

STATE OF JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In Re: GREEN ACRES PROGRAM
NOTICE OF PUBLIC HEARING
ON PROPOSED CONVEYANCE OF PROPERTY IN THE
CITY OF MILLVILLE, CUMBERLAND COUNTY

- - - - -
Wednesday, December 3, 2014
Millville, New Jersey
- - - - -

The public hearing in the
above-captioned matter taken before Maryellen
DeFeo, Certified Shorthand Reporter and
Registered Professional Reporter in and for the
County of Atlantic, State of New Jersey, at
Millville City Hall, Commission Chambers, 12
South High Street, 4th Floor, on the above date,
commencing at 6:30 p.m.

CLASS ACT REPORTING, LLC
133 H Gaither Drive 2149 S. 3rd Street
Mt. Laurel, NJ 08054 Philadelphia, PA 19148
(856) 235-5108 (215) 928-9760
ClassActReporting@ClassActReporting.com

1 APPEARANCES:

2 JUDETH PICCININI YEANY, Esquire
Bureau Chief
3 501 East State Street, 1st Floor
Mail Code 501-01
4 PO Box 420
Trenton, New Jersey 08625-0420

5
6 RAY CANTOR, Chief Advisor
NJDEP Commissioner

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

8
9 JOSEPH CHIARELLO, Esquire
City Solicitor, City of Millville

10 JAMES QUINN, Vice-Mayor
City of Millville

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

	I N D E X	
	WITNESS	PAGE
1		
2		
3	WITNESS	PAGE
4		
5	Joseph Chiarello	10
6	Joseph Derella	20
7	John Knoop	23
8	Jim Quinn	28
9	Jeff Tittel	35
10	Robert Moss	44
11	Cheryl Reardon	51
12	Mary Heisler	53
13	Francis Rapa	63
14	Misono Miller	68
15	Richard Simone	79
16	Celia Rodriques	79
17	John Nyman	86
18	Donna Bailey Miles	91
19	Kimberly Tarty	96
20	Joe Kane	102
21	Robert Adams	104
22	Megan Tinsley	107
23	Michael Miles	112
24	Jane Morton Galetto	113
25	Mark Choko	119

1	Wendy Walker	126
2	Cindy Zirkle	132
3	Ronald Teer	133
4	Thomas Gatens	134
5	Renee Brecht	135
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1 MS. YEANY: My name is Judeth Yeany,
2 Y-E-A-N-Y. I'm with the Green Acres Program
3 with the New Jersey Department of
4 Environmental Protection, and we're here
5 today to discuss a proposal by the
6 Department to convey a piece of property in
7 the City of Millville to either the City of
8 Millville, Cumberland County, the Millville
9 Urban Redevelopment Corporation, or such
10 other public entity as any of those
11 organizations may designate.

12 The property that we're proposing to
13 convey is known as the former Durand Glass
14 property. It's designated for tax purposes
15 as Block 578, Lot 19, and it consists of
16 about eighty acres at the end of one of the
17 industrial parks.

18 The City is going to talk a little more
19 about the history of the property and why
20 they requested the conveyance, but I'm just
21 going to explain to start why we're
22 conducting this hearing.

23 This is, actually, a reproposal of the
24 proposal that we made in March of this year
25 to convey this property. At that time we

1 conducted two public hearings in the month
2 of May. One of them was here in the City,
3 and the other one was in the City of
4 Trenton.

5 At the time, we anticipated that we
6 would take the proceeds of that sale and use
7 them to purchase a portion of the site known
8 as the Holly Farm property. We purchased
9 Durand Glass in January of 2013 for
10 \$335,000. We propose to sell the property
11 to either the City or the County for
12 \$395,000, which represents the full fair
13 market value of the property and as
14 additional funds for our original technical
15 costs associated with the property and costs
16 associated with the conveyance of the
17 property.

18 We had originally proposed to take that
19 \$395,000 and use a portion of it to buy a
20 portion of the Holly Farm property. We knew
21 at the time that there were a lot of
22 contingencies associated with the Holly Farm
23 property and that it might not be possible
24 to make that transaction within the next two
25 to three years, and we had said in the

1 original report that if Holly Farm did not
2 materialize in a two to three year time
3 frame that we would take the proceeds of the
4 sale and use them to buy another parcel.

5 What was not entirely clear in our
6 original proposal and the reason we're here
7 tonight is that our intention with Holly
8 Farm, which didn't happen, was to use the
9 funds from the sale to buy a property
10 equivalent in size to the Durand Glass
11 property, roughly eighty acres.

12 There was some concern that the
13 original proposal could be misconstrued that
14 we were intending to buy another nine
15 hundred acres elsewhere in the State, which
16 was not our original intention.

17 So, we're here today to make sure that
18 everybody understands that our intention
19 still is to convey the property for
20 \$395,000, to take those funds and deposit
21 them back in the Green Acres Project, which
22 we are required to do by Statute, and to
23 purchase another property of at least eighty
24 acres with those proceeds.

25 We do not have a specific property that

1 we have proposed to purchase. We would be
2 open to suggestions if there are other
3 properties people think we should purchase.
4 We would certainly look first in the City of
5 Millville and then within Cumberland County,
6 but we don't have any pending acquisitions
7 of that size that we're focusing on right
8 now.

9 So, according to the process that we
10 have to follow to be able to convey
11 properties we are conducting this hearing
12 tonight. We will accept written public
13 comments for two weeks after the hearing so
14 that the comment period on this hearing will
15 close on December 17th.

16 We will then have a second hearing in
17 the City of Trenton on January 6th, and the
18 information about the hearing is in the
19 report that we prepared about this
20 transaction. Like this hearing, we'll
21 accept written comments on that hearing for
22 another two weeks after which we can make a
23 final decision on whether to convey this
24 property.

25 By Statute we have to wait ninety days

1 from that second hearing before we can get
2 the approval of our Commissioner and the
3 State House Commission for the proposed
4 sale. So, the earliest that anything would
5 happen with this sale is early April of
6 2015, which is ninety days after the January
7 6th hearing.

8 This transaction does have to go before
9 the State House Commission, which is a
10 Legislative Commission that oversees Green
11 Acres conversions and DEP's property sales.
12 They meet on a quarterly basis. So, the
13 timing of when this actually might occur
14 might depend on when the Commission is
15 meeting.

16 I do appreciate the fact that many of
17 you were here in May to comment on this
18 proposal and have come back today to let us
19 know that your thoughts probably have not
20 changed about it, but we are interested in
21 your testimony.

22 We're going to have representatives of
23 the City explain why they've asked us to
24 convey the property after which we'll take
25 testimony from any other elected officials

1 who are present. After that we would just
2 ask you to come up to the microphone. I
3 would appreciate it if you would sign in
4 just so we have some idea of everybody who
5 was here, but I wasn't going to call people
6 up from the sign-in sheet.

7 It seemed to work pretty well last time
8 to just have people come up and testify, and
9 we weren't planning to put any time limits
10 on the testimony. We didn't seem to need to
11 do that last time.

12 If you are reading from prepared
13 remarks, we'd ask that you give us a copy
14 for the court reporter for us to have as
15 part of our record. When you do get up to
16 testify, if you could spell your name and
17 state your affiliation for the court
18 reporter, we would appreciate it.

19 I believe the City attorney is going to
20 testify about why the City has requested
21 this conveyance.

22 MR. CHIARELLO: Thank you, Chief.

23 My name is Joe Chiarello. I'm the City
24 Solicitor for the City of Millville.

25 The City and the County requested this

1 conveyance over a year ago. The property in
2 question known as the Durand tract is
3 industrial land in Millville as a portion of
4 Millville's industrial parks.

5 It's zoned industrial. It has a rail
6 line through it. It's next to the highways
7 and roads. It's also part of the sewer
8 service.

9 When this came to light over a year ago
10 there was some very serious interest in a
11 company coming to Millville and locating on
12 that property. The intention was to build,
13 I believe, a ten acre building on the
14 property and to employ close to 400 people
15 and move their international operation to
16 Millville.

17 The land was desired by this company
18 because it had a rail line through it and
19 had access to the roads and sewer service.

20 When we realized that the DEP through
21 its Green Acres Program purchased the
22 property we took steps to try to overturn
23 that sale, which is still pending and led to
24 this proceeding.

25 The City still believes that the

1 property is most appropriately used for
2 industrial use. The location is such that
3 though it is adjacent to another wildlife
4 management area, not much of Millville isn't
5 adjacent to a wildlife management area.

6 You know, if you want to use that
7 argument, if you go back not too long, maybe
8 a few hundred years, the whole City was
9 woods, you know, and that does not sustain,
10 industry does not sustain the economy. It
11 doesn't sustain the society that we have
12 today.

13 Though there are properties in town,
14 and I am sure you're going to hear people
15 talk about the Wheaton property at Second
16 and G Street, it's a large property, a big
17 industrial plant that sits not being used
18 right now, fourteen or eighteen acres right
19 in town, and you're going to hear people say
20 we've got this giant property in town,
21 industry can come and use that, the problem
22 is, again, the industry, just as one
23 example, that intended to use this eighty
24 acres was going to build a ten acre
25 building.

1 The Wheaton property just is not big
2 enough for what they intend.

3 We do have interest in the Wheaton
4 property currently and, hopefully, in the
5 near future that property will be used for
6 its purpose of making the City of Millville
7 and the County see that property used, but
8 what we're talking about is this eighty acre
9 parcel.

10 For thirteen years before DEP purchased
11 the property it was owned by Durand Glass.
12 It was industrial property. Though Durand
13 wasn't using it, they had intention of using
14 it, obviously, at some point. They paid a
15 lot of money for the property. They paid up
16 to grade industrial price for the property.

17 Chief, you stated tonight that the fair
18 market value of the property is \$395,000.
19 I'm assuming it's not fair value of
20 non-developable, non-industrial land.
21 That's the fair market value of industrial
22 property, which is what this land is.

23 When this land was set aside as
24 industrial property there was a decision
25 made in society to move industry out of town

1 toward congested streets where it had trains
2 stopping, traffic, where people lived, and
3 they pushed it out of town into what we
4 would now call the suburbs. Unfortunately,
5 sooner than after, people moved to the
6 suburbs out of town.

7 That doesn't change the fact that this
8 is industrial lands. This is the lands that
9 was set aside specifically for the purpose
10 of factories, industry, business, commerce.
11 That's what it's for. The most appropriate
12 use of this land is for industry.

13 The question that we should be
14 addressing tonight isn't whether or not we
15 enjoy hiking on the land, hunting on the
16 land, or whatever it may be. The question
17 is what is the most appropriate use? What
18 is the highest use? What is the best use of
19 this property? And the best use of this
20 property is an industry.

21 The City of Millville and the County of
22 Cumberland desperately need industry to
23 come. This is a piece of land that is
24 fantastically suited for that purpose. It
25 has the capacity to house a company that

1 could employ hundreds and hundreds of people
2 because of its size, because of its
3 location, and its best evidence of that is,
4 again, Millville, unfortunately, lost the
5 opportunity to have a company come and build
6 a very, very large plant that could employ a
7 lot of people, but we can get some interest
8 in that again.

9 However, without this that business is
10 not going to come. Unfortunately, land is
11 one of those things there's only so much of
12 it and there has to be a balance, and that
13 balance was determined many years ago before
14 any of these proceedings were even
15 contemplated when the State, the County, and
16 local Government spoke to the DEP and
17 everybody got together and said this is
18 where we're putting industrial parks. This
19 is where we're going to move industry.
20 We're going to take it out of town. We're
21 going to set aside certain land for this
22 purpose.

23 At the same time, the State, the local
24 Government, and the County set aside land
25 for open space. Now, although this is

1 ongoing, the fact remains that this land was
2 never intended for open space until January
3 of 2013.

4 People are going to speak of this as
5 if, you know, our children are going to
6 suffer if this eighty acres turns into
7 factory. People have written letters
8 previously to the Chief and, you know,
9 people see this land as if it's
10 Yellowstone. It is not. It's eighty acres
11 of sand and scrub. It's right next to 55.
12 It's off Garmin Street. Its got a rail line
13 through it. It's industrial park.

14 There is plenty of land in Millville.
15 There's plenty of land in Cumberland County
16 for the DEP to dedicate for open space for
17 people to use. This is not the appropriate
18 land for that purpose. And I think when,
19 really, what we're talking about is the
20 appropriate use of the land where you can
21 create jobs and you can bring industry to
22 Millville and to Cumberland County by the
23 use of this eighty acres, in the big scheme
24 of things it's not a lot of land.

25 One quarter of Millville is already

1 preserved or set aside, a quarter of it. I
2 believe Millville is the second largest City
3 in area in New Jersey.

4 Is that correct?

5 After Vineland.

6 So, to have one-fourth of the second
7 largest City in New Jersey in area already
8 set aside for dedicated open space, you
9 know, it seems somewhat absurd to me to have
10 this site over eighty acres being returned
11 to industrial use when there's probably
12 hundreds, if not thousands, of available
13 appropriate acres in Millville and
14 Cumberland County for the DEP to dedicate
15 that, frankly, no one will have issue with.

16 So, to do this now, I think, is
17 completely appropriate to transfer the land
18 back to Millville to market it for
19 industrial use and have for that purpose.
20 There's going to be concern too that it's
21 close to a residential neighborhood, and
22 close, again, is a relative term.

23 It's at least a quarter of a mile of
24 woods from this eighty acres to the
25 residential area, and I believe there's a

1 thousand foot of wooded buffer that a
2 factory has to have or that any building has
3 to have to that area. A thousand feet of
4 woods is a lot of woods.

5 It's not anything that you're probably
6 going to probably smell anything through,
7 hear anything through, or see anything
8 through. So, to say that this is going to
9 ruin the neighborhood is, frankly, again,
10 just is preposterous.

11 The City would love to have this
12 property conveyed back, marketed to
13 industry, use it for economic development.
14 Millville and Cumberland County are in
15 desperate need of jobs, ratables, and
16 commerce coming in the City. We cannot
17 market this property in the current state.
18 It has to be back in some title that we can
19 say to prospective industry, yes, there's a
20 property available that we can market to you
21 or someone can market to you.

22 It's crucial that this happen as
23 quickly as possible, and I know, Chief,
24 yo've described the process that has to
25 happen. We were hoping that this would have

1 been done by now. I understand it wasn't,
2 but every day that this property lays in
3 this state costs Millville and the County
4 money, and all of the citizens, all of the
5 citizens in Millville, 28,000 people in
6 Millville need it. Not just the several
7 hundred people that are here in this room,
8 and everybody has a valid concern.

9 Everybody in this room has a valid
10 concern. I might not agree with it. I
11 think they're all personal concerns. People
12 have very personal issues and you're very
13 passionate about them.

14 However, we're concerned for the 28,000
15 people in the City that need work, that need
16 commerce, that need industry, that need this
17 eighty acres back for its appropriate use,
18 which is industry.

19 Thank you.

20 MS. YEANY: Thank you.

21 Before we go on to the next testimony,
22 I just wanted to note for the record that we
23 do have here representing the DEP Ray
24 Cantor, who's DEP's Commissioner and Chief
25 Advisor.

1 Does anyone else want to testify on
2 behalf of the City or the County?

3 MR. DERELLA: Good evening. My name's
4 Joe Derella, D-E-R-E-L-L-A, and I'm the
5 Freehold Director of Cumberland County.

6 I just want to put a few things, some
7 interesting statistics on the record, if
8 possible.

9 First of all, Cumberland County,
10 unfortunately, has the highest unemployment
11 consistently in the State of New Jersey.

12 Two, we have the lowest median income
13 in the State of New Jersey of about twenty
14 thousand dollars less than the average in
15 the rest of the State.

16 This process that we're going through
17 now is the second time we've been through
18 it. It, actually, cost the City and the
19 County about four hundred jobs and a five
20 hundred thousand square foot manufacturing
21 facility that was prepared to relocate here
22 in our County.

23 It also may cost us about forty or
24 fifty thousand of existing business that may
25 end up transferring out of town because they

1 are now part of that ownership company that
2 was going to relocate.

3 We're talking about eighty acres in an
4 industrial park that's been zoned as
5 industrial since the mid 1960's. That
6 eighty acres has got tax dollars invested
7 into it for infrastructure improvements and,
8 again, there's a rail line. The company
9 that was interested in moving to Cumberland
10 County were given other options to try to
11 keep them here through the County and
12 economic development. None were suitable
13 because it did not meet their needs based on
14 the size, the rail citing, and the close
15 proximity to Route 55.

16 To put it in perspective of what's
17 going on in Cumberland County, right now
18 there are a hundred and sixty-four square
19 miles that is already dedicated to open
20 space preservation. We're talking about
21 eighty acres, which is less than a half a
22 mile. From a County perspective, we know
23 there are going to be more acres added to
24 the open space in the future. We know that
25 because our office is working with other

1 farmers and other people who want to and
2 qualify to have those things on the acreage
3 that's already off limits.

4 Another interesting statistic is
5 fifteen percent of Cumberland County is on
6 the proposed sewer service now, fifteen
7 percent. That means 85 percent right now is
8 not located in the sewer service. How is
9 the County supposed to survive?

