is finished.

Identify yourself.

Ladies before gentlemen.

**TRACY CARLUCCIO:** Is this on? (referring to PA microphone)

SENATOR KAVANAUGH: If you push the button, it turns red.

MS. CARLUCCIO: It turns red? Thank you.

My name is Tracy Carluccio. I'm representing the Delaware Riverkeeper Network. We're an environmental organization in New Jersey and the other watershed states in the Delaware Watershed.

I do have a statement, which I would like, for the benefit of the Commission, to read. And I will hand in a copy for the record.

SENATOR KAVANAUGH: Is it a brief statement?

MS. CARLUCCIO: It's not too long. Cut me off if you think I'm going too long. But I think this is a very important subject.

SENATOR KAVANAUGH: We understand that, but we ask that the statements be limited to three minutes.

MS. CARLUCCIO: I'll try.

SENATOR KAVANAUGH: Okay. Go fast.

MS. CARLUCCIO: The easements that you're considering here today would be for stormwater discharge to the Delaware and Raritan Canal from the corporation's proposed development project.

We oppose the granting of these easements because of the water quality degradation that will result from the stormwater discharge into the canal, which is a drinking water source for thousands of New Jersey residents and is trout stocked by the State of New Jersey, providing important recreational benefit. The Canal also serves the public as a historic park and trail system that will also be diminished by the presence of the storm sewer outlet.

The stormwater from the proposed development will contain many nonpoint source pollutants that will be generated by the residential use of the now wooded and naturally vegetated site. The removal of existing vegetation, including mature trees and the changes to the natural topography of the land of this site, which sits high over the town and the brook that borders it, will destroy the existing protections and rainfall infiltration capabilities that nature has put in place to prevent stormwater runoff from the existing land. The impervious surfaces and lawnsapes that will accompany the development will produce and transport not only an increased volume of runoff but pollutants, as well.

Attached is a table that shows, for example, six pesticides that are found frequently in stormwater samples. I won't run through that to cut time.

In addition to these pollutants, residential development also produces sediment, nutrients, copper, zinc, and other heavy metals, including: lead, fecal coliform bacteria, hydrocarbons, oils, greases, atmospheric deposition, vehicle emission particulate, pet waste, chemicals, fertilizers, pesticides and fungicides and their mixing agents, and various biological agents and pathogens.

Stormwater is also usually warmer than the receiving waterway, harming fishlife and providing conditions that allow for the phosphorus to be more readily released from sediment hosts. Trout are temperature sensitive and prefer 68 degrees Fahrenheit or less and begin dying at 77 degrees. Stormwater can reach 83 degrees in the summer. And groundwater -- base flow to the stream is about 55 degrees. So that shows you the difference in the temperature.

The proposed land development will cluster 44 units on 24.5 acres and will change the land so completely that polluted runoff will result. There is 38.2-acres of land that is being donated for conservation but this does not change what will occur on the land that is distributed. The conserved land is very steeply sloped and not suited for development or for active recreational purposes.

The proposed development's stormwater management plan does include a stormwater basin -- detention basin and even some additional water quality components to the basin system. But the basin itself will be clay-lined and will not allow for the captured stormwater to infiltrate, which would control the volume of runoff and recharge the would-be runoff to the groundwater, protecting the aquifer and the base flow of Brook Hollow Creek.

A stormwater infiltration system, rather than the proposed and approved traditional stormwater basin, would also provide some water quality treatment. Coupled with additional best management practices and a conservation development design, a stormwater infiltration approach on this site would treat for water quality far more effectively than the Stormceptor chamber that is proposed as a retrofit to existing housing in the borough.

The Stormceptor is a commercial product that is most effective when applied to low-flow projects such as parking lots, small developments, and as an urban retrofit. Attached is some information on the Stormceptor from their Web site. It does not treat for solvents, nitrates, nitrites, and many other pollutants that are found in runoff. For the pollutants it does treat for, such as oil and grease, solid wastes, and some clay-bound pollutants, it only treats to a limited percentage, as shown in their manufacturing sheets.