10 We have eighty acres that's currently
11 in that sewer service area and we have not
12 had an opportunity to be able to develop
13 that.

14 Consequently, there have been one
15 other, another business who was very
16 interested in that property as well and we
17 had to tell them we have no control over it
18 at the present time.

19 We owe it to our community. There will
20 be controversy to any decisions being made.
21 That's a given. But we owe it to the
22 citizens of the entire County to be able to
23 develop our ratable base.

24 Another interesting statistic,
25 Cumberland County's lost one billion dollars

1 worth of ratables in the last five years.
2 No other community, I believe, our size has
3 had to suffer through that.

4 Again, we need to try to provide
5 opportunity for economic growth to where it
6 is designated and has been for over fifty
7 years, and that is our industrial park.

8 Thank you.

9 MR. KNOOP: John Knoop, County Engineer
10 as of August, and prior to that I was City
11 Engineer of Millville for nineteen years.

12 I just want to give you some
13 characteristics of the land. Some of this
14 may have already been touched upon.

15 This property has water and sewer
16 running directly through the property. As
17 the Director said, it is within the proposed
18 sewer service area. That means it was
19 recognized by DEP as having the
20 characteristics for growth. It is
21 recognized in the State plan for growth
22 area. It's a planning area too. It's
23 within a mile of our interchange. It is in
24 our industrial park. Its been zoned
25 industrial.

1 To put it in perspective for some of
2 the residents, you heard a quarter-mile.
3 Most of it's a quarter-mile or better from
4 your homes. The closest home is within nine
5 hundred feet of the property and then
6 there's required buffers required by the
7 Planning Board. Nine hundred feet alone is
8 three football fields worth of trees.

9 You can see from the aerial, it's
10 wooded. It's a wooded property. So, you
11 have a buffer from the closest home, from
12 the closest property owner. Most of them,
13 again, are over a quarter-mile.

14 There is no doubt that this piece is
15 designated for growth. There's been an
16 investment in water and sewer and the
17 maintenance of those lines and the fact that
18 it's next to rail. We tried to locate the
19 company that Director Derella talked about
20 outside of Millville in Cumberland County.
21 He couldn't find eighty acres with water and
22 sewer next to rail.

23 This is a critical piece for the County
24 for economic needs in South Jersey.

25 The fact that we're here debating and

1 having a public forum to reverse a deal that
2 was more or less done in kind of secrecy is
3 kind of ironic. The fact that Green Acres
4 was able to purchase without a public
5 process a piece of the City that was always
6 recognized in our master plan, the State has
7 recognized through their own State plan as
8 being dedicated for growth for industrial
9 purposes, the fact that they're able to do
10 that without a public process and here we
11 are with a large public process and I think
12 we should have public process as part of
13 planning and you have a voice tonight, you
14 can talk about it, but Millville didn't get
15 that voice.

16 The County didn't get that voice. It
17 was purchased. It was purchased without
18 notice to the City that this was going to
19 happen without public hearing, without
20 reversal of zoning, without any of those
21 things.

22 If we can't honor our master plans and
23 the commitment we have between the
24 environmental community, our towns, and the
25 State, I think we're going backwards in

1 planning. This really violates every rule
2 of planning that I know of.

3 I just find that ironic and kind of
4 upsetting, I guess, as a tax payer too.

5 This piece has a history with the
6 Millville Planning Board, and I was here
7 back in '89 when Galetto Realty purchased
8 this piece and had come before the Planning
9 Board. They had a hundred and seventy-five
10 acres. They came before the board and
11 carved out ninety-four of it for residential
12 development and had approved a hundred and
13 forty-eight residential developments,
14 residential homes.

15 Because of the economy, for whatever
16 reason, that did not go through, but there
17 didn't seem to be the passion that I saw in
18 the first public hearing when there was
19 going to be homes adjacent, and this is
20 right adjacent to your homes.

21 Back then the developer, the owner,
22 paid for their own habitat species study.
23 That report didn't speak of any critical
24 habitat. It didn't speak of critical
25 species.

1 As a matter of fact, the report cited
2 this piece is suited for residential
3 development and proposes no adverse effect
4 on wildlife or vegetation and indicated that
5 preparing this property and adjacent it
6 actually improves the wildlife habitat.

7 So, I've heard in other public forums
8 that there is critical habitat, there is
9 critical species, but it's funny when it
10 came before the board back in '89 it was not
11 identified for critical habitat or critical
12 species.

13 In 2000, Galetto Realty also came
14 before the Planning Board and expanded the
15 industrial zone out there. They added 48
16 acres. Again, I didn't see a loaded
17 Commission Chambers. I didn't see the
18 passion that I saw at the last public
19 hearing.

20 So, I question were was the public?
21 Where were the residents then back in 2000
22 when they were adding to the industrial
23 zone?

24 Obviously, we know the history that
25 then in 2002 it was sold to Durand Glass for

1 industrial purposes. Unfortunately, Durand
2 Glass didn't exercise their right to build
3 on that, but the intent of this property was
4 always industrial and had a history of
5 development for the remainder of it for
6 residential.

7 As the Director said, we have limited
8 areas in Cumberland County for growth. The
9 fact that we have fifteen percent of our
10 County available that can be sewered under
11 the proposed Waste Water Management Plant
12 makes these areas critical, and when they
13 have the infrastructure of sewer, water,
14 rail, interchange nearby, I just think we're
15 missing the boat between the town and the
16 environmental communities and what's
17 necessary to sustain growth in our County.

18 So, with that being said, thank you.

19 MS. YEANY: Thank you.

20 MR. QUINN: Good evening. Jim Quinn,
21 Q-U-I-N-N, Vice-Mayor of the City of
22 Millville.

23 You know, it's interesting. I'm
24 sitting here tonight thinking it's my fault
25 this meeting's happening because I sat right

1 up there three years ago, I guess it was,
2 and Durand had the land sold to a blacktop
3 asphalt company, and four of my
4 Commissioners said we're selling the land.
5 And I said what are you, crazy? You can't
6 do that.

7 We don't want an asphalt plant their
8 affecting the neighbors in that
9 neighborhood, and thank you to the neighbors
10 who came out because many of you are here
11 tonight who came out that night and remember
12 and your voice was listened to by my
13 colleagues who had said, hey, Jim, we're
14 voting for it.

15 I said please don't do that. That's
16 not the right business to put there.

17 So, I think about it and I thought had
18 I and the people, it wasn't just me, it was
19 the people, many of who are here tonight,
20 came out and lobbied the past Commission,
21 I'm the only one left from the past
22 Commission, lobbied them to not sell the
23 land to an asphalt company, which we got
24 them on board and they didn't do that.

25 I sort of think back, gee, you know, if

1 we hadn't done that, it would have been
2 sold. We wouldn't even be here today
3 spending all this time, all the resources,
4 all the money, the things that have to be
5 done, but it wasn't the right company to put
6 there and I'm glad we didn't do that.

7 I know on my part I thought and I have
8 to tell you that Railing Dynamics currently
9 is located on Tenth Street in Millville a
10 block away from a very good friend of mine,
11 who didn't even know they were there. They
12 have not caused any problem to the
13 neighborhood, no noise, no one even knew.

14 I didn't even know they were there, to
15 be honest with you, until they wanted to buy
16 this eighty acres of land.

17 So, when you look at that the bad part
18 comes into it as you've heard tonight in a
19 lot of discussion, the horrible part was
20 losing 350 jobs. And on top of the 350
21 we're potentially losing, we're currently
22 losing 93. 93 people currently work on
23 Tenth Street for Railing Dynamics and
24 they're going to be leaving and relocating,
25 I believe, it's in Egg Harbor Township.

1 So, they're the things that make me
2 feel so bad and, unfortunately, I guess I
3 shouldn't say unfortunately, but I am
4 serving currently on an Economic Development
5 Task Force set up by Senator Jeff Van Drew
6 and I attended a task force meeting about
7 two weeks ago and on the way to the task
8 force meeting I got a call from our
9 newspaper reporter sitting up here, Chris
10 Torez.

11 He said to me, Jim, do you know what's
12 happened at Bircheimer? I said, no, what
13 happened? He said they're laying off a
14 hundred and fifteen people permanently. I
15 said, oh, no, that's horrible.

16 So, I'm hearing that when I'm on my way
17 to try to see what kind of economic
18 development we can do in South Jersey, not
19 just Cumberland, but Atlantic, Cape May
20 County, and I got there and people who know
21 me, I'm usually a very optimistic person, I
22 usually look at the glass half full, I had a
23 hard time seeing the glass after that
24 meeting.

25 I sat there and Freeholder Director

1 Formica from Atlantic County was sitting
2 next to me and he said we've lost eight,
3 probably going to lose ten thousand casino
4 jobs and our ratable base in Atlantic City
5 alone has shrunk from twenty-two billion to
6 eleven billion, and then it just continued
7 to snowball.

8 I said, yeah, I just talked to the
9 newspaper reporter. We're losing a hundred
10 and fifteen jobs and it was, like, I don't
11 know what's happening. It seems as though
12 this part of the State, we struggle, we
13 suffer, and I've never seen so much
14 struggling or suffering.

15 I've been down here for 27 years and
16 I've never seen it at this point where, as
17 Freeholder Director Derella said, we've lost
18 a billion dollars in ratables. The City,
19 the Finance Director for the City of
20 Millville, that's my department, and I sit
21 and I say how can we add, what can we do,
22 how could we eliminate jobs?

23 Oh, thank God, we've got three people
24 retiring. We're not going to replace them
25 because we don't have the money. We,

1 actually, lost our City Engineer to the
2 County. We can't replace him. The
3 Assistant City Engineer right now, we've
4 moved him up to the engineering position.

5 So, I don't know how to express to you
6 how important it is that we need this land
7 back. We need this land to be used for
8 business, and I pledge to the people who are
9 here that live in the neighborhood we will
10 listen like we did before. We're not going
11 to shove an asphalt plant or something that
12 is not environmentally good for the
13 industrial park.

14 I know we've had some discussions about
15 Railing Dynamics and I thought they would be
16 pretty good and somebody said, well, when
17 they cut there, they don't make the plastic
18 there, but when they cut it you might get
19 some particles falling on the floor or
20 something like that.

21 That may be, but I certainly think that
22 our regulations would make sure that
23 whatever they're doing now, they're doing it
24 and we seem to have no problems and they
25 seem to be doing well with that.

1 But I just wanted to say that it is
2 important that this eighty acres go back
3 onto the industrial park and can be utilized
4 for a future business that will employ
5 people, and I want the neighbors to know
6 that I'm here. I'll be on the Commission to
7 support and to listen to your concerns if
8 and when this land comes back and if we're
9 able to get a viable industry, a viable
10 clean industry that we can put in that
11 neighborhood.

12 I thank you very much.

13 MS. YEANY: Okay. Before we open it up
14 to public testimony, I just wanted to make
15 one remark, which is that although we felt
16 the need to repropose the fact that we were
17 proposing to convey the property to the City
18 in order to clarify what will happen with
19 the proceeds of the sale and what the
20 replacement land may be, certainly, if we
21 get to the point of recommending to the
22 Commissioner and the State House Commission
23 that this transaction be approved, we would
24 take into account the testimony of both the
25 May hearings and include the transcripts of

1 this hearing in the record.

2 We're not discarding any previous
3 testimony either as to why this transaction
4 is appropriate or why people were opposed to
5 it. Really, our focus right now is just on
6 the fact that we're de-coupling the Holly
7 Farm property from this.

8 I'm not saying that people should not
9 repeat their remarks, but I just wanted to
10 let you know that we will not be discarding
11 the previous testimony.

12 So, again, if you could identify
13 yourself and your affiliation and if you're
14 reading from something this evening, if you
15 could leave a copy with us, we'd appreciate
16 it.

17 MR. TITTEL: Jeff Tittel, Director, New
18 Jersey Sierra Club, T-I-T-T-E-L.

19 And this is not anything about my
20 personal beliefs or whatever. This is about
21 an organization and the Sierra Club has been
22 in the open space business since 1892, and
23 our first little backyard issue that we were
24 involved with was something called
25 Yosemite.

1 By the way, you know Glacier National
2 Park also has a rail line through it as does
3 Yosemite.

4 The point that I'm here to make and I
5 wanted to first address a couple of things
6 before I go into my statement, when someone
7 mentioned about in 1989 there weren't any
8 species on the property, well, in 1989 my
9 I-Phone was called a phone booth. I think
10 the world has changed a lot in those years
11 and I can actually run a marathon now and I
12 was lucky if I could run three to five miles
13 then.

14 We're here because this is not about
15 for us the Durand tract, and I can talk
16 about the benefits of it, and the species,
17 and habitat, and connectivity to wildlife
18 management, and I think there's other people
19 who will cover it.

20 To us this is very simply property
21 rights. This is land that was purchased
22 from a willing seller who could have sold to
23 developers, could have sold to the town, who
24 could have sold to anybody, and decided to
25 sell to open space. That was the property

1 owner's wishes.

2 The State of New Jersey in the public
3 process because it is public process, Green
4 Acre sales are public, they're not private,
5 this isn't hidden, I know when they're
6 happening, we can all find them out, bought
7 the property, paid a value probably less
8 than fair market because the person was
9 selling for open space and it was preserved.

10 Now, here we are a year later and we're
11 looking to sell off this property that was
12 acquired for the public with public dollars
13 under the Public Trust Doctrine, and now
14 we're here to break that trust, to break
15 that doctrine.

16 This is not about this property. This
17 is now a bad home and garden TV episode
18 called flip this house or flip or flop.

19 The State of New Jersey is acting as a
20 Legislative agency, not a Department of
21 Environmental Protection. In fact, we
22 actually believe there may be Federal
23 prohibitions because someone can very
24 clearly argue that you bought this property
25 at a low rate for open space and then turned

1 around and then resold it a year later for
2 development.

3 You acted as an agent of development,
4 not an agent of the State.

5 Clearly, there are protections under
6 the Department of Interior laws and other
7 things like that about the State acting
8 deliberately to buy a piece of property from
9 a private property owner and turning around
10 and selling it for private development
11 because that's what this is.

12 You can take all the other things and
13 throw them out because that's what you're
14 doing. You're turning green acres into guys
15 with gold jackets. This is a real estate
16 deal.

17 We also believe and didn't do a really
18 cursory search, didn't have a lot of time,
19 there's some property in this area
20 industrially zoned for fifteen thousand
21 acres. This is five thousand acres.

22 Is the public getting what it's
23 supposed to get? It's zoned industrial.
24 No. Actually, now it's open space. So,
25 we're selling it for less money, but who are

1 we selling it to?

2 I mean, that's the next thing. It's a
3 game show. I mean, who's the owner? Is it
4 going to be the City, the Improvement
5 Authority, the County? Hey, maybe EPA will
6 take it. Or better yet maybe we can get,
7 you know, the president to buy it.

8 I mean, who's going to take the
9 property? We're going to transfer property
10 out of Green Acres and we don't even know
11 who the sale's going to be to?

12 I mean, that's not only ludicrous, it's
13 illegal.

14 Next, the replacement land. We're
15 going to take this money and put it into an
16 account, an account like in Green Acres that
17 gets rated for salaries, that gets rated for
18 other purposes. So, we're going to stick it
19 in a Green Acres account. We're going to
20 buy something with it.

21 We have nothing identifying it. The
22 law is very clear. It says greater or equal
23 value. A checking account is not land or
24 greater or equal value.

25 Next topic, you're selling this

1 property for development. Then the
2 developer is going to come in to DEP to Mr.
3 Cantor and ask for permits. They're going
4 to ask for sewer extensions. They're going
5 to ask for TWAs. They're going to ask for
6 welling permits. They're going to ask for
7 stream encroachment permits. They're going
8 to be asking for dealing with taking of
9 endangered species. There's pinelands
10 there, habitat conservation.

11 You're conflicted. You just sold a
12 property for development and now you're
13 going to judge the permits? I mean, that to
14 me is absolutely ludicrous.

15 The purpose of the Rooney and Ogden
16 Law, and I know both Rooney and Ogden very
17 well, I worked with them for twenty years,
18 is to have a safety valve on the department
19 so that when lands are diverted they're
20 diverted for appropriate reasons.

21 We've had disagreements many times on
22 many different diversions, but every one of
23 them was for some type of public purpose, a
24 school, a fire house, a sewer line, a
25 pumping station, a roadway, an interchange,

1 even an electric transmission line, or a gas
2 transmission line. They're at least public
3 utilities and there's a public benefit and a
4 public purpose.

5 There is no public purpose here. This
6 is to benefit private development. It goes
7 against everything the State of New Jersey
8 and the Green Acres Program has stood for in
9 over fifty years. That's what this issue is
10 all about. There are clearly other
11 properties out there that could be bought
12 instead.

13 That person who was supposed to come in
14 here, that company's not even coming in.
15 And just a cursory thing, fifteen percent of
16 Cumberland County is still a hundred square
17 miles. Philadelphia's a little bit over
18 that.

19 So, you've got plenty of areas for
20 development. You know, and in the past
21 you've heard this argument before when
22 people down here were concerned about the
23 race track and endangered species. Some
24 people opposed it, thought it was good for
25 economic development. A lot of

1 environmentalists dropped their opposition.