Also, when flows are high, the treatment system is normally bypassed and no treatment at all is provided by the Stormceptor. “Flows in excess of the orifice drop pipe capacity flow over the weir and are conveyed directly to the downstream sewer.”

We do not know the acreage of land that would contribute to the units nor the flows expected or what size storm the units are designed to treat in this specific application, but we suggest that it is vital to have the developer perform an analysis of how much of the annual storm flows will be treated effectively and to what percent for which pollutants in order to accurately assess the effectiveness of this product for the proposed purpose. Based on the sprawling nature of the existing developed area that we presume is supposed to send stormwater to the proposed units, we suspect that the Stormceptor will provide very little treatment. If our opinion is correct, then the developer is not meeting the requirement of the stormwater regulation program or the Clean Water Act.

In addition, regardless of the effectiveness of these units, the proposed development project is not planning to employ this unit and the stormwater basin system proposed for the subject property will not provide enough water quality treatment to allow for the stormwater to be discharged to the Canal without degrading the Canal’s water quality. This means that this project would be in violation of the Clean Water Act by the discharge of pollutants to this legally protected waterway, an irreplaceable drinking water source.

We also point out that the maintenance for the Stormceptor, with clean out approximately every six months, according to their literature, copy



attached, is exacting and requires a large vacuum truck. Even if easily accessed, the scheduled maintenance on these units is mandatory or they could catastrophically export pollutants to this drinking water supply.

We also point out that an Army Corps of Engineers permit is necessary in order for this project to proceed as planned under Section 10 of the Rivers and Harbors Act. The State's assumption of 404 permits does not relieve the applicant from obtaining an Army Corps of Engineers permit for the placing of the stormwater outfall and headwall into the Canal, according to Sam Reynolds of the Philadelphia Office of the Army Corps of Engineers. Because the discharge outfall facility will be installed into the historic canal, it must be reviewed. The Army Corps of Engineers may look at upland areas from the outfall as well, and they may look at how maintenance will be accomplished. They have not, as of last week, been contacted by any entity concerning this project.

Because there is an outstanding major permit that has not even been applied for yet, and because the public has not had an opportunity to review that permit application, we ask that any action on this easement be tabled at this time. We further request that an analysis of the stormwater from the proposed project be conducted for its impacts on the Canal and an analysis of the effectiveness of the proposed Stormceptors also be required. We oppose the granting or selling of easements or acreage that are dedicated open space.

Finally, this Park belongs to the public for public use. The practice of allowing private entities to buy pieces of protected land for their own purposes is wrong. Projects across New Jersey are eating up the open, natural, green spaces that are owned in common by the public and are supposed to

remain free of encroachment in perpetuity. In this case, not only parkland but also the water that residents rely on is being harmed in order to suit the needs of a developer.

During this drought emergency, the shortage of drinkable water quality -- drinkable quality water in New Jersey is highlighted. We just can't afford to gamble with what we do have.

The Canal has already been cut back to two-thirds of the flow it can usually take by allocation from the Delaware River due to the drought emergency in the Delaware Watershed. Pollution of what is left would effectively reduce that useable supply further, raise the cost of treatment, and possibly have negative impacts on the health of the residents who drink the water downstream.

We support better treatment of the existing stormwater that enters the Canal, but do not agree that the borough should have to rely on a developer to pay for this treatment. There are many funding mechanisms that could be explored to cover this cost and the public wouldn't be inheriting another problem, the stormwater pollution from the My Ben development, with the solution.

We urge the D and R Canal to seek other funding for the positive improvements to the Canal's towpath that this easement would bring from other sources. And we do support such improvements to this unique and very important park.

And I have one question. Does the Administrative Order Number 2002-05, Number 6, which states that the Department holds in abeyance final

decisions on all pending Green Acres applications for diversions and/or disposal under N.J.A.C. 7:36, apply to this easement?

SENATOR KAVANAUGH: What is the date of that?

MS. CARLUCCIO: I have two copies. The first one is dated--

**D A V I D L. P A S I C Z N Y K:** It's the Administrative Order that Commissioner Campbell wrote, declaring a drought emergency and restrictions.

MS. CARLUCCIO: I believe it was March 7. March 4 was the Executive Order by Governor McGreevey.

SENATOR KAVANAUGH: So this is something that came after all this stuff was being done. This kind of popped up. So it was nice to grab hold-- (indiscernible)

MS. CARLUCCIO: The drought.

SENATOR KAVANAUGH: Okay.

MS. CARLUCCIO: Well, that's an editorial.

SENATOR KAVANAUGH: It was a good three minutes.

MR. PASICZNYK: Well, she went into my three minutes, and that's fine by me.

SENATOR KAVANAUGH: You're name?

MR. PASICZNYK: My name is David Pasicznyk. I'm here at the request of my neighbors and concerned citizens of Stockton. They've asked me to come and explain some of these things, possibly, in laymen's terms.

SENATOR KAVANAUGH: Are you a professional?

MR. PASICZNYK: I have a degree in geology and a background in environmental and engineering geophysics.

One thing I'd like to address is the Stormceptors. Let's address that in plain English. If you read the sales literature, they will admit that they do not remove pesticides, herbicides, salts, things of that nature. What they do remove, and they do a pretty good job at it, are oils and floatables: the floating cans and sediments. Think of it as a decanting device. If you put pet feces, pesticides, oils into drinking water and you decant it -- you pour the top off and you pour -- leave the bottom -- and you pour off the middle. I am not going to drink that. I don't think anyone here would drink it. I don't think we should ask the citizens of New Jersey to drink that.

That Canal is a water supply source currently being used by our neighbors down in Lambertville. Some of those neighbors are outraged that we would be dumping our pollutants, our lawn chemicals, into what they would be drinking. That's the one issue.

The other issue is: yes, it is convenient to pull a paper up and say, "This is an administrative consent order." But are we taking these administrative consent -- these administrative orders seriously? There's a 2002-07 that further states that any easements be held in abeyance if they effect the water quality of New Jersey. We have a copy of that.

Are we going to ignore our own administrative orders is the question.

SENATOR KAVANAUGH: All right. Any Commission members care to be heard? (no response)

MR. JOSEPHSON: Thank you very much for your comments.

MS. CARLUCCIO: Thank you.

SENATOR KAVANAUGH: Are those lights out now? (referring to PA microphone)

**MICHAEL J. GROSS ESQ.:** Excuse me?

SENATOR KAVANAUGH: Are both of the lights off?

MR. GROSS: My name is Michael J. Gross, from the lawfirm of Giordano, Halleran, and Ciesla. We represent My Ben Development with respect to this application.

This has been a long road for us, and we believe what we have brought to the State House Commission -- or what DEP has requested of the State House Commission is a win-win for everyone.

Let me first address the issue of water quality. This stormwater management system is a state-of-the-art system with detention basins that have been approved by every level of government from municipal to county to State government. It has been approved by the planning board; the mayor and township committee; the Office of Historic Preservation; the D and R Canal Commission, which, of course, is responsible for the water quality of the Canal; the New Jersey DEP, Division of Parks and Forestry; the New Jersey Water Supply Commission, which takes its water from the Canal and, of course, is most concerned about water quality from the Canal.

Those entities have concluded, contrary to the comments you just heard. And they have the expertise, I believe, that this development, with the mitigation proposed, will result in a net improvement to the water quality of the D and R Canal, contrary, again, to the statements you just heard. These are statements that were made by the Water Supply Authority and by the Division of Parks and Forestry.

The reason this is a win-win is because we have a state-of-the-art stormwater management system. We're also preserving, forever, 38.2 acres of open space adjacent to our development that we could have developed on. And we are installing two Stormceptors in what would otherwise be totally uncontrolled runoff.