2 Holly Farms, one of the most important
3 habitat areas in the State, a lot of people
4 thought it should be saved. Even Green
5 Acres did. That's getting developed.

6 So, everything in Cumberland seems to
7 run, you know, they play politics and they
8 seem to get it. It's sort of interesting.

9 I want to talk about the planning issue
10 too a little bit because since that was
11 raised and I've sat on numerous Planning
12 Boards and was involved in the State plan,
13 my wife's a licensed planner, the sewer maps
14 for the most part went back to outdated
15 plans that were done with grants from Jimmy
16 Carter for sewerage plants that never were
17 built to the size they were supposed to be
18 built because the Federal money dried up.

19 The State of New Jersey in 1989 when it
20 introduced the State plan was looking for a
21 way to figure out where the road was going.
22 So, wherever there was a sewer plant they
23 made a PA two (sic). That's it. There was
24 no planning. There was no environmental
25 analysis. They didn't look at if there was

1 water capacity, sewer capacity, endangered
2 species, or stream corridors, wetlands, or
3 all those things.

4 In fact, you know, I can tell you
5 'cause I'm from a town, Greenwood,
6 Greenwood, I was on a Planning Board. We
7 zoned forty percent of our town, all the
8 area around the Wanake Reservoir for
9 industrial. It was the stupidist thing in
10 the world because back in the fifties and
11 sixties they wanted ratables. Most of that
12 area's been preserved and the people of
13 Greenwood are happy. We've gotten some good
14 economic growth and we have high taxes too.

15 The point is that planning is supposed
16 to be looking out for the public good and
17 the public interest, and Cumberland County,
18 I think, in a lot of ways has missed the
19 boat because the world today is looking for
20 ecotourism, and green jobs, and working with
21 natural resources, and high tech, and we
22 seem to say where we have something for
23 natural resources would this area be a great
24 gateway to the pinelands or to the Delaware
25 Bay Shore or coast and said, no, we're going

1 to stick to the past and that's what we see
2 here.

3 But the problem isn't whether or not
4 this property should be developed or not.
5 It's whether or not the State of New Jersey
6 will do its job and uphold the Green Acres
7 Law and the Constitutional Bond Acts that
8 got the money to buy this property and,
9 quite frankly, you know, the concern that we
10 have is that this is not a diversion from
11 the subversion of the public process.

12 This is a perversion of what this
13 administration and this agency is supposed
14 to stand for.

15 Thank you.

16 MR. MOSS: I'm Robert Moss, and I am
17 here without prepared remarks. So, if my
18 notes are not -- don't result in a perfect
19 speech, I apologize for that.

20 If the reporter didn't get my spelling,
21 M-O-S-S.

22 I've got a lot of topics Jeff covered
23 and I will try to just give briefly a
24 slightly different bend on them.

25 About the secrecy of the sale, it is

1 true that it is kept quiet. Jeff made the
2 point it's not really secret and when it's
3 done it's publicly known.

4 I don't like to say this, but I'm
5 offended by hearing that over and over
6 again. The reason for keeping sales quiet
7 has been stated by DEP repeatedly. It's so
8 that other -- it's so that the owner can't
9 set other buyers up against DEP and have the
10 price go up.

11 I saw that myself in Sparda Township
12 when I had done the, what do you call,
13 researching deeds that nobody else has had
14 time to do and when I inquired about the
15 sale of that property for purchase from the
16 point of view of DEP six to twelve months
17 later 'cause it took a while to explain who
18 I was because they didn't want to tell
19 anybody and the reason, as I said, it's well
20 stated, the contrast for this hearing which
21 is required by law, I think, it just doesn't
22 make sense.

23 We also heard and I was not able to
24 write down all the names of the witnesses
25 from the County and the City, but we heard

1 that the land is good for development. It's
2 sewered, it's this, it's that, by the
3 railroad.

4 The whole point of our preservation
5 program is to protect land from
6 development. One of the most recent
7 examples is the site of a proposed truck
8 stop right along Route 78, Interstate 78,
9 Hunternon County, clearly, as this having
10 easy access, it was preserved for its value,
11 it's natural value.

12 It is less critical to preserve stuff
13 that's not slated for development, which is
14 why we often object to wetlands being
15 proposed as replacement land. They're
16 already protected to a certain extent.

17 The point of the Green Acres Program is
18 to protect land from development. There are
19 thousands of acres that are currently under
20 Green Acres protection, which are highly
21 suitable for one development or another.

22 Look at High Point State Park and
23 Stokes State Park, which are two of our
24 oldest gems in the park system. What money
25 could you get by selling lots at the top of

1 those ridges with those views of the
2 Kinataney Valley?

3 Here we have an example of industrial.
4 The point is to preserve from development.
5 If we have development everywhere and not
6 open space, we will not survive as a
7 civilized society.

8 We also heard a lot about economics and
9 related to that we heard that this is a
10 small parcel. Who's going to miss it?

11 Well, leaving aside the argument about
12 death by a thousand cuts, in connection with
13 this we heard about Atlantic City, which is
14 a big deal. We know that. We also know, I
15 don't think it was mentioned, but we're
16 still coming out of the biggest recession
17 since whoever's got the date on that,
18 whether it's since the Great Depression.

19 We all know about the recession in
20 2008. Too big to be called a recession and
21 not big enough to be called a depression.

22 A lot of jobs were lost.
23 Unfortunately, a lot of them were here in
24 Cumberland County. We also heard about a
25 billion dollars in ratables being lost.

1 Some of that is, I'm sure, was due to the
2 housing market.

3 But if this property is so small that
4 we're not going to notice it from the
5 preservation point of view, I'm not sure how
6 much of an economic dent it's going to put
7 in the economic problems. These economic
8 problems need to be addressed on a larger
9 scale, a planning scale, not just by
10 focusing on one piece of property.

11 Now, we've also heard there's a lot of
12 space available, a lot of open space Jeff
13 Tittel said. I would just like to mention
14 if this piece here is so important and
15 there's so much other open space available,
16 why is there so much trouble finding
17 replacement land?

18 The County or the City could come up
19 with something and make a good offer for
20 suitable replacement land substantially
21 equivalent, and let me just make a few
22 remarks aside from what was testified to
23 before and Jeff alluded to this also about
24 flipping the land.

25 Even if the funds, the Green Acres

1 funds are dedicated, we still have a
2 problem. I have never been able to find out
3 who monitors these funds. There are
4 literally hundreds of agreements related to
5 diversions where usually a County or
6 Municipal Government, could be the State, in
7 this case it will be the State, promises to
8 put money into one or another open space
9 funds.

10 There must be a few hundred of these
11 over the years 'cause I've gone through
12 State House Commission hearing transcripts,
13 except I'm not quite up to date, but it's
14 quite a spread sheet. Who's keeping track
15 of this? Can we go on line anywhere and
16 look up, just pick up Toms River, did Toms
17 River promise so much money, and this is
18 hypothetical, I don't know if it's true at
19 all for Toms River, or let's use X-Ville,
20 did X-Ville promise fifty thousand dollars
21 to be used for purchasing open space and the
22 State House Commission approved it?

23 Who's checking on this? Can I look up
24 this promise and two years later see what
25 land was purchased? And even if I could, do

1 I know it's substantially equivalent in
2 terms of recreation and conservation value?

3 Well, I can go visit the parcels. And
4 New Jersey's not a big State, but it's a lot
5 for me to drive around all over checking
6 these things. These promises, they just
7 can't be upheld. We just don't know what's
8 going to happen to that money.

9 I, personally, am confident it will be
10 used in some way or another according to the
11 purposes of the Bond Act, recreational open
12 space, recreation conservation, park
13 improvements maybe. It will be in that
14 category, but will we get replacement land
15 that's substantially equivalent in terms of
16 conservation values?

17 We simply don't know. And a lot of
18 people have to talk. I think that's enough
19 from me for now.

20 Thank you.

21 MS. YEANY: Mr. Moss, could you state
22 your affiliation for the record?

23 MR. MOSS: I'm with the Sierra Club.

24 MS. YEANY: Thank you.

25 MR. MOSS: I hope I didn't say anything

1 I wasn't authorized to say, but I'll find
2 out if I did.

3 MS. REARDON: Hi, I'm Cheryl Reardon,
4 R-E-A-R-D-O-N. I'm with the Association of
5 New Jersey Environmental Commissions.

6 ANJEC is a State wide organization that
7 supports the efforts of Environmental
8 Commissions in over 388 towns in New Jersey.

9 We also coordinate the work of the
10 South Jersey Bayshore Coalition, which is a
11 united effort of over twenty active
12 nonprofits working to protect the natural
13 resources of the South Jersey Bayshore
14 region.

15 ANJEC opposes the sale of the eighty
16 acre parcel of land formerly known as the
17 Durand property. Just fifteen months ago
18 the NJDEP Green Acres preserved this land
19 using public funds because of its
20 extraordinary environmental and habitat
21 value as well as its connectivity to
22 adjacent preserved lands.

23 This land is integral to one of the
24 largest most pristine and critical tracts of
25 forest in all of Southern New Jersey.

1 In addition, this land is upland
2 property with significant recharge capacity
3 essential to recharge of the
4 Kirkwood-Cohansey aquifer, which millions of
5 people throughout South Jersey rely on for
6 their water supply.

7 This deal sets a terrible precedent for
8 the State. If this conveyance is allowed,
9 no preserved lands will be safe from being
10 flipped for private use.

11 A sale of such a large property by the
12 NJDEP is unprecedented and undermines over
13 fifty years of public trust in open space
14 acquisitions and sheds a dark cloud over the
15 future of land preservation throughout New
16 Jersey.

17 New Jersey law requires that Municipal
18 Governments adhere to strict standards for
19 diversions of preserved land. The State
20 should absolutely be required to abide by
21 the same rules and standards that it
22 requires of Municipalities.

23 This land was preserved in accordance
24 with the requirements and intent of the
25 Green Acres Program. Nothing has changed

1 that warrants the diversion of this land
2 since the NJDEP purchased the property
3 fifteen months ago. The Durand tract
4 maintains the same critical habitat and
5 water protection features today as it did
6 last year. This exceptional piece of
7 property must remain preserved as it
8 provides the connecting link in the forested
9 Wildlife Management Area that surrounds it
10 and serves to protect the water that
11 residents drink.

12 NJDEP's proposed conveyance and
13 diversion should be rejected.

14 Thank you.

15 MS. HEISLER: Good evening. My name is
16 Mary Heisler, H-E-I-S-L-E-R. I'm a resident
17 of Millville.

18 I have prepared a letter that you can
19 have a copy of, but I wanted to just address
20 a few comments that were made by some of the
21 earlier speakers.

22 One of our speakers over here reacted
23 pretty strongly when somebody mentioned
24 about wetlands were on the property. I know
25 there's no wetlands on the property. I

1 think the person mispoke. I just want to
2 say that Ms. Reardon who just spoke is
3 correct. It is a water recharge area. So,
4 anything that goes down in that land will
5 end up in our wetlands.

6 It was also stated or mentioned that
7 the rail line runs through the Durand
8 property. The rail line does not run
9 through Durand. It runs next to it, which I
10 think is significant. There is no actual
11 rail siding on that property along that
12 line. The nearest rail siding I saw, I
13 walked that area just earlier in the week, is
14 up above north of the railroad crossing
15 where the lights are and it goes, the
16 railroad siding goes into an abandoned
17 property which, I think, used to be a metal
18 plant.

19 THE RESIDENT: Steel.

20 MS. HEISLER: A steel plant.

21 So, there is no actual siding on the
22 property that was being discussed. So, it
23 would be a large purchase, a large expense
24 to put a rail siding in there if there is
25 even an easement granted. I'm not sure of

1 that. I never heard that there is an
2 easement that permits someone to go across
3 that property with a road for construction.

4 Now, I'll begin my letter. I would
5 like to begin by reading two short quotes.
6 This comes from the website about NJDEP.

7 Quote, on America's first official
8 Earth Day, April 20th, 1970, the New Jersey
9 Department of Environmental Protection was
10 formed. New Jersey became the first State
11 in the country to consolidate its past
12 programs into a unified major agency to
13 administer aggressive environmental
14 protection and conservation efforts.

15 Since that day, I'm still quoting,
16 since that day NJDEP began a role to manage
17 natural resources and solve pollution
18 problems. In what started with about
19 fourteen hundred employees in five
20 divisions, NJDEP now has a staff of
21 approximately 2,900 and is a leader, this is
22 the important part, in the country for its
23 pollution prevention efforts and innovative
24 environmental management strategies, end of
25 quotes.

1 The second quote that I came across I
2 thought was pertinent for tonight was the
3 Green Acres mission statement and Green
4 Acres is the Department of the NJDEP.

5 Quote, to achieve in partnership with
6 others a system of interconnected open
7 spaces whose protection will preserve and
8 enhance New Jersey's natural environment and
9 its historic, scenic, and recreational
10 resources for public use and enjoyment.

11 I'm going to skip some of the other
12 quotes about that, but my husband and I are
13 here to ask you and the State of New Jersey
14 to uphold your pledge to protect the
15 threatened open spaces in our County,
16 specifically, the former Durand property.

17 The former Durand property is now
18 conserved as part of an integral wildlife
19 management area. It's the same property
20 that's been under dispute in the past. It's
21 undeveloped property located at the edge of
22 the Millville Industrial Park. It has sat
23 idle and unused for longer than we have
24 lived in Millville over twenty years.

25 We stood here last Spring to protest

1 the sale of the NJDEP conserved land to the
2 City of Millville to be resold to an
3 industry. About a year before that we came
4 to protest against the proposed asphalt
5 plant on the same property. Before then
6 Millville residents came together to support
7 the wild and scenic designation of the
8 Millville Maurice River area to protect
9 local land from development by a proposed
10 coal fire plant on the Atlantic City
11 Electric property. That was in the 1990's.

12 Residents of Millville and Cumberland
13 County have a long history of standing up
14 and speaking out to protect their land from
15 unwise development. The officials of
16 Millville and Cumberland County have a long
17 history also of not heeding the wishes of
18 the residents about stewardship of our
19 lands.

20 We ask that the NJDEP listen and act on
21 our strong desires to keep this land
22 preserved forever as promised in your action
23 of buying the property.

24 The newspaper article in this morning's
25 local newspaper expressed an incorrect

1 statement stating that the NJDEP, in quotes,
2 now is offering to sell back to the City,
3 the Millville Urban Redevelopment Corp., the
4 Cumberland County Improvement Authority, or
5 any other nonprofit or public entity
6 designated by the City.

7 Millville never has owned this land.
8 From my reasearch neither the City of
9 Millville nor any other local Government and
10 entities ever owned the property. The
11 purchase of the land was unlawful even if
12 our officials continue to lie about it.

13 So, the NJDEP did not sneak in and
14 unfairly take land as some of our elected
15 officials imply and state. Much of the
16 rhetoric from our officials has been
17 misleading and there are some partial
18 truths.

19 In the last election ballot question
20 results showed the citizens of New Jersey
21 overwhelmingly support the Green Acres
22 Program. Why have our elected officials
23 brought up this conversation again?

24 Yes. We need jobs. Jobs can support
25 families and allow them to have more than

1 just the bare necessities. Unfortunately,
2 the jobs that will help us achieve a
3 comfortable life are no longer found in
4 these factories that we depended on in the
5 past.

6 We need to spend more resources on
7 early education to make sure our children
8 can learn the skills they'll need in order
9 to find and keep good jobs when they grow
10 up. We need to pay more attention on
11 helping people who are living on the edge to
12 have more security so they can focus on
13 longer range improvement rather than just
14 trying to survive the moment.

15 We need to focus on upgrading
16 education, the work skills, and job hunting
17 skills of our unemployed residents. We need
18 to work to focus on long-term solutions.
19 The quick fixes that our officials propose
20 have severe long-term consequences
21 financially and environmentally.

22 I'm not sure when environmentalist
23 became a bad word. That was kind of used in
24 that newspaper article and it just kind of
25 peaked me. Webster's dictionary defines

1 environmentalist as one concerned about
2 environmental quality especially of a human
3 environment with respect to control of
4 pollution.

5 So, I'm not afraid to be called an
6 environmentalist, but really I am here as
7 are many others mainly as people who care
8 about the quality and safety of our
9 neighborhoods, as people who cherish the
10 natural qualities of our very special
11 section of New Jersey, and who want to
12 protect it for future generations.

13 We are citizens, neighbors, parents,
14 and grandparents who care about our
15 families, home, neighborhood, and City.
16 After all, every major religion -- every
17 major religious leader has charged their
18 followers to protect God's gift to all of
19 us, this planet, of which Millville is part.

20 There's other issues on unanswered
21 questions to bear in mind that I just want
22 to mention. They include, I'll skip a few
23 that have already been mentioned, but does
24 the City have specific prospects or is it
25 speculative?

1 The City says the sewer, water, and
2 railroad are extensions for future
3 development. There are other properties in
4 industrial parks and throughout the City to
5 buy open property.

6 What is the condition of water and
7 sewer lines? Are they made of safe
8 materials? They were put in a long time
9 ago. Have the standards of safety changed?
10 Are they sound and usable? Are they large
11 enough for industrial usage?