One of the problems in the State is that although new development has to meet fairly strict water quality standards, existing development does not. And existing development has been built over a number of years. And normally, they're storm sewers that merely discharge without any treatment whatsoever into the waterways of our state.

This is a case, and it's one of the few that I'm aware of, where the developer has gone and said, "Look, we will retrofit some of those uncontrolled discharges." And yes, they don't control everything, but they certainly control what is now uncontrolled and does go into the D and R Canal. This runoff that is being retrofitted now goes into the D and R Canal with absolutely no controls. Now we at least are controlling things like solids. We're controlling large floatables that are now totally uncontrolled.

The Borough of Stockton has also agreed to maintain this system, so the developer doesn't have any responsibility. The developer will pay the Borough of Stockton to maintain it. So there is a governmental entity responsible for maintaining the retrofitted system.

I would contend that notwithstanding the fact that the Stormceptor doesn't treat everything-- I don't think anything treats everything except an actual treatment plant. It treats the issues that really the New Jersey Water Supply Commission are concerned about. That's solids that otherwise

would get into the D and R Canal. So I emphasize the fact that the DEP -- various agencies within the DEP and the Independent Water Supply Commission have concluded that this would result in a net improvement to the water quality of the D and R Canal.

I think this is a win-win. The applicant has also agreed to upgrade about 2000 feet -- about almost half a mile of a towpath of the D and R Canal that is now in a deteriorated state. The D and R Canal Commission coordinated this effort through the Historic Preservation Office and through Parks and Forestry and through the New Jersey Water Supply Authority and after, I think, about a year, we've obtained all of our approvals.

I have to say that I don't know anything about this Army Corps of Engineers approval. There is no actual breaching into the water. There's just a headwall. And I'm not aware of any Army Corps of Engineers requirement. I have to tell you that in my experience in obtaining approvals, if DEP felt that an Army Corps of Engineers approval was required, they would always condition their approvals on that. There is no condition that I'm aware of. I've not spoken to Mr. Reynolds. Mr. Reynolds has not spoken to me -- I know him well -- about this particular application. I'm sure if he had a concern, he would speak to me about it.

I think this is a real win-win, and it's the start of something that I think we should look for in greater numbers in the state. And that is retrofitting through private enterprise of existing, uncontrolled stormwater so we do, in fact, start to improve the water quality of the state.

For all those reasons, and the fact that DEP has endorsed this particular application, I would request your approval.

MR. PASICZNYK: May I--

SENATOR KAVANAUGH: Thank you.

We have a fourth comment.

Would you come forward and take a seat.

MR. JOSEPHSON: Can I ask Counsel one quick question?

SENATOR KAVANAUGH: Sure.

MR. JOSEPHSON: What is your response to the issue raised concerning the drought management order?

MR. GROSS: The drought management order-- The initial order did not allow diversions. However, the amended order allowed it in the discretion of DEP. I think Judeth Yeany is here from Green Acres and can address that issue. It's my understanding it's within DEP's discretion. And it's my understanding that this was actually sent over with full knowledge of the drought order.

MR. JOSEPHSON: Thank you.

MR. GROSS: But she is here. I don't want to speak for DEP.

**J O A N N E M. N E S T E R:** My name is Joanne Nester, and I'm a photographer, and I live in Stockton, New Jersey.

I'm a mother of Laurel. (phonetic spelling)

I've also worked in politics. I worked for governors Florio, Whitman, and Kean as a State House photographer.

This development, if you put it through, years down the road, is going to make--

SENATOR KAVANAUGH: Excuse me a second. We don't have anything to do with the development. We're only talking about the land.



MS. NESTER: If you approve this easement and put it through, it is going to affect the quality of life as we know it in our borough, because we have a three-room school house that cannot afford to grow. We have senior citizens in this community that can't afford to pay the taxes to support the burden of another development.