12 Is there railroad access and right of
13 way to the property? If not, the property
14 is useless unless other preserved land is
15 taken.

16 There is going to be limited frontage
17 on Gorton Road. What kind of emergency
18 access would there be? Other than the
19 frontage on Gorton Road, the only other
20 access to this property is through other
21 preserved lands. So, how much would be
22 taken?

23 The preserved property that's behind
24 the homes in Edgewood are still zoned
25 residential. Even though it's preserved,

1 how can we be sure? If this land sale goes
2 through, how can we be sure that other land
3 that was preserved won't be sold and built
4 on or roads built on?

5 Would Court or Crescent Boulevard be
6 used for access? Can it handle the extra
7 traffic? We just got a traffic light in
8 there a couple of years ago. Should
9 industrial traffic be routed through a
10 residential neighborhood?

11 At the November Commission meeting, I
12 asked about rehabilitating some of the
13 brownfields and abandoned industrial
14 properties instead of using pristine land.
15 One of the Commissioners stated that
16 Millville can't afford to buy and clean up
17 those properties.

18 If that's the case, then why are we
19 buying more property to sell if they can't
20 get the current ownership to properly
21 maintain them?

22 I believe the residents deserve honest
23 answers to these questions and more that we
24 haven't thought to ask yet. We come here to
25 ask the NJDEP to live up to their pledge to

1 restorage of our land and to remind
2 Millville, Cumberland County, and the NJDEP
3 we are holding all of you accountable for
4 preserving this land.

5 New Jersey was a leader in
6 environmental protection and conservation
7 efforts. Our State should continue to lead
8 in the right direction.

9 Sincerely, Mary Heisler and Thomas
10 Heaton.

11 MR. RAPA: Thank you. My name is
12 Francis Rapa, R-A-P-A. I am the Delaware
13 Bay Regional Manager with the New Jersey
14 Conservation Foundation. We're a State wide
15 nonprofit land trust and we were established
16 in 1960 and have preserved over a hundred
17 and twenty-five thousand acres of open space
18 throughout New Jersey including many, many
19 acres here in Cumberland County.

20 Before I move on to my prepared
21 remarks, I just wanted to kind of offer my
22 observation. We've all heard a lot tonight
23 about what an excellent industrial location
24 this property is and, in fact, the
25 Department opened the hearing tonight with

1 their own comment saying that this property
2 sits on the edge of an industrial park when,
3 in fact, if you look over to the map, you
4 will see that this property's surrounded on
5 three sides by preserved lands.

6 This is a property that sits on the
7 edge of an important complex of natural
8 protected areas, and prior to the
9 acquisition of the Durand property by the
10 Department of Environmental Protection this
11 was a critical missing piece in the
12 preservation puzzle.

13 So, that's my observation with regard
14 to how this property has been categorized
15 tonight, and I just think that that
16 warranted some clarification.

17 The recent proposal that we're here for
18 tonight is at the end of the day no better
19 than the previous one that brought us here
20 this past Spring, and as we held then, this
21 proposed conveyance promises to set a very
22 harmful precedent that will negatively
23 effect residents, entire communities, and
24 the environment across New Jersey.

25 It threatens the integrity of the

1 entire open space preservation program in
2 New Jersey, past, present, and future. It
3 exposes all preserved land to potential
4 development threats for political expediency
5 and short-sighted planning. It threatens to
6 weaken one of the nation's most successful
7 open space programs including over fifty
8 years of Green Acres open space
9 acquisitions, thirteen voter approved bond
10 issues, not counting the most recent voter
11 approved Green Acres and open space
12 referendum, and a million acres of State
13 parks, forests, natural lands, and State
14 Wildlife Management Areas.

15 It threatens to undermine public trust
16 in and support for New Jersey's open space
17 program, one of the most popular programs
18 among the State's citizens and one of its
19 greatest success stories. It threatens to
20 undermine the sportsmen and sportswomen and
21 other outdoor enthusiasts who depend on
22 State lands for recreation and leisure, and
23 it short changes the City of Millville, its
24 residents, and tax payers.

25 Millville no doubt is in need of jobs

1 and sustainable economic growth, but
2 diverting protected lands to factory
3 development is not the answer. According to
4 some local officials, there is too much
5 preserved land and not enough room for
6 growth, but, in fact, over three thousand
7 acres, nearly five square miles of Millville
8 are devoted to industrial and commercial
9 enterprises.

10 Yet rather than pursuing infill
11 development, redevelopment, brownfield
12 redevelopment, and adaptive reuse, wasteful
13 efforts like this one direct tax payer
14 resources to facilitate development in
15 Millville's best and most vulnerable natural
16 places and now on publicly owned park lands.

17 Millville residents deserve better. In
18 the end, it should be Millville's open
19 spaces and natural features that attract
20 investment in the City, help build community
21 pride, provide healthy recreational
22 opportunities, maintain a connection to
23 Millville's past, and preserve its unique
24 character, which sets it apart from so many
25 other places.

1 And you will probably hear tonight it
2 said several times over and possibly in
3 different ways, but it warrants repeating,
4 that just one month ago tomorrow the voters
5 of Millville sent a message to its town
6 leaders that open space matters when the
7 State wide open space public question here
8 passed by a respectable margin of 52 percent
9 to 48 percent and with 55 percent of the
10 County wide vote.

11 This proposal is not consistent with
12 the will of the voters, residents, and tax
13 payers of Millville. In fact, this proposal
14 takes Millville and New Jersey in the wrong
15 direction. Sale of this public trust land
16 to the City of Millville or any entity for
17 the purpose of development is an all around
18 bad idea.

19 The New Jersey Conservation Foundation
20 not only opposes this proposed conveyance,
21 but we respectfully urge the City and the
22 Department to withdraw this proposal before
23 it goes any further. There's far too much
24 at risk to stay on this path.

25 Thank you.

1 MS. MILLER: Okay. I know I'm not
2 going to get applause, but I feel that I
3 have to speak out.

4 MS. YEANEY: Can you state your name
5 for the record, please?

6 MS. MILLER: Yeah. I'm sorry.

7 Okay. My name's Misono Miller,
8 M-I-S-O-N-O, M-I-L-L-E-R.

9 I had no intention of coming to a
10 public hearing because I found out about it
11 by reading the paper today and it was not my
12 intention to testify, but I really do feel
13 like I have to react to some of what has
14 been said tonight and also I may do that,
15 but I did prepare some written statements.

16 So, okay. I'm, also, I'm a Millville
17 resident, but I'm speaking as a Millville
18 resident, but I'm also the most recent Board
19 Member of the Millville Urban Redevelopment
20 Commission and I have to let you
21 environmentalists know that I have been a
22 card carrying member and/or a receiver of
23 regular communications from the National
24 Resource Defense Council, the Sierra Club,
25 the National Wildlife Federation, and the

1 Earth Policy Institute, which all of you
2 good environmentalists will know is headed
3 by Lester Brown.

4 And Lester Brown comes from my hometown
5 alma matar, which is Bridgeton, and that's
6 in Cumberland County.

7 So, I have a lot in common with a lot
8 of what you do and I do respect the work of
9 the environmentalists in saving the lands
10 and in that respect I am with you there, but
11 I am not with you on this particular issue
12 because I support the land swap of the
13 eighty acre site and the NJDEP for
14 development purposes, and I'll give you some
15 reasons.

16 I have nine reasons, but a lot of them
17 have been said. So, I'll give you many of
18 the reasons.

19 My husband said when this was acquired,
20 and he is a realist and I did get his
21 opinion, and as degraded as all we women
22 are, he just says it like it is. When I was
23 talking to him about this he says where's
24 this land, and I said, well, it's in
25 Millville Industrial Park.

1 It's in the industrial park and they
2 don't want Millville to develop it? Okay?

3 So, okay, food for thought. The land
4 is located in the South Millville Industrial
5 Park with access to rail, sewerage, and
6 highway, ideal for development purposes.

7 Please understand that that's something
8 of a resource for Cumberland County. We
9 don't have a lot of resources for
10 development, as it was said, and a sensible
11 use for commercial development will provide
12 needed employment and economic growth to
13 Millville and that is sorely needed.

14 I don't know how many of you are from
15 out of town, but here in Cumberland County
16 we have to struggle with the employment and
17 it's easy for you to say private is bad.
18 Okay? And I think that was said that
19 private development is what we want to
20 prevent. Okay?

21 Well, I want to hear from the same
22 people who said that, I want to hear you
23 give 350 jobs to the people that don't have
24 jobs in our County if this could have
25 occurred. Okay?

1 And the point is it doesn't have to be
2 like this. I think we can have the best of
3 both worlds. Right?

4 I'll go further. I'm going to the
5 point of in 2002 after this property was
6 sold to Durand Glass, it was sold for
7 industrial purposes and I was not surprised
8 today to learn that its always been intended
9 for that use until 18 months ago, okay, when
10 the Green Acres purchased it.

11 So, it's not something written in stone
12 that can't be accommodated, and you need to
13 accommodate the needs of Cumberland County,
14 I think.

15 I also take exception to the people
16 saying that Cumberland County's Government
17 officials have come out and, you know,
18 whatever, it was negative, and I see these
19 officials working very hard and I see
20 tonight, I see their concern.

21 Do you feel the same concern that they
22 feel? Do you feel that concern when we lose
23 industry and when people lose their jobs? I
24 don't think so. Okay.

25 Many of you probably have jobs, but I

1 don't know how many of you are from
2 Millville and I don't know how many of you
3 are from Cumberland County, but I would
4 assume not all of you are.

5 Okay. When it was purchased Durand
6 Glass bought this property for industrial
7 purposes and I don't know why they didn't
8 develop it, but I know that in 2011 there
9 was a debate with the New Jersey Department
10 of Environmental Protection and special
11 interest environmental groups, okay,
12 regarding the status of the site as
13 acceptable to be included in the City's
14 sewer service area. Okay?

15 So, that was a battle that was fought
16 at that time and it was confirmed by the
17 City and it was confirmed by a second
18 habitat suitability study that it was
19 appropriate to designate this as a sewer
20 service area.

21 And the NJDEP also, of course, they
22 have to make a decision and they decided
23 that this property should be, the sewer
24 development, should go on and should be
25 designated at the site and it further

1 endorsed the City's plans for development,
2 and that's the NJDEP.

3 And in 2013, last year; right, a
4 company was interested in it and, as you
5 know, its been said, and it would have
6 provided 350 jobs and ratables to the City.
7 I think that's important. As a Millville
8 resident, I think that's important, and I do
9 think, I do think the environment's
10 important.

11 I don't think we're playing a this or
12 that game. I just think we want to be real
13 about this is our County, this is our State,
14 this is our City, and what does our City
15 need for the people and for the public
16 good?

17 Okay? All right.

18 I want to mention that unbeknownst to
19 the City officials who are working on this
20 development with this company, this land was
21 purchased by the State under the Green Acres
22 Program and this was with no respect to the
23 City's process of planning.

24 They had a master plan. They have a
25 master plan where there is development.

1 This is pristine. This is that, this is
2 gold, this is whatever. That was in the
3 master plan, and this industrial property
4 was in the master plan designated as
5 industrial.

6 Okay? Zoning and development
7 activities all were going on and approved.
8 Okay?

9 But they were not advised, the City
10 officials were not advised and there was no
11 public input or public hearing for this
12 Green Acres purchase, and I think Mr. Tittel
13 explained or somebody explained why.

14 Well, still that doesn't mean it's
15 right.

16 The company relocated to another place
17 out of the County, of course, and the area
18 in question, of course, you know now that
19 it's located next to a major highway.

20 I want to ask you environmentalists why
21 you choose to designate this for
22 preservation? Okay?

23 Now, I know that this speaker right
24 here said, okay, we want to concentrate on
25 the developed lands. Okay? We want to buy

1 the developed land.

2 I thought Green Acres was also to buy
3 pristine land to keep it from development.

4 No? No? Are you saying no?

5 THE RESIDENT: You misunderstood.

6 MS. MILLER: Okay. That's what I
7 thought I heard you say.

8 So, you had an opportunity here today
9 or we have an opportunity to speak up to
10 keep those pristine lands. Okay?

11 And also to keep this industrial eighty
12 acres available for development. You don't
13 like development? I hope you have a job.

14 You do? And I hope you know what it is
15 not to be employed. I hope you don't know
16 what it is. Okay?

17 Why is not there an understanding that
18 all aspects of City plannings and approvals
19 are carefully and rightfully met between
20 able development to proceed in this area,
21 which is suited for development?

22 There was a lot of work in getting to
23 the point of where this parcel of land could
24 serve to benefit the City, and the County,
25 and the residents of Millville, and provide

1 employment.

2 Okay. Mr. Tittel, I'm on your mailing
3 list, you know, and I appreciate, I
4 appreciate your efforts, but you do not come
5 from this County and you do not appreciate
6 the need for jobs, employment, and the
7 history of manufacturing that once thrived
8 in this area and is no longer here.

9 MR. TITTEL: I take offense to that.

10 You know, I'm sorry, but do not --

11 MS. MILLER: Okay. I don't know.

12 Maybe you don't know about Cumberland
13 County.

14 Do you come from Cumberland County?

15 MR. TITTEL: No.

16 MS. MILLER: Okay.

17 MR. TITTEL: I have five hundred
18 members in this County though.

19 MS. MILLER: Okay. Maybe you can speak
20 to them.

21 THE RESIDENT: Where do you live?

22 MS. MILLER: Where do I live?

23 THE RESIDENT: Yeah. Where do you
24 live? Do you live in our neighborhood?

25 MS. MILLER: Where do you live?

1 MS. YEANY: Okay. Let's keep some
2 decorum and let's let her finish her
3 comments, please.

4 MS. MILLER: Okay. I'm going to read
5 from my prepared remarks because of the
6 remarks that were said here. Okay?

7 And all those of you who are employed
8 and out here saying yeah, yeah, yeah, it
9 doesn't matter if we get the jobs, it
10 doesn't matter, and, I don't know, future
11 development doesn't matter, okay, I ask you
12 to empathize to the plight of those who
13 would be for the sensible development set to
14 occur under the guidelines set by the City
15 to protect the residents of the City.

16 And it does not go unnoticed that Jim
17 Quinn came up here and said that not any
18 development would be permitted. It would be
19 development that was good for the City.

20 Oh, you laugh at that?

21 THE RESIDENT: Yeah.

22 MS. MILLER: Okay. Well, go ahead and
23 laugh. I don't think it's funny.

24 I am a proponent of a clean and green
25 environment. I am for supporting renewable

1 energy sources, and I feel the threat of the
2 climate change is a real phenomenon based on
3 science.

4 I am also in favor of enabling cities
5 to help themselves and take opportunities to
6 promote economic development so that their
7 citizens can remain in the community able to
8 support themselves and their families.

9 This land swap will take the City a
10 step closer to realizing some development
11 and growth and would also provide
12 opportunities for those concerned about the
13 environment to save more appropriate
14 pristine land from development within this
15 City or this County.

16 There were two studies done when this
17 land was to be zoned residential and when
18 this land was to be zoned industrial, and
19 both of those studies, and when also the
20 sewer question came up, and both of those
21 studies said that it would not negatively
22 impact the wildlife nor the habitat.

23 MS. YEANY: Ms. Miller, if you'd like
24 to submit your prepared remarks, we can
25 attach them to the transcript and make them

1 part of the record.

2 MS. MILLER: Okay.

3 For those of you who feel that the
4 precedent will be set, I say the situation
5 is unique. You're dealing in a County that
6 needs to have some development. You're
7 dealing in a County that has a lot of area
8 that you can protect.

9 Further, why go into an area that is
10 for economic development? If you can't use
11 it for that, then it doesn't matter because
12 it will hurt the people who do not get those
13 jobs.

14 So, the only precedent set in enabling
15 this, you can't be worried about
16 precedence. You have to be worried about
17 the reality at hand and the needs of the
18 County.

19 The only precedent set in enabling this
20 swap of land is the precedent of using
21 common sense to be the basis of policy and
22 implementation for the public good.

23 MS. YEANY: Thanks, very much.

24 MR. SIMONE: Richard Simone,
25 S-I-M-O-N-E, resident of Millville.

1 I have a question, one question.

2 How many people here live in
3 Millville?

4 Thank you.

5 THE RESIDENT: I have a question too.

6 What difference does it make? How many
7 of us pay New Jersey taxes?

8 MS. YEANY: Okay. We can't go back and
9 forth because there's a record.

10 THE RESIDENT: I just wanted to make
11 the point because he asked how many people
12 actually live in Millville that are here.

13 MS. YEANY: Thank you.

14 MS. RODRIGUES: All right. I guess
15 it's my turn now.

16 Hello, everyone. My name is Celia
17 Rodrigues, R-O-D-R-I-G-U-E-S. I'm Program
18 Manager for Citizens United to Protect the
19 Maurice River and its Tributaries.

20 Citizens United is a nonprofit
21 corporation since 1986. We were pivotal in
22 the designation of the Maurice River as part
23 of the National Wild and Scenic River
24 System.

25 We have over 600 members and many of

1 which are families and corporations. Our
2 watershed organization is dedicated to
3 promoting the well-being and quality of life
4 in a region known as Down Jersey.

5 Citizens United sponsors a variety of
6 educational, fieldwork, and research
7 initiatives that contribute to greater
8 understanding and appreciation of the
9 region's natural resources.

10 The organization also creates
11 opportunities for the public to enjoy
12 ecological, cultural, and recreational
13 aspects of the area.

14 Now, with that said, the proposal by
15 the NJDEP for the direct sale of the eighty
16 acre parcel within the Menantico Ponds
17 Wildlife Management Area to the City of
18 Millville would negatively impact both the
19 public and the environment.

20 The State has never before approved a
21 diversion of this magnitude. Diversions are
22 normally limited to small parcels for public
23 purposes such as schools, road widening,
24 fire stations, and hospitals. Diversions
25 are implemented for the betterment of the

1 public and rarely for a private endeavor,
2 certainly not for expanding an industrial
3 park as is the case in this NJDEP sale.

4 The proposed eighty acre diversion is
5 an outrageous request and can only set bad
6 precedent. Enacting the proposal would
7 undermine over fifty years of public support
8 for Green Acres funding. If this proposal
9 is executed, it would open a Pandora's box
10 to an endless number of City and corporate
11 proposals seeking to develop our State's
12 most precious preserved space, farmland, and
13 historic sites.

14 Allowing this prospect of jobs to be a
15 justification for diverting publicly owned
16 lands into private ownership will place all
17 protected lands in jeopardy. Not only did
18 the majority of NJ residents reaffirm their
19 desire for the State to continue to purchase
20 and protect lands on November 4, 2014, but
21 so did the residents of Millville.

22 In the wake of such an endorsement, the
23 NJDEP arrogantly and wrongly proposes to
24 divert a large parcel out of the Menantico
25 Ponds Wildlife Management Area into City

1 ownership for development as industrial
2 land. Because of the property's
3 environmental sensitivity and proximity to
4 other preserved lands the NJDEP Green Acres
5 staff assigned this parcel a status of
6 highest priority in its acquisition
7 structure.

8 The NJDEP has always conveyed to the
9 Division of Fish and Wildlife that
10 connecting wildlife corridors is a prime
11 priority in their protection plans.

12 And my next statement I can't stress
13 enough. This proposal is hard to justify
14 when the City of Millville has other
15 available developable properties listed in
16 the Cumberland County Properties Report.
17 Pursuit of redevelopment, brownfield
18 development, and infill development should
19 be the City's focus instead of the taking of
20 publicly owned park land.

21 The NJDEP proposal properly reflects
22 that Durand approached the State Acquisition
23 Program about purchasing of the lands in
24 question. The State program did due
25 diligence and purchased the high priority

1 tract. The property was for sale for many
2 years and because of the railroad
3 right-of-way and other access concerns all
4 prospective purchasers failed to consummate
5 a deal.

6 The City and County have had years to
7 purchase the property and did not do so.
8 Now, the City and County have called the
9 State's acquisition underhanded. This
10 raises a serious concern that may go
11 unnoticed if we do not address it this
12 evening.

13 Going forward will there be an
14 expectation that sale of private property
15 needs Municipal approval? Will we no longer
16 be able to enter into a willing buyer and
17 legal seller agreement? What a dangerous
18 precedent to set. This flies in the face of
19 democratic principles and would undermine
20 the Acquisition Program. Confidentiality is
21 often a key driver for successful land
22 procurement of public space.

23 The NJDEP had purchased the site for
24 preservation due to its unique ecosystem.
25 The eighty acre parcel is confirmed to be

1 critical habitat for the threatened Northern
2 Pine Snake, breeding habitat for a number of
3 special concern birds, and is also
4 considered a likely habitat for the
5 endangered Corn Snake.

6 The dry, porous, sandy soil and thin
7 under story serves as a critical recharge
8 component to New Jersey's aquifer. This
9 property also acts as a buffer to the NPS
10 designated Wild and Scenic Menantico Ponds
11 and River from more developed areas
12 including the adjacent industrial park.

13 When the electorals of Millville voted
14 for a stable source of funding for open
15 space in November they put an exclamation
16 point on their prior votes for the Green
17 Acres Program, the very program that
18 purchased this property. When they voted,
19 they did not expect the kind of betrayal
20 involved in the proposed conveyance about
21 which we testify here tonight. They did not
22 expect the NJDEP Green Acres Program to
23 violate their charge to protect our precious
24 resources. They did not expect them to
25 write proposals such as this that violate

1 the public mandate.

2 If this proposal is approved, it would
3 not only undermine the public's voice, it
4 would undo years of protecting preserved
5 space, destroy critical habitat for New
6 Jersey's threatened and endangered species,
7 disrupt an area that is essential to the
8 recharge of New Jersey's aquifer, and deny
9 the public the right to open space.

10 We at Citizens United to Protect the
11 Maurice River and its Tributaries oppose
12 such a conveyance and respectfully urge the
13 NJDEP to withdraw this proposal.

14 Thank you.

15 MR. NYMAN: Good evening. My name is
16 John Nyman, N-Y-M-A-N. I live in Millville,
17 and my wife, and I, and my mother and father
18 all moved to Millville three years ago.

19 The Menantico Wildlife Management Area
20 is almost in my backyard. I love it, I hike
21 it, and I will fight to see it preserved.

22 I am also seeking not on behalf of just
23 myself, but for a larger and growing
24 community, the Open Space Preservation
25 League. We are concerned citizens who

1 support the preservation of the entirety of
2 the Menantico Wildlife Management Area.

3 The Open Space Preservation League has
4 had its message reach thousands through
5 unfunded grass roots activism. The
6 overwhelming majority of responses to our
7 messages have been supportive.

8 My personal view is that the voiceless
9 need an advocate who are blessed with a
10 voice. We stand up for all the land, for
11 all the wildlife, and the plant life that
12 inhabit that space.

13 We are selfish too as human beings
14 because we benefit from the beauty and
15 solace that come with natural spaces. New
16 Jersey DEP did the right thing when they
17 purchased this so-called Durand tract. We
18 do not believe that there is a valid purpose
19 for selling back the property for industrial
20 use.

21 Some of our objections to the current
22 proposal are the land was purchased with
23 Green Acres funds. Therefore, the land is
24 intended to be preserved for all time.

25 In terms of its local impact, if the

1 promise of, quote, preserved in perpetuity,
2 end quote, is broken, what will prevent
3 Court Boulevard and/or Crescent Boulevard
4 from being extended into this area? It
5 would make access to needed repairs to the
6 underground services easier; correct?

7 I think the quality of life in Edgewood
8 Acres will be compromised with the daily
9 truck trafficking passing through the
10 neighborhood.

11 The City has argued that they have
12 already invested in water and sewer lines
13 for this land and that they were always
14 designated for industrial use.

15 However, it appears that the
16 underground services are a continuation of
17 the lines that were installed for the
18 residential community of Edgewood Acres and
19 the lines are over forty years old. At that
20 time, the now protected land was zoned for
21 residential development.

22 Also, it must be considered that the
23 sewer lines are likely fabricated of fragile
24 asbestos material, which would also be
25 problematic to repair. Are these

1 underground services really suitable for an
2 industrial park as claimed?

3 The desirability of the land being in
4 proximity to Route 55 infers that there
5 might be built another interchange to serve
6 this property, but that is highly unlikely.
7 Trucks would still traverse Gorton Road and
8 South Wade Boulevard and East Main Street
9 just as they do already. Unless, of course,
10 they will be driving through the Edgewood
11 Acres neighborhood on Court and/or Crescent
12 Boulevards.

13 Any prospective buyer would also have
14 to apply for an easement from the Winchester
15 and Western Railroad in order to construct
16 an access from Gorton Road, and if a siding
17 or spur were also required, the financial
18 costs could be significant. This may
19 actually be an obstacle rather than an
20 attraction of the site.

21 However, in the larger picture, this
22 application of the Ogden Rooney Act is
23 unprecedented in scale and purpose. Never
24 before has protected land been diverted for
25 private development. All other protected

1 lands State wide will be at risk from this
2 betrayal of the public trust.

3 To the Agency which is entertaining
4 this proposal, consider the unintended
5 consequences of appeasing the City of
6 Millville and Cumberland County. The Agency
7 purchased the land from Durand legally with
8 the correct intent supported with assessment
9 and analysis that the purchase was proper.
10 The general public is also overwhelmingly
11 supportive of open space preservation.

12 To the City and the County, the natural
13 beauty of this land can certainly be
14 exploited for the economic benefit to
15 Millville and Cumberland County if only they
16 would make a modest investment promoting
17 ecotourism. In tackling the unemployment, I
18 would suggest strengthening our schools and
19 getting behind community outreach programs
20 that foster mentoring and internships.

21 Finally, there are still plenty of
22 other under developed properties in and
23 around Millville that could become possible
24 job sites to better educated and more
25 desirable potential employees.

1 In summation, this diversion of some of
2 the protected land of the Menantico Ponds
3 Wildlife Area will not in itself solve the
4 economic downturn, is a misuse of tax
5 payers' funds, is a perverse violation of
6 the public trust, and establishes a
7 dangerous precedent that puts at risk all
8 protected land in New Jersey.

9 Thank you.

10 MS. MILES: Good evening. My name is
11 Donna Bailey Miles, M-I-L-E-S. I'm a
12 resident of Millville and Edgewood Acres.
13 We meet again.

14 So, at this point, really, if we were
15 talking about a person and not a
16 Municipality, I think that we would really
17 be like borderline harassment at this
18 point. I feel like every time I turn around
19 we're having to remobilize the neighborhood,
20 recirculate petitions, and move everything
21 all over again. Every time that we thought
22 that this was maybe taken care of, it's not
23 taken care of.

24 That being said, I don't have any
25 prepared remarks. So, I'm going to try to

1 do this as literally as possible. I will
2 say to Mr. Knoop just for a moment that in
3 1989 I was in the first grade, and in 2000 I
4 was a junior in high school. So, that's
5 where I was. I can't speak for anybody
6 else.

7 I do remember when Edgewood Acres, when
8 there was a thought about extending it and
9 developing it for residential use and even
10 being as young as I was kind of being able
11 to wrap my brain around the fact that
12 potentially my backyard could be more people
13 and more houses, and hearing my father talk
14 about it, it's my understanding it was a
15 well respected planner and surveyor, the
16 thought was even then despite the colossal
17 studies that something would be lost by
18 developing this property right or wrong.
19 You know, who's to say?

20 That being said, I don't think that
21 sand and scrub is really a fair assessment
22 of the property. I mean, this is my
23 childhood, this is the childhood too, I'm
24 sure, of many other people, and the
25 adulthood too. I mean, it's easy for adults

1 to enjoy for recreational purposes.

2 But I think at this point what's really
3 at stake here is the State bought land with
4 my tax dollars and now the City is using my
5 tax dollars to fight with the State to buy
6 back the land that's already been bought
7 with my tax dollars with my Municipal tax
8 dollars.

9 So, you can image as somebody who spoke
10 earlier, as a resident of the City of
11 Millville and the State of New Jersey, like,
12 in my mind; right, like, in my mind its
13 already been bought. Right? Like, why do
14 the residents have to keep going through
15 this?

16 And we keep talking about resources and
17 the lack of resources, yet there seems to be
18 endless funds to keep this fight going on.
19 It blows my mind, and as a person who has
20 taken the time to sit down and really think
21 about it, you know, where is the greatest
22 benefit in this whole thing.

23 I have a lot of concerns, yet they're
24 kind of in the same breath called personal,
25 and preposterous, and valid, literally, two

1 sentences apart from each other. However
2 they may be viewed, you know, I feel like at
3 the end of the day, you know, everybody
4 wants jobs and maybe I should have come to
5 the Commissioner's meeting yesterday and
6 addressed the Commission with regards to the
7 economic potential that the development of
8 this land would have.

9 If I thought for a second that 350 jobs
10 was somehow going to save the City from what
11 is it, I think, it was a ten point three
12 percent unemployment rate, which, by the
13 way, is totally comparable with Vineland,
14 and Bridgeton, and Cumberland County.

15 The problem with Cumberland County is
16 not that we're not developing enough land.
17 The problem with Cumberland County is that
18 roughly 21 percent of our population can't
19 read. That's the problem with Cumberland
20 County. It's very simple.

21 That being said, I feel like this has
22 been an incessant problem that just keeps
23 rearing its ugly head. I saw the signs that
24 were posted in Menantico and, you know, it
25 said that it was preserved. I feel like the

1 State in its authority should stand by that
2 regardless of, you know, I don't want to say
3 regardless of 350 jobs, but, like, come on.

4 Like, it's not -- we're not talking
5 about something that's going to -- it would
6 certainly make a difference in the lives of
7 350 people, but let's just say for a second,
8 let's sit back and think about this, if we
9 said for just a moment that we allowed all
10 this the past last year; right, and
11 everything went through, and the City bought
12 it, and they sold it, and everything was
13 being constructed, you know, the 350 jobs
14 that this would potentially have gotten us
15 certainly would have put Wharton's out of
16 business.

17 So, there is minus 250 jobs anyway, but
18 now Bircheimer's closed. Well, there's a
19 hundred, and what did we say, a hundred and
20 fifteen jobs?

21 I mean, so, looking at this from like
22 an economic perspective, I think, is the
23 wrong perspective to look at this.

24 So, I do have a lot of concerns
25 regarding how much other land would be up

1 for grabs if this goes through. I think
2 it's certainly something that needs to be
3 considered very carefully.

4 So, that being said, I just wanted to
5 go on the record for the third and,
6 hopefully, final time with saying that I
7 don't agree with the land swap and I hope
8 that you guys retract the proposal.

9 Thank you.

10 MS. TARTY: My name is Kimberly Tarty,
11 T-A-R-T-Y. I'm a resident of Millville.

12 I'm not affiliated officially with any
13 environmental groups or any County
14 development groups, and I came here tonight
15 partially as a lesson to my son about public
16 process, and more selfishly because I
17 haven't really formed an opinion yet about
18 which way my thought process was going to
19 fall, and I have to say that I've been
20 terribly disappointed by our public
21 officials' condescending attitude towards
22 those of us who might feel that this
23 property is best used as preserved space.

24 My concern after hearing what I have
25 heard so far this evening comes down to a

1 few things. The first which is most
2 concerning to me is the precedent that we've
3 set by allowing Green Acres to flip a
4 property of this size and this magnitude for
5 private development. That's a scary
6 thought.

7 New Jersey's such a densely populated
8 State that the thought that this could
9 happen over and over again is terrifying.
10 And I have my son who is twelve, and I have
11 girls that are two, and that's really
12 concerning to me that that might or that
13 that would happen again.

14 As far as the economic development
15 portion of the argument, I used to
16 previously work for the County Economics
17 Department, Economic Planning, and Economic
18 Development, and there I saw that struggle
19 between economic development and environment
20 and it's a really interesting game.

21 Most of the time, well, I would think
22 at that point I always felt very secure in
23 the decisions of the County Economic
24 Development Department. Having not a
25 representative from the County specifically

1 beyond the Freeholder, I don't know what the
2 thought processes are within there anymore
3 because I don't work there anymore. I work
4 for a consulting firm now.

5 This is not a silver bullet answer. I
6 think she said it perfectly. 350 jobs,
7 first of all, 350 jobs in the City of
8 Millville is not going to put even the
9 tiniest dent in this employment issue. Our
10 issues are so much larger than eighty acres
11 of land and that's what we're going to do
12 with it and that's already been stated.

13 There are too many uncertainties with
14 this proposal. Maybe the City, maybe the
15 County, maybe the market, maybe somebody
16 else, we don't know. And you can say that
17 you have our best interest at heart, but
18 time and time again we've seen that the City
19 and the County doesn't always listen to the
20 people that are here to speak.

21 I currently live about a mile from the
22 racetrack. You're not going to hear it.
23 There's a buffer zone. There's a buffer
24 zone. Well, let me tell you about the
25 buffer zone. There are bees swarming in my

1 backyard every weekend and occasionally on
2 weekdays.

3 So, don't tell me it's not going to
4 impact us. It is.

5 And then who's it going to go to? We
6 might kind of maybe have a buyer. We don't
7 know. We don't know. We have
8 infrastructure, but we don't know the
9 condition or sort of kind of maybe.

10 You don't know. You cannot count on
11 for certain that you have a signed deal
12 'cause we don't even know who's going to
13 own the land or who's going to occupy that
14 land, and there are far too many
15 uncertainties and far too many obstacles to
16 make that land immediately available to the
17 City in terms of economic development.

18 We need people who can read. We need
19 an education system that benefits all
20 children. We need more than the jobs. Jobs
21 are not the answer, and it's so
22 unfortunate. We need a transformational
23 shift in the way that we care about the
24 people of this community and the State of
25 New Jersey, and that's not going to happen

1 over a Green Acres conversion. It's just
2 not the way it goes.

3 So, my concern specifically with what
4 is being proposed tonight is the precedent
5 that it sets and the uncertainty of how we
6 can say that we've lived it, but we don't
7 even know for sure that we're going to
8 (inaudible.)