We are, as concerned citizens, banding together to raise the money to buy the land when it goes up for sale, to preserve it as open space, not because we have something against the development, but you're degrading the water supply, and that is the issue. But you're going to affect so many other issues down the road beyond what is going on here today.

SENATOR KAVANAUGH: Excuse me a second. I'm not familiar with that. The 64-unit development--

MR. GROSS: Forty-four, it's forty-four.

SENATOR KAVANAUGH: Forty-four.

MS. NESTER: Four-bedroom houses.

SENATOR KAVANAUGH: Doesn't that-- Is that property owned by your--

MR. GROSS: It's owned by our client, and it has full approvals.

SENATOR KAVANAUGH: What was the comment made that they're willing to buy?

MS. NESTER: Our town--

SENATOR KAVANAUGH: The citizens of the town want to buy the property?

MS. NESTER: We want to buy the property as open space.

SENATOR KAVANAUGH: Are you aware of that?

MR. GROSS: No.

SENATOR KAVANAUGH: That's the first time it even--

MS. NESTER: Yes, we do.

SENATOR KAVANAUGH: Do you have the money available to buy it today?

MS. NESTER: We're working toward it. No, we don't have it now, but we will.

SENATOR KAVANAUGH: It must be in the millions.

MR. GROSS: Yes.

MS. NESTER: We know that.

SENATOR KAVANAUGH: That's not our issue, so there may--

MS. NESTER: I understand that.

MR. PASICZNYK: Could I address some of your comments -- gentlemen -- I don't -- forget your name.

He presents a rosy picture of this. He could tell me to go to hell so I'd look forward to the trip.

But what we have to realize is we will -- I don't know if you have a background in geochemistry, chemistry, environmental science, but what you know about these Stormceptors is what you have read, correct?

SENATOR KAVANAUGH: Would you direct that through the Chair, please? This is not--

MR. PASICZNYK: Oh, okay. But the issue is, we will not be decreasing the amount of pesticides. We will not be decreasing the amount of salts. They will go up. There's no doubt about that. Will we be decreasing the amount of oil going in? Yes. And I said that in my initial statement. Will we

be decreasing the amount of floatables and sediments? Yes. Should the towns along the Canal be taking proactive steps? Yes. Should we be relying on developers? No. And if you read the State Plan, that is just poor planning.

We're a poor community. We don't have a lot of money. But there will be a net decrease in water quality in terms of pesticides, nitrates, herbicides, all of the difficult to remove chemicals. That's my comment.

SENATOR KAVANAUGH: All right.

The comment I would make to the Commission members-- Did you-- I don't see where anyone commented during the public period. Does anyone-- It doesn't have any comments made?

MS. CARLUCCIO: I would like to address that, Senator.

It's Tracy Carluccio, again.

As far as the public hearing on this, it must have been a very small legal notice that the folks in town didn't see. Delaware Riverkeeper didn't see it. And we would have been there because Delaware Riverkeeper is on record for the past two years making comment to the planning board and the borough council on this project and has contacted DEP, as well.

I also wanted to point out that I sent a letter on March 11, 2002 to Mr. Frank Cianfrani of the U.S. Army Corps of Engineers, informing him of this project. I got a return phone call on March 21 from Sam Reynolds telling me that, yes, an Army Corps of Engineers permit was going to be needed and that the process had not begun. As a matter of fact, he had not been contacted. And he sent an E-mail over to DEP on Friday asking about the project and informing them that they would need to -- that the Army Corps of Engineers would need to review and grant a permit under Section 10

of the Rivers and Harbors Act, should this project easement -- should this easement go ahead.

SENATOR KAVANAUGH: All right.

What I'm going to ask to do of the Commission -- if we have a motion to go into executive session just to comment.

And if we have available to us, the people from State government, that we can use for resource--

UNIDENTIFIED SPEAKER FROM AUDIENCE: I'm sorry, Senator. What's the reason for the executive session?

SENATOR KAVANAUGH: So we can discuss this.