9 We dream it. We've dreamed a lot of
10 things, and, might I add, I would expect
11 that should we be able to develop it we'd
12 probably give somebody a tax abatement and
13 after that tax abatement period is over
14 they'll probably leave town because that is
15 the only thing that consistently happens.
16 I'm just saying.

17 The other thing that I wanted to
18 mention in terms of looking at the, I mean,
19 this is the first time I've had an
20 opportunity to know that this was happening
21 to understand the concerns is I notice that
22 the second public meeting is in Trenton. I
23 don't know if that's because it has to be?

24 MS. YEANY: Yes. We're required by
25 Statute to have the second hearing in

1 Trenton.

2 MS. TARTY: It has to be in Trenton?

3 MS. YEANY: Yes.

4 MR. TARTY: Because to me that's
5 important because we are the poorest County
6 in the State of New Jersey with the least
7 access to public transportation and that
8 seems awful interesting to me that we would
9 potentially be excluding the opinions of
10 some of our residents who might not have
11 known about tonight because they have no
12 access to Trenton to have a voice.

13 They can write. They don't get to have
14 a voice, and I think that's important.

15 So, I guess, in closing, I just didn't
16 know how it was going to fall tonight and I
17 guess maybe I'm able to be an
18 environmentalist because the best use of
19 this property is not industrial. The best
20 use of this property is remaining what it is
21 today for my children and my grandchildren
22 because that's going away really fast.

23 It's not a silver bullet. It's not
24 going to solve all our problems and you
25 can't tell me otherwise.

1 Thank you.

2 MR. KANE: Hi. My name is Joe Kane.

3 It's K-A-N-E.

4 I am here because I am a resident of
5 Millville. I live in Edgewood Acres. I've
6 lived here about fourteen years. Over the
7 course of that fourteen years I've used this
8 part of the woods regularly and all around
9 that area to walk my dogs all the time.

10 I love that area out there. It's a
11 beautiful place. I would like it to stay
12 the beautiful place it is.

13 I can understand that it was once an
14 industrial zone, but that was almost fifty
15 years ago. They voted it an industrial zone
16 'cause it was out of town, but this is
17 fifty years later and it's not so out of
18 town anymore. Okay?

19 It's my neighborhood. It's where I
20 live. I think what you're overlooking is
21 the fact that in developing places like this
22 you're chasing away the good, solid citizens
23 like me that live here because of these
24 areas. And you're worried about jobs and
25 industrial development, but you've got

1 plenty of places in town to do industrial
2 development without stomping on pristine
3 grounds like this that people like me,
4 really, it means a lot to us.

5 I've talked to a lot of people in the
6 course of doing petitions for this that live
7 all over the State and I find them uniformly
8 appalled that they could pass a law that
9 would undermine the whole idea of Green
10 Acres. There's a lot of people all over the
11 State that Green Acres land means a lot to
12 and that determines why they live there
13 because they have these open spaces in their
14 communities.

15 I think by undermining that law you're
16 going to make a lot of people feel like I am
17 that maybe I don't want to live here
18 anymore. Not just Millville 'cause it's
19 undermining the places that I love, but in
20 all of the State of New Jersey because
21 you're undermining the places that we all
22 love and that's part of why we live here.

23 You know, if we can't trust our
24 Government to keep these places we love in
25 town, then perhaps this isn't such a good

1 place to live anymore.

2 So, I think you're missing the bigger
3 point of undermining the quality of life for
4 many people throughout the State in passing
5 a law like this, and I think the majority of
6 the people that I've talked with regarding
7 this agree with me a hundred percent with
8 that.

9 So, I understand that we need to
10 develop jobs and I'm all for developing
11 jobs, and I think that's a good plight, but
12 when there's so many places in Millville
13 that could be developed that are already
14 partially developed or have the potential to
15 be developed that aren't open spaces, I
16 think, that's the direction you should go.

17 MR. ADAMS: Robert Adams, 2410
18 Mistletoe Lane.

19 I've lived there 49 years and I don't
20 want any industrial park in my front yard.

21 Now, I have heard that this is zoned
22 industrial. It's not. When it was sold to
23 the State, that was no longer valid;
24 correct?

25 MS. YEANY: The property was zoned

1 industrial at the time we purchased it.

2 MR. ADAMS: And it's not anymore.

3 MS. YEANY: Well, I don't know that the
4 City necessarily changed the zoning
5 designation as of yet.

6 MR. ADAMS: But it doesn't belong to
7 the City if you bought it.

8 MS. YEANY: I don't think the zoning
9 has changed, but, obviously, it is open
10 space right now.

11 MR. ADAMS: Okay. Did the State in its
12 history ever sell ground back after they
13 just bought it?

14 MS. YEANY: We certainly have always
15 since the inception of the program, 1961,
16 we've always had a process for removing a
17 Green Acres restriction.

18 MR. ADAMS: Well, I don't think enough
19 has been said about the homeowners, and an
20 industrial park is going to deteriorate the
21 value of homes. There's no question about
22 it. It's just ridiculous that in a nice
23 neighborhood like we live that the City
24 would even consider putting an industrial
25 park there regardless of all the jobs, and I

1 know they are needed. I agree with all
2 that.

3 Whether they're going to bring jobs
4 here or not, to me, it could happen, but I
5 just don't know why. If anybody wants to
6 tell me that we don't live in one of the
7 nicest neighborhoods in Millville, I'll
8 argue with them because we don't have any
9 (inaudible.) It's a safe neighborhood. The
10 only time I ever see a police officer is
11 when Tommy Hall goes back in the woods.

12 Okay? There's no homes boarded up. I
13 just don't understand. In all due respect
14 to the City Commissioners, I have my own
15 opinion and I live there and I kept it up
16 and I have paid taxes on it for 49 years and
17 more taxes.

18 It just blows my mind. There's no
19 homes boarded up. There's one home for
20 sale. It's just too much for me. This is
21 the third time.

22 On a lighter note, Jim Quinn said he
23 was against the asphalt plant and the other
24 four Commissioners were for it, and they're
25 no longer Commissioners. Maybe that's what

1 we have to do is change the Government.

2 MS. TINSLEY: Good evening. My name is
3 Megan Tinsley spelled T-I-N-S-L-E-Y.

4 I'm representing New Jersey Autoban, a
5 nonprofit organization dedicated to making
6 New Jersey a better place for people and
7 wildlife since 1897. Also, representing
8 over twenty thousand members.

9 New Jersey Autoban is strongly opposed
10 to the sale of this eighty acres of land
11 that were acquired by the Department in July
12 of 2013 through the Green Acres Program.

13 In summary, our opposition is because
14 the parcel is surrounded by conservation
15 lands on several borders and is now part of
16 a larger Menantico Pond Wildlife Management
17 Area, which is a proponent of a much larger
18 conservation tract that includes unique
19 flora and (inaudible) of the pine bearings
20 in the Delaware Bayshore forest regions.

21 The property was acquired because of
22 its location and its natural resource values
23 and it scored a ten out of ten for final
24 value of the Green Acres conversion process.

25 A diversion of publicly preserved land

1 for private and industrial use isn't
2 appropriate. It also undermines the public
3 trust for open space preservation efforts.

4 I was going to mention the overwhelming
5 support given by New Jersey voters to open
6 space preservation in the recent election,
7 but that's already been mentioned.

8 Evaluation of potential economic gain
9 from the proposed sale completely neglects
10 to consider the economic benefits that are
11 being offered to Cumberland County by the
12 existing wildlife management area of which
13 this land is a component of.

14 So, regarding the ecological value of
15 the parcel, in March, 2014, a DEP report
16 actually acknowledged that the proposed sale
17 of land would be the loss of extension of
18 the existing border of the wildlife
19 management area to Route 55, and indeed this
20 eighty acre tract actually decreases the
21 integrity of the existing wildlife
22 management area by buffering it from the
23 existing road.

24 The report notes that it is this
25 expanded area that offers the greatest value

1 to the barn owl, one species example of a
2 State threatened species, by providing a
3 contiguous forest that makes nesting and
4 foraging habitats available.

5 The value of this land is not only
6 recognized by DEP in its own reports, but
7 also by Cumberland County. In 2011, in the
8 Open Space and Recreation Master Plan
9 Cumberland County recognized the value of
10 contiguous open space because of its ability
11 to provide greater environmental benefits
12 such as the expansion of the existing plant
13 and animal habitat, and the preservation of
14 water quality and water waste in lakes.

15 This same report also linked land
16 adjacent the Menantico Wildlife Management
17 Area in Millville as a highest tier for
18 preservation because the lands met five out
19 of five critical criteria including
20 contiguous lands for preserved open space
21 and enhancing the (inaudible) corridor.

22 So, that is an existing Cumberland
23 County report in its master plan.

24 And, finally, the economic argument
25 being put forward, it doesn't consider the

1 existing economic benefit that those lands
2 as part of a wildlife management area bring
3 to this area, and I can say as part of our
4 mission New Jersey Autoban connects people
5 with nature and in doing so we offer field
6 trips across the State almost 365 days a
7 year including quite a number in Cumberland
8 County.

9 So, when we bring visitors to the area
10 to observe pheonomenon like the short bird
11 migration on Bayshore, places like Menantico
12 that offer fish and wildlife habitat, places
13 to observe bald eagles, breeding birds in
14 the Summer, those same visitors stop at gas
15 stations to purchase fuel, food. They go to
16 restaurants. They dine in local places.

17 That contributes to the local tax base,
18 and these are real numbers using national
19 figures. These are New Jersey numbers
20 developed by a report by the Outdoor
21 Recreation Association that outdoor
22 recreation in New Jersey contributes
23 seventeen point eight billion in consumer
24 spending, six point one billion in wages and
25 salaries, one point three billion in State

1 and local tax revenue, and 158 thousand
2 direct New Jersey jobs.

3 Now, that's the State as a whole. I
4 don't have Cumberland County figures
5 specifically, but the point is is that these
6 lands contribute to revenues such as that
7 and that whole argument isn't even being
8 considered when the argument is being put
9 forward that this will create 350 jobs.

10 So, recently, there was actually an
11 earlier comment about the ability for
12 Cumberland County to grow its ecotourism
13 base. It's really sort of just waiting
14 there to be developed and the Atlantic City
15 preservation article noted that there is
16 untapped potential in this County to develop
17 that sort of revenue base for the County in
18 drawing people here, and it's for contiguous
19 tracts that people visit in Cumberland
20 County that is a larger part of the existing
21 wildlife management areas and it does draw
22 people to the area.

23 So, again, by being adjacent to the
24 wildlife management area these eighty acres
25 actually add tremendous value, both

1 environmental and economic, to the existing
2 area.

3 So, in summary, the 2013 purchase by
4 DEP was thoughtful and deliberate because of
5 the unique environmental value of the
6 property and opportunity to add to the same
7 conservation areas. The proposed diversion
8 does not guarantee an equivalent parcel or
9 even identify a substitute, and we maintain
10 that it's inappropriate to transfer land
11 designated as open space with public funds
12 for an industrial purpose.

13 Thank you.

14 MR. MILES: Hi. My name is Michael
15 Miles, M-I-L-E-S. I live at 2411 Mistletoe
16 Lane.

17 I think everybody's met my wife Donna.
18 She's the talker of the family.

19 I just want to say we take pride in our
20 neighborhood. I see Bob outside working in
21 his yard every day. Everybody takes care of
22 their homes. I like to step in my backyard
23 and see the bald eagles. I enjoy seeing
24 families walking down the streets.

25 It's our property. We take pride in

1 it. I am against selling the land, and I
2 think most everybody else that lives here is
3 too.

4 That's all I have to say.

5 MS. GALETTO: Hello. My name's Jane
6 Morton Galetto. I'm a resident in Millville
7 and I'm speaking for myself.

8 So, I was listening to Joe a little
9 earlier talk about scrub shrub and that we
10 weren't Yosemite, and I got to thinking
11 about that and its just kind of been toying
12 around in my mind, and I've been thinking
13 about, you know, to a large extent, Joe's
14 plight to protect the resources.

15 I know because you have a river at the
16 end of your home, and I know his son loves
17 the outdoors, and I know he loves South
18 Jersey, but I was thinking, you know, I'm
19 really fortunate and, you know, I admit to
20 that.

21 As a matter of fact, my family owned a
22 lot of this property, and with a great deal
23 of patience I got a lot of the property to
24 be purchased by the nature preserve of the
25 City, and I talked to my husband and his

1 partners into selling the land that they
2 wanted to develop for homes.

3 And then the last eighty acres, dam,
4 you know, I just had a hard time getting
5 that, you know? And, you know, I'm going to
6 kind of leave it at home, and our
7 discussions at home are a lot like the
8 discussions I have with John and Joe and
9 other people that are into development.

10 And my husband said, you know, it would
11 really be great if Durand could build
12 there. Durand didn't want to build there,
13 and the realtor that had the property
14 couldn't sell it for a really long time
15 because of accessibility issues, because of
16 the rail line.

17 My husband didn't sell it. Durand
18 didn't sell it, and then, you know, the City
19 had some pretty bad ideas or supported some
20 pretty bad ideas and they really changed
21 their mind because of you, the people in
22 this room. Otherwise, we would have an
23 asphalt plant there, trust me on that,
24 because we care.

25 It's because we care as a town about

1 our town, and when I said I was fortunate, I
2 talked to that realtor. I said do you know
3 what we had to do to protect our property?
4 And he said I think that's really what has
5 to happen to it because people don't want to
6 develop it and I tried really hard, and he's
7 a really good realtor.

8 And I said, well, I think you ought to
9 sell it to Green Acres, and he did. He sold
10 it to Green Acres. The City could have
11 bought it for years. They didn't buy it for
12 years.

13 So, I want to get back to this business
14 about this was scrub shrub. We live in a
15 coastal plain. What we have is oak forest,
16 and pine forest, and duck scrub shrub, and
17 wetlands, and rivers. That's who we are.
18 And when I said I was fortunate, I've been
19 to Bant, I've been to the Canadian Rockies,
20 I've been to Yellowstone, I've been to
21 Greenland, I've been to Costa Rica, I've
22 been to, you know, probably ten places in
23 countries in South America.

24 I've seen the greatest falls in the
25 world. I had really, really good fortune,

1 but you know where I want to come? I want
2 to come home, and that's really what I want
3 my other fellow people to embrace,
4 developers included.

5 I married one. I love developers. I
6 love any developer. I'm married to one and
7 we've provided a lot of jobs, and my father
8 was Vice-President of Wheaton Glass that
9 employed more people than anyone in South
10 Jersey, and I love jobs and I love South
11 Jersey, and I love the development here, and
12 our family provides both.

13 And when someone talks about that this
14 eighty acres is the salvation when we have a
15 whole list of acres all over the County that
16 could be developed and we have all kinds of
17 areas that could be redeveloped, it sickens
18 me.

19 So, this is what I want to say. Yeap.
20 I've seen Yellowstone. It isn't
21 Yellowstone. It's not Yosemite. It's not
22 Bant. It's not the Canadian Rockies. It's
23 not the great falls of Argentina. It's
24 Millville. It's home. It's home to wild
25 and scenic rivers.

1 And when I had people on this river
2 that came from the Wild and Scenic Park
3 Service and they came on the river and one
4 said to me, he said you know what, and I
5 know Joe agreed with this 'cause he loves
6 the Maurice River, he said to me, he said
7 you know what? I've been to the greatest
8 rivers of Alaska and none of those rivers
9 are any prettier than this. He said this is
10 a beautiful river.

11 This property buffers those rivers.
12 This property has pine snakes. This
13 property is special. It probably had pine
14 snakes when my husband had his consultant go
15 out there.

16 Well, I'm a patient woman, and you know
17 what? I succeeded as far as I'm concerned,
18 and I'll brag about it. I don't give a
19 dam. This property's all protected now and
20 your job, Ray, your job is to protect Green
21 Acres properties.

22 I trust you to do your job and not let
23 this diversion take place because you have a
24 mission to protect spaces and you know the
25 ramifications of the precedent this will

1 set.

2 The precedent this will set in New
3 Jersey if this property's turned around
4 means that everyone with a development idea
5 that they want to take to their elected
6 officials, that any property that's better
7 use, the best use is going to be economic,
8 that's every protected piece of space in New
9 Jersey.

10 If that's our barometer, what can this
11 property do to us economically, that's every
12 piece of space in New Jersey unless our
13 great environmental economics people can
14 somehow get people to understand that clean
15 air, clean water, and places to recreate are
16 just as important.

17 We've been able to put a dollar sign on
18 some of it. We can't put a dollar sign on
19 all of it, but I can tell you this that when
20 industrials, when people come to our town
21 they don't bring them to our town because of
22 our prisons. They don't bring them to our
23 town because of our sixty percent turnover
24 in schools because of the prisons, a very
25 little secret that nobody wants to talk

1 about.

2 They come because of the beauty of this
3 area and that's why my father came and
4 that's why my father was the vice-president
5 of this company that once lived here, that
6 once worked here, and once operated here,
7 and had a lot of jobs and employed a lot of
8 you and a lot of your families.

9 And I know that there were a lot of
10 people that sat in this room when someone
11 suggested that we don't like jobs.

12 It's just milarky, and I will work for
13 jobs, but I have a husband that works for
14 jobs full-time of it that does a good job
15 and I'm going to continue to do what I do,
16 protect space.

17 Thank you.

18 MR. CHOKO: Hi. My name's Mark Choko,
19 C-H-O-K-O, and I'm from Millville.

20 I got started protecting the Menantico
21 in 1989 when there was a proposed toxic
22 waste dump and (inaudible) waste dump
23 between Menantico and the waste dump.

24 I got involved in 1989, and I got
25 involved in a lot of the scenic rivers when

1 this development was proposed, what we're
2 talking about now. This land was a proposed
3 land of protected zones and now it belongs
4 to the nature conservatory.

5 And down here is the industry and this
6 was all zoned in 1989 when the City redid
7 its master plan, and I'm afraid if the City
8 can't get access across the rails, the only
9 other access into this property is through
10 this neighborhood and through the nature
11 that conserves this property.

12 And I have an article here that talks a
13 little bit about this hearing, but I'm not
14 going to read it.

15 I also have a photograph of the sewer
16 line that runs through it.

17 THE RESIDENT: Mark?

18 MR. CHOKO: Yes?

19 THE RESIDENT: We can't hear you.

20 MR. CHOKO: I'm sorry.

21 I have a photograph of the sewer line
22 that runs through it that's been there for
23 fifty years long before this place was zoned
24 industry.

25 I also have a photo from a public map

1 that the tax payers pay for, and it shows
2 some Green Acres property that is now the
3 industrial park on Gorton's Road and I was
4 wondering what happened to that property.

5 Would you like to look at it?

6 MS. YEANY: Yeah. We would like to
7 take a look, but I'm not sure I can answer
8 that right now though.

9 MR. CHOKO: It's interesting.

10 See right here Gorton's Road, the
11 property we were just talking about?

12 This is Green Acres. It's now an
13 industrial park.

14 (Indicating.)

15 MS. YEANY: Okay. I'll have to
16 investigate that.

17 MR. CHOKO: I also have the Cumberland
18 County environmental consultant's part of
19 their study, and I was wondering are snakes
20 and amphibians warm blooded or are they cold
21 blooded, and why would you look for them if
22 they're cold blooded in January?

23 I think you need to do your own study
24 before you get rid of this property, and I
25 have a list of animals that I've seen

1 observed in this area over the years.

2 There's a hundred and eight different
3 animals and there's quite a few that I
4 couldn't identify that are on this list.

5 I'll turn this over to you.

6 (Indicating.)

7 I also have an article here that when
8 this neighborhood got involved in preserving
9 some of the rivers, we started a group
10 called the Menantico Conservation Lake and
11 we circulated it as a petition and we had
12 six thousand signatures and we got it placed
13 on the ballot for citizens to vote on.

14 That's a lot of signatures of all the
15 people that want this area protected.

16 And there's one more thing. This here
17 is your property. This is your property,
18 and this is what it looks like when you cut
19 an eighty acre hole in it.

20 It looks pretty stupid to me. Doesn't
21 it?

22 (Indicating.)

23 MS. YEANY: Obviously, I can't express
24 an opinion on that.

25 MR. CHOKO: Anyway, I'm finished.

1 Please, don't sell this land.

2 MR. NEY: Good evening. My name's Pat
3 Ney, N-E-Y.

4 I'm not affiliated with anybody, but I
5 did work for the City of Millville Water
6 Utility for 36 years and retired as
7 superintendent.

8 I have a W-4 water supply license and a
9 T-3 water treatment license, and I still
10 maintain those licenses.

11 What I wanted to come back and talk
12 about is just to clear up a couple of items
13 as far as the area. The water and sewer
14 line in question, I believe, was installed
15 in 1968 prior to the construction of the
16 highway, which was finished that section in
17 1969.

18 At the time, I don't think there was
19 any industrial designation for that piece at
20 that time. I think that occurred in 1989
21 and that was for 32 acres of the eighty.

22 Then in 1974, the Gorton Road
23 Industrial Park was extended for, basically,
24 two or three properties, I think, it was.
25 And then in 1991 the, I don't know, I think

1 it may have been continuation of the Gorton
2 Road, which was done with New Jersey EDA
3 money, Federal EDA money, and some City
4 funds.

5 One of the things I also wanted to talk
6 about was the site specific report done by
7 the MURC, which I think was actually done by
8 Triad Associates, and it had some comments
9 on there. I think if they're going to
10 submit a report, I think it should be
11 accurate.

12 One of the things that they do show is
13 off to the side it says the property in
14 question is located in South Millville
15 Industrial Park and abuts other industrial
16 properties and land uses. There are no
17 other properties that they share industrial
18 property lines with.

19 So, that's all it was was residential
20 or nature conservancy.

21 Another thing if you read it, let me
22 just find it for a second, in the
23 description of the land use it says to the
24 east of the property is the Menantico Creek,
25 which buffers the industrial park for

1 Menantico Ponds.

2 I can't understand how one body of
3 water would buffer another body of water
4 where, in essence, they're actually the same
5 thing. The creek runs through the ponds.

6 So, and one thing I had a question
7 about was initially they said that the, let
8 me find it, that the land had no significant
9 environmental designations or
10 characteristics associated with the property
11 in question.

12 Now, the State in their first proposal,
13 they objected to that remark, but in their
14 second proposal they just let it slide. I'm
15 just wondering why that was omitted.

16 MS. YEANY: I didn't think we changed
17 that part of the report the second time. I
18 mean, we did take issue with that statement
19 and then I think that position changed.

20 MR. NEY: Right. I didn't see it.

21 MS. YEANY: All right. Well, if that
22 did occur in the second report, it wasn't
23 intentional.

24 MR. NEY: Right. Okay.

25 Like I said, I built out there in 1999

1 and I was probably, there may have been four
2 lots left for the build out of the
3 development, and we did it because of that
4 reason, and following that, I think, there
5 was four other lots constructed, I think,
6 after the 2000 change in zoning.

7 Anyhow, we enjoy the area. I hope you
8 decide not to go through with this.

9 MS. YEANY: Thank you.

10 MS. WALKER: Hi. My name is Wendy
11 Walker, and I pay taxes to the City of
12 Millville, and I've been retired about eight
13 years and since that time all I do is find
14 nature trails in Cumberland County and I
15 walk it, and there are nature
16 conservatories, there are natural land
17 tracts, there's tons of wildlife management
18 areas that the State manages and owns, and
19 they're awesome.

20 And Millville, Millville's got the
21 Maurice River Scenic trail. They've got
22 Union Lake Management Area. They've got,
23 well, everybody knows numerous spaces.

24 This week I've been walking all of them
25 'cause its been in the fifties and sixties

1 and the only places I've come to where the
2 noise is horrific would be Millville because
3 of the traffic, the traffic we have.

4 I can go to Peak Preserve, which is
5 beautiful. I can go to any trail I take
6 within Millville, the traffic noise is
7 horrific. Everybody will agree with me, and
8 that's what denigrates the whole point of
9 the nature preserve.

10 Now, what I am trying to say is that
11 the City of Millville, they don't take their
12 nature very seriously. They just don't, and
13 I'm thinking they're talking about
14 development since the 1950's when the
15 future, I think, is how beautiful it is here
16 and how pristine, and I have gone on this
17 little path that we're talking about.

18 I was there for maybe an hour
19 and-a-half and some perinatologist, is that
20 a snake doctor?

21 THE RESIDENT: Yes.

22 MS. WALKER: Well, that guy was
23 practically crying 'cause he's taking this
24 out and he's showing us this snake habitat,
25 which I never would have noticed, and in a

1 very short period of time he found one of
2 those water pond snakes no problem at all,
3 and he showed us how to find them.

4 I'm not sharing. And I went everywhere
5 after he showed me this looking for this
6 habitat and I couldn't find it anywhere, and
7 I'm talking about Cumberland County. I do
8 some hiking.

9 So, all I want to say is this is
10 pristine. It's scrubby, and sandy, looks
11 like nothing but the wildlife lives there,
12 and I'm wishing that you would just not undo
13 what's been saved for fifty years.

14 And I'm just retired having a great
15 life, and I know that the traffic's going to
16 always be there, and all the desecration of
17 clearing the forest will always be there,
18 but if they put that factory there, that's
19 going to be there and that can't be undone
20 very easily.

21 Thank you all.

22 MR. NYMAN: Hello, again. Eric Nyman
23 N-Y-M-A-N. Millville resident and
24 homeowner. I'm a Millville small business
25 owner for over forty years. I went to

1 Millville schools, invested in Millville.

2 Again, I was going to tell Jim that the
3 Freeholders are gluttons for punishment for
4 sticking out that they're not here, and I
5 hope the record will show that this many
6 hours into this the only people here that
7 are maybe in favor of this are those who
8 have to be, who are getting paid to be here.

9 Everyone either shout or raise your
10 hand if I'm wrong, but everyone here that's
11 in attendance, there's a lot of you, is
12 opposed to this sale or development; right?

13 THE RESIDENTS: Right.

14 MR. NYMAN: Yeah. I also hope that the
15 record notes that the media left a long time
16 ago. This has not been properly covered by
17 the local newspapers, by any sort of local
18 media.

19 At the last meeting, the public again
20 was overwhelmingly in favor of preserving
21 the land. This has not been documented.

22 So, it's our argument that this whole
23 thing is quite likely a sham.

24 Who is it that gets to make the final
25 call? Is this your call? Do you say yea or

1 nay on -- not you, personally?

2 MS. YEANY: No. It's a decision dual
3 approval by our Commissioner and the State
4 House Commission, the legislative body who
5 I've mentioned.

6 MR. NYMAN: Neither of who are here
7 tonight.

8 So, you take testimony and report to
9 them?

10 MS. YEANY: Right. As part of this
11 process we're required to summarize all the
12 public comments and report them to our
13 Commissioner and to the State House
14 Commission and we provide them with the
15 transcripts of the hearings.

16 MR. NYMAN: Okay. So, you'll be able
17 to tell them that aside from, I believe, one
18 person who's not here anymore, I must
19 commend her. I know there was some
20 opposition to the lady who spoke her mind,
21 but she was on the wrong side, I think, in
22 this, and, you know, she wasn't afraid to
23 stand up. That was nice.

24 But I hope in the report that you saw
25 today that local, State, and National

1 Conservation Groups all testified in terms
2 of the value of this as preserved land
3 that's worth being preserved. I hope you'll
4 note that the parties that are interested in
5 developing this land aren't even here to,
6 you know, keep that argument going.

7 And I hope that, you know, who's the
8 State representative, you know, the clowns
9 that aren't going to get re-elected real
10 soon that aren't even here, or us?

11 You know, half the people here that
12 live here don't want this land developed and
13 the other people are concerned experts about
14 conservation and wildlife and they have
15 given exhaustive testimony that this is a
16 piece of land where it's being preserved.

17 I mean, you represent your own
18 organization because only a year or so ago
19 they said that this land was worth being
20 preserved. What has changed?

21 What has changed? Unless, I can't see
22 how this is a valid process unless the DEP
23 investigates itself and says, hey, we really
24 screwed up a year ago, you know, it was a
25 shame we abandoned these snakes and, you

1 know, that's not happening and the media's
2 not here to report this.

3 So, I hope you will do the right thing
4 if you have any say in this. I mean, based
5 on this coming up again over the opposition
6 to the development the last time, I have no
7 faith in the system, but if this does go
8 through, I think a lot of us here will make
9 very certain that the press does get wind of
10 it 'cause it's really terrible. It just
11 sets an awful precedent for conservation.

12 Thank you.

13 MS. ZIRKLE: Cindy Zirkle. I'm from
14 Fairfield Township. I don't pay taxes in
15 Millville, but I do in Cumberland County and
16 we have the prettiest river, I have to
17 dispute, in Cumberland County, which is the
18 Cohansen River.

19 And, Mr. Cantor, I would particularly
20 like to thank your staff for the excellent
21 job that it does in Cumberland County. You
22 have a staff that truly understands the
23 importance of our County.

24 You may get complaints from our
25 politicians for whom ratables simply

1 translate into more monies to spend on
2 lawyers, but your staff knows our County.
3 They know what's important. They have
4 systematically procured some extremely
5 valuable sites, and I hope you support your
6 staff because when they made the decision to
7 purchase this there was a reason just as
8 there is a reason for purchasing the land on
9 Backneck Road, the country club that has
10 gotten some ire from residents, but they
11 know what they're doing.

12 Please support your staff. Please
13 don't swap this land. It was purchased for
14 a reason and let that reason stand.

15 MR. TEER: Hi. I'm Ronald Teer,
16 T-E-E-R.

17 I had no intention of standing here,
18 but twelve years ago we drove through the
19 area and decided to make a left-hand turn
20 off 49 one day just to drive through this
21 area that I saw cars coming out of Crescent
22 Boulevard.

23 Every time we went by there were cars
24 coming in and out, in and out. So, I said
25 this must be a big area. Let's check it

1 out. So, we made a left-hand turn and we
2 saw this great neighborhood and we drove
3 around and made a lot of left turns checking
4 it out for quite a while, and one day we
5 finally found a place on Olive Lane.

6 We bought a property, a piece of land
7 on one of the four lots that Pat talked
8 about, who turned out to be one of our
9 neighbors. We built a home in 2003 on our
10 property on Olive Lane. We love it. I walk
11 my dogs in the woods. It is so, some of you
12 said so often, pristine.

13 And then I hear a lot of hyperbole
14 about 350 jobs. That's the selling point
15 for this piece of wonderland, 350 jobs.

16 But nobody has proposed what those jobs
17 are going to be or how many there will be.
18 So, maybe it's going to turn out to be 35
19 jobs and a bunch of robots making police
20 sirens about which we will complain, and
21 then they'll say don't worry about it. We
22 will do a sound abatement program.

23 Please don't destroy what we have.

24 Thank you.

25 MR. GATENS: My name is Thomas Gatens,

1 G-A-T-E-N-S. I live in Millville.

2 I'm reluctant to tell you how many
3 places in the State of New Jersey I've
4 lived. I've lived in Pennsylvania,
5 Maryland, and New York because my father was
6 in the construction business during the
7 Second World War. I continued in that
8 business in my own work career, and I've
9 been retired for ten years.

10 But I've lived in Bergen County,
11 Burlington County, Cumberland County, six
12 places in Cumberland County. I've traveled
13 quite a bit and I've worked on all kinds of
14 heavy construction projects.

15 And I want to tell you that you folks
16 in this town don't realize what a wonderful,
17 clean town you live in. I spent most of my
18 young years in Bergen County, and if you
19 know Bergen County, you try and find a park
20 up there and you will have a very difficult
21 time.

22 You can't walk through this thing.
23 It's so different than here, and you're so
24 fortunate.

25 Thank you.

1 MS. BRECHT: Good evening. My name is
2 Renee Brecht. That's B-R-E-C-H-T. I am the
3 Program Director for the American Littoral
4 Society Delaware Bayshore Office.

5 We are a nonprofit that started in
6 1961. Our headquarters is in Rankoke, New
7 Jersey. We have a New York Tamico Bay
8 Office. We have an office in Boston as well
9 as our office in Millville and also in
10 Central Florida.

11 We have about four thousand
12 five-hundred memberships. I do live in
13 Cumberland County and have lived most of my
14 life in Millville. Specifically, at the
15 moment, I don't live in Millville.

16 I want to thank you for the opportunity
17 to speak this evening on the proposed
18 diversion of the Wildlife Management Area
19 that was formerly known as the Durand
20 parcel, Block 578, Lot 19, to Millville and
21 the City, to Millville, New Jersey, to the
22 City of Millville for industrial
23 development.

24 I do want to bring up one fact that was
25 referenced by the City's attorney earlier

1 about the highest and best use, and that is
2 that it is typical of Green Acres to procure
3 two appraisals in the process of a Green
4 Acres purchase.

5 There were two parcels that were
6 procured. One of them cited industrial use
7 as the highest and best use. The other
8 cited open space as the highest and best
9 use, and those two appraisals were averaged
10 together.

11 I do want to note several things. One
12 is the DEP purchased this tract for good
13 reason. The report acknowledged that the
14 tract was acquired through the Green Acres
15 Program because of it existing adjacent to
16 existing WMA and it extended the
17 conservation values of those protected lands
18 as well as having its own values.

19 Its acquisition was part of an overall
20 regional strategy to establish protected
21 areas in the Menantico Pond Complex and the
22 adjacent Federally designated wild and
23 scenic rivers.

24 It consists, this property consists of
25 sixty football fields, roughly, that's what

1 eighty acres looks like, of mature pine and
2 wood forest. It has never been developed.
3 It is one of the remaining pieces in the
4 Menantico conservation areas. This was a
5 vulnerable site and if left unprotected and
6 open for development, it could compromise
7 earlier investments in conservation.

8 In fact, the site was listed as high
9 priority by the Division of Fish and
10 Wildlife in the Green Acres purchase
11 process.

12 I have a number of exhibits that I will
13 be submitting this evening. I'm not going
14 to show them all to you, but there is
15 Exhibit-1 and Exhibit-2.

16 (Indicating.)

17 Similar to the green color acquisition
18 also by Green Acres several years back,
19 also, in the industrial park practically
20 next door, the City raised no objection to
21 that property.