MR. JOSEPHSON: To secure advice of counsel concerning the status of the reviews here.

ASSEMBLYMAN IMPREVEDUTO: Moved.

SENATOR KAVANAUGH: Motion by -- and I'd like to note the presence of Assemblyman Impreveduto, who was delayed in traffic.

MR. McGLYNN: Motion and second?

SENATOR KAVANAUGH: Motion and second.

Roll call.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chief Josephson.

MR. JOSEPHSON: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

All right. If you'd all go out and get coffee and get something, we won't be long.

Green Acres-- Who else would we need?

HEARING REPORTER: Mr. Chair, do you want this off the record?

SENATOR KAVANAUGH: Yes.

(Off the record)

(On the record)

SENATOR KAVANAUGH: Thank you for your patience.

The Commission reviewed the concerns and discussion, and we discussed, with Counsel, the concerns. And we're going to, at this time, table this legislation to the next Commission hearing. It will be reviewed by members of DEP, Water Quality Control, checking on the Army Corps of Engineers. And then that will be available so that DEP and Water Quality--

Please get your experts and make them available to our counsel.

Let's, first of all, make a motion to get back into--

ASSEMBLYMAN IMPREVEDUTO: We moved already, so we can take a vote. It's been moved. It's been seconded.

SENATOR KAVANAUGH: All right, roll call then.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chief Josephson.

MR. JOSEPHSON: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Okay. Make it legal.

Is there any other comment on this matter? (no response)

MS. CARLUCCIO: We'd like to thank the Commission.

ASSEMBLYMAN IMPREVEDUTO: Do you need a motion to  
table?

SENATOR KAVANAUGH: Go ahead.

ASSEMBLYMAN IMPREVEDUTO: Motion to table.

MR. PASICZNYK: Thank you. And the citizens of Stockton, and  
the voters thank you, also, for listening.

MR. McGLYNN: We have a motion to table. Is there a second?

SENATOR KENNY: Yes.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chief Josephson.

MR. JOSEPHSON: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Now we have the-- For those of you that are new kids on the block, we are also the Judicial Retirement System. And we have to make a motion to approve the minutes of the 2001 meeting that was held in December.

MR. JOSEPHSON: So moved.

ASSISTANT TREASURER ADAMS: Second.

SENATOR KAVANAUGH: It's been moved and seconded.

Roll call.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chief Josephson.

MR. JOSEPHSON: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Next, a motion for the financial statement of December 31.

MR. JOSEPHSON: So moved.

ASSEMBLYMAN IMPREVEDUTO: Second.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chief Josephson.

MR. JOSEPHSON: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Now, we have death claims, retirements, and terminations.

ASSEMBLYMAN IMPREVEDUTO: Moved.

SENATOR KAVANAUGH: Well, are there any questions? Is anyone here?

There was a gentleman here that was--



MR. McGLYNN: He is the secretary for this portion of the Commission.

SENATOR KAVANAUGH: Oh, okay.

MR. McGLYNN: He prepares all this documentation for us.

SENATOR KAVANAUGH: I'd like to note on here -- a good friend of mine-- I hate to see them on the death claims -- Judge Murphy. He just died recently.

MR. McGLYNN: We have a motion and a second.  
Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Assistant Treasurer Adams.

ASSISTANT TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chief Josephson.

MR. JOSEPHSON: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Assemblyman Impreveduto, prior to your coming in, we had unanimously adopted Numbers 1 through 30. Do you wish to be--

ASSEMBLYMAN IMPREVEDUTO: I'm in affirmative on those.

MR. McGLYNN: In the affirmative.

Thank you.

SENATOR KAVANAUGH: All done.

Anybody else?

MR. JOSEPHSON: I move that we adjourn.

SENATOR KAVANAUGH: It's been moved that we adjourn.

MR. McGLYNN: All in favor? (affirmative responses)

SENATOR KAVANAUGH: All in favor? (affirmative responses)

So moved.

**(MEETING CONCLUDED)**