22 The DEP acknowledges that the site has
23 conservation values, and landscape features,
24 threatened and endangered species,
25 groundwater protection, and aquifer

1 recharge. It has some of the highest rates
2 of aquifer recharge in the area.

3 Surface water protection, natural
4 resource value, continuation of a green
5 right, and recreational opportunities.

6 The New Jersey State Development and
7 Redevelopment Plan suggests a number of
8 policies that should be in control for
9 planning efforts. Protection of groundwater
10 sources, and aquifer recharges, open land
11 and natural systems, prioritization of
12 greenways for open space acquisition,
13 contiguous open space, connection of large
14 contiguous tracts of forest, protection of
15 threatened and endangered species.

16 Any of that sound familiar? That's on
17 the exhibit here as well.

18 Each of these policy goals was
19 exemplified in the purchase of the former
20 Durand tract and much of this is also
21 reflected on the score sheet that was
22 completed by Green Acres when they evaluated
23 this tract for purchase. That score sheet
24 is in here as well.

25 So, you can see where the ranking for

1 this property land is.

2 Open space purchase of properties by
3 the State is always held to a higher bar, to
4 a higher standard, than that that's required
5 when a local Government or a nonprofit
6 purchases open space.

7 As offered as an example, several years
8 ago there was a company in Skyline which was
9 affiliated with U.S. Silica. It offered two
10 parcels, two parcels to Green Acres, and one
11 of them practically directly across from the
12 Durand property, but on the other side of
13 55. Green Acres purchased one of those
14 properties, but it declined the other not
15 once, but twice because it was on the other
16 side of Route 55 and it didn't want to cross
17 that line.

18 This shows that Green Acres used its
19 discretion in the properties that it
20 purchased. The Durand purchase was one that
21 both the State and the community had desired
22 for a number of years. The agreement for
23 purchase, also an exhibit, clearly labels
24 this project Project Delaware Bay Greenway.

25 Qualified endangered species evaluators

1 within NJDEP have inspected the site and
2 they describe it as a, quote, pine snake
3 paradise, and that is on an exhibit as
4 well. The northern pine snake is a State
5 threatened species and the population that
6 occurs at the Durand site is likely the only
7 population of northern pine snakes breeding
8 in all of New Jersey that is not contained
9 within the jurisdiction of Pineland's
10 Comprehensive Management Plan.

11 The wildlife habitat assessment of the
12 Durand Glass property that's submitted with
13 the proposed diversion of this property
14 states that all of the features are there,
15 the right soils, the right community, the
16 forest community, the habitat features
17 including open sandy areas along the
18 railroad track interspersed with
19 vegetation.

20 This site is structurally consistent
21 with other know pine snake habitats observed
22 over the years. Not only do we have
23 habitats though. We have verified sightings
24 of northern pine snake, and there is an
25 exhibit of the rare wildlife species report

1 that was submitted Neil DeVito. There were
2 others who were here who were in attendance
3 at that time.

4 Identifying such a site for occlusion
5 in an industrial development plan guarantees
6 that both legal conflicts and regulatory
7 conflicts are going to occur when any
8 prospective developer attempts to develop
9 this property. This is poor planing at
10 best.

11 The Durand report states the purchase
12 of the property by the City or its designee
13 would be separate from any permitting or
14 approvals of the future development of the
15 property by the NJDEP, the City, or the
16 County. Attempts to develop this site will
17 inevitably be fraught with legal and
18 permitting difficulties.

19 The City needs to consider due
20 diligence. Permitting with both threatened
21 and endangered species habitat and presence
22 will be a challenge.

23 One might recall the Super Wal-Mart for
24 Toms River and Manchester, a project that
25 was first announced nearly a decade ago. It

1 had been in and out of court and is expected
2 to be heard again where the habitat for
3 northern pine snake was ignored by NJDEP.

4 If the DEP sells off for industrial
5 development, the development will cause harm
6 to conservation guise. I'm not going to go
7 through all of them. They're listed here.
8 They've been addressed in numerous areas,
9 but I do want to talk about the fact that it
10 is not the role of the DEP to be a real
11 estate agent for a developer or for the City
12 and neither can Millville afford to be
13 engaging in speculative real estate
14 investments.

15 The DEP does not have a legal charge.
16 It has no legal charge to act as an agent
17 for developers, particularly, to sell off
18 conservation land to provide lands for
19 them. Not only do they not have a legal
20 charge to act as a real estate agent for the
21 developers, developers, or the City, it's
22 also inappropriate and it's a failure on the
23 part of the DEP to act in this manner and to
24 do so represents an arbitrary and capricious
25 failure on their part to represent the

1 public's interest.

2 The DEP's charge is to protect land.
3 That's what they did, that's what they were
4 supposed to do, and that's what you're
5 supposed to be upholding. This is
6 especially wrong when the voters in
7 Cumberland County, in Millville, the whole
8 State, not even a month ago, a month
9 tomorrow; right, clearly voted yes to open
10 space preservation.

11 Those votes when people went in and
12 clicked their little lever or pushed their
13 little button, they weren't made with the
14 thought that the State would then turn
15 around and sell this land for industrial
16 development.

17 The property was on the open market for
18 years with no successful private buyers.
19 The owner was a willing seller. Comes
20 bundled with your property rights, the right
21 to sell your property. The County's own
22 website has a listing of commercial and
23 industrial properties for sale.

24 Exhibit-8 indicates at least five years
25 of this property having been listed on the

1 County website as industrial land open for
2 sale. Currently, there is no buyer for this
3 property, which then puts the City in the
4 position of dealing in speculative real
5 estate.

6 Our money would be much better spent
7 investing in something with real dividends,
8 educating our youth for jobs through job
9 markets where the Bureau of Labor Statistics
10 predict a positive outlook locally in
11 tourism, healthcare, things like that.

12 The City's argument that they weren't
13 notified holds no weight. The transaction
14 involved a private owner. He willingly
15 offered and sold his property to the State.
16 The City has never owned nor had a legal
17 financial interest in this property. The
18 State is under no obligation to notify a
19 Municipality when it intends to purchase
20 property unless now when they're going to
21 jack up the fair market value.

22 The owner shouldn't be required to have
23 Government permission to sell his own
24 property and nor should he have the sale of
25 his property impeded by the Government if he

1 wishes to sell his property legally.

2 The City and County have made many
3 claims about not having been notified or
4 coordinated with the thrust of this project,
5 and even though that's irrelevant because
6 the State does not need to consult anyone
7 regarding the acquisition of property to
8 protect the environment in Jersey.

9 The reality was that the County Health
10 Department and the City received standard
11 environmental hazardous assessments that are
12 required to be completed prior to any Green
13 Acres purchase. Those forms were completed
14 by County and City employees in December,
15 2012, and 2013, returned to the State and
16 exhibited here.

17 The City's argument that the purchase
18 was not properly coordinated is also
19 incorrect. The City and County claimed that
20 the purchase was not properly coordinated
21 within the State, but 1991 local management
22 plan for the Maurice River places the Durand
23 tract within critical area one.

24 The DEP's 2008 Wildlife Action Plan
25 calls for protection and acquisition of

1 pinelands type forests in the Menantico
2 Tributary. It was in compliance with the
3 State Comprehensive Outdoor Recreation Plan
4 as it is required to be. No other State
5 plan exists that it is required to be in
6 compliance with.

7 It was coordinated by all relevant
8 agencies required by law. It was fairly,
9 legally, and properly coordinated within the
10 State, which brings me to the question what
11 do the people want? The City notes they've
12 always wanted to develop this tract and its
13 presented time lines and materials in
14 support of that in the past year.

15 What it has not presented are the time
16 lines and materials in support of the fact
17 that the community does not want this tract
18 developed. The City officials are sadly out
19 of touch with what the community has wanted
20 for nearly thirty years on this property.
21 Those are Exhibits-11 through 30.

22 1960's, the sewer lines were put in in
23 anticipating residential development fifty
24 years ago. 1988, the City began to work on
25 its master plan. In 1989, there were secret

1 meetings with seven developers, developers
2 paying a thousand dollars for these secret
3 meetings, lawsuits by the preservation
4 committees, rezoning to industrial,
5 formation of the Menantico Preservation and
6 Citizens United also collecting over six
7 thousand signatures within the County to
8 defend the area.

9 1993, wild and scenic status change.
10 2008, proposed as an alternate site for the
11 high school, but rejected by the stakeholder
12 work group.

13 2011, asphalt plant put the community
14 in an uproar.

15 2012, offer for purchase to Green
16 Acres.

17 2013, purchased.

18 2014, the community collected over nine
19 hundred signatures all here in support of
20 keeping this property as part of the
21 Wildlife Management Area, and yet here we
22 are again today once again trying to tell
23 our City officials keep Green Acres green.

24 And while we are on the topic of the
25 City listening to the people, many of us

1 have asked on numerous occasions where the
2 access to the property would be. We are
3 under the impression that the rail company
4 has for years refused right of way, which
5 has been a large contributor to the failure
6 to sell.

7 If this is the case, then the only
8 access is through one of the three sides
9 that are also currently preserved.

10 So, do we then need another diversion
11 through yet another piece of wildlife
12 management to create access to the company's
13 employees and to allow for first responders
14 in emergency situations, and will it then
15 also follow the sewer line to Mistletoe Lane
16 into a neighborhood that has fought for ten
17 years?

18 The State spent millions of dollars on
19 the traffic rights to 55 being changed to
20 mitigate shore congestion. Will we now be
21 adding industrial or commercial trafficking
22 into this tiny neighborhood and diverting
23 more open space to get there?

24 Over the years it has not been unusual
25 to see lines of rail trip cars on that rail

1 parked for days at a time in front of this
2 property. Nearby, there is a railroad
3 crossing. That crossing has two signs, one
4 in each direction that instruct the train
5 engineer where he may not park. He's not to
6 park any further than the Durand property.
7 He's not to park underneath the 55 overpass.

8 Access to this property would likely
9 require yet another railroad crossing likely
10 at tax payer's expense to the citizens here.

11 The Ogden Rooney Report prepared on
12 this property was vague and (inaudible) in
13 compensation and thus compliance cannot
14 actually be determined. In the interest of
15 due diligence, I believe, we need again to
16 look at compensation rules and really see if
17 the public is being shortchanged.

18 We believe the analysis done to
19 facilitate the selling off of public land
20 was a weak evaluation at best. Although the
21 State purchase was based on two appraisals,
22 I would note two things. The State
23 financial paperwork put here shows a value
24 of \$450,000 for this property.

25 And another exhibit, New Jersey

1 Division of Taxation Asset Transfer
2 Declaration, shows that Durand wrote off a
3 loss of \$102,467 on this property. These
4 are costs that are being absorbed by the tax
5 payer. A diversion should not allow private
6 entities to benefit from tax payer losses.

7 The State is held to a much higher
8 standard with the purchase of open space
9 than a Municipality, or a County, or a
10 nonprofit. It should be held to a much
11 higher standard when considering diversion
12 of those properties, not a lower standard.

13 At the very least, they should not be
14 lower especially given that the same source
15 of funding is used for acquisition.

16 The replacement parcel referenced is
17 yet unnamed. No information is available as
18 to acreage, or cost, or environmental
19 significance. What's offered is the
20 proposed swap is subject to, I'm quoting,
21 change due to site conditions and/or survey
22 adjustments, but, one, such changes will not
23 exceed ten percent of the proposed acreage
24 on either side of the transaction, and, two,
25 the final replacement land will be at least

1 to the acreage of the final acreage
2 conveyed.

3 There is no guarantee what the ratio
4 could be. It could be six to one. It could
5 be four to one. It will likely be one to
6 one. Typically, in Ogden Rooney, it's four
7 to one or six to one.

8 Here where the property's held to a
9 higher standard we're being offered a lower
10 ratio and an unidentified parcel. It is
11 impossible to tell what the real value or
12 the real costs are for the replacement
13 property. There's no way to properly
14 evaluate to actually determine compliance,
15 or cost, or benefit without this
16 information.

17 We can't know if we're being
18 shortchanged and compliance can't be
19 accurately determined, and there is no time
20 frame specified in which this purchase must
21 take place nor is there included in this
22 report any suggestion as to how public input
23 would be allowed for purchase of this for
24 input for purchase of this property.

25 The State has a fiduciary

1 responsibility here to its constituents and
2 we believe that the analysis done to
3 facilitate the selling off of public lands
4 was an incomplete evaluation.

5 If you recall, around 2004 Cape May
6 County diverted open space for the Atlantic
7 Cape May Community College. As a result of
8 this diversion the County was to put five
9 hundred thousand dollars into replacing the
10 property that was diverted. Ten years later
11 the State has not been successful in
12 securing open space to replace this
13 diversion.

14 If after a decade the State has not
15 been able to bring this diversion into a
16 state of compliance, can we rely on the
17 State to follow through in good faith with
18 the directives of a diversion of this
19 significance?

20 The prior iteration of this proposal
21 proposed to convey nine hundred acres of
22 land elsewhere in Millville within the Holly
23 Farm property for addition to the WMA,
24 quoting from that, after conducting public
25 hearings on this proposal in May, 2014, and

1 performing further review of the proposal
2 the NJDEP has determined that linking this
3 conveyance to that Holly Farm purchase is no
4 longer feasible.

5 So, if the State cannot determine what
6 it actually wants to offer us in the most
7 extraordinarily proposed diversion in the
8 State's history, can we rely on the State to
9 follow through in good faith with the
10 directives of a diversion of this
11 significance?

12 For those who would like to focus on
13 zoning, I would note that zoning does not
14 preclude open space preservation and that
15 planning and zoning can do great harm,
16 greater harm, than good in a community and
17 is even worse than having no zoning at all.

18 One only needs to consider the ill
19 advised proposal for a supersonic jet port
20 in a City of 250,000 by the Pinelands
21 Regional Planning Board in 1964.

22 It's important to note that zoning and
23 land regulations are not planning.
24 Imposition of zoning control without proper
25 planning is poor planning.

1 Alfred Betman, one of the key founders
2 of modern urban planning, who argued zoning
3 regulations before the U.S. Supreme Court,
4 was adamant that any zoning regulation
5 should be based on scientific study.

6 The City and County claims that this
7 site is part of an economic plan and it has
8 been included in the planning prior to the
9 State acquisition. If zoning was not
10 determined because of the local planning
11 effort that identified potential conflicts,
12 it was determined because it was meant to
13 facilitate the sale by one owner to another
14 owner.

15 One of the goals of our local planning
16 should be to identify parcels which are not
17 suited for commercial industrial uses
18 because of conflicts with environmental
19 resources, existing current traffic
20 development patterns, and if we are
21 presented with new or differing information,
22 we need to examine our zoning and consider
23 rezoning where appropriate.

24 One cannot help but question the wisdom
25 of local planning that included this site

1 that had been identified on a State mapping
2 lanscape map as threatened endangered
3 habitat, is adjacent to other State
4 protected conservation land, and has a long
5 history of inaccessability.

6 The City has expressed its concern with
7 the loss of 795 feet of rail frontage on the
8 former Durand property. However, the City
9 spent one point six million dollars in the
10 last ten years of tax payer money to
11 purchase a public (inaudible) with eleven
12 hundred forty-three feet of rail frontage.

13 The City all tolled owns nearly two
14 thousand feet of railroad frontage none of
15 which is being utilized for rail access.

16 Further complicating matters is the
17 fact that this area is currently considered
18 inconsistent sewerling. While the City has
19 pushed for this site to be sewerred, the
20 reality is that the Waste Water Quality
21 Management Plan for Cumberland that was
22 proposed including this tract has not been
23 accepted.

24 That process was not formalized by an
25 accepted sewer service map. So, none of

1 that matters.

2 In addition, this proposal will very
3 soon be expiring, commenting here regarding
4 South Jersey Bayshore Coalition's comments.

5 Because of the age of the existing
6 sewer main, it may be wise to follow up with
7 the specs of those sewer lines, as well, it
8 was not uncommon for mains fifty years ago
9 to be constructed with asbestos cement
10 pipes. And if this is the situation, the
11 cost to replace and upgrade in an area that
12 is not currently authorized as a sewer
13 service area doesn't make much sense.

14 The City also needs to invest in its 42
15 contaminated sites and begin more
16 aggressively marketing its brownfields
17 before pillaging tracts of land that are
18 environmentally inappropriate on tax payer
19 funded open space.

20 Instead of developing creative
21 effective plans to revitalize abandoned
22 historical industrial properties, the City
23 plans to push its economic development
24 priorities into environmentally sensitive
25 lands subject to strict controls.

1 It is outrageous that the Christie
2 Administration is supporting and rewarding
3 such poor planning by being willing to sell
4 off the public's conservation lands.

5 The cross acceptance process not only
6 directed that brownfields are to be
7 considered for redevelopment, but also
8 specified that brownfield sites should be a
9 priority for redevelopment.

10 This is referenced in the State Plan,
11 quote, our social responsibility and fiscal
12 resources do not allow us to continue to
13 abandon land, buildings, neighborhoods, and
14 communities, end quote.

15 This diversion would abandon our
16 preserved land, and our neighborhoods, and
17 our community wishes, and reinforce our
18 abandonment of our brownfields.

19 The City has not engaged in good
20 planning. There is no end user at this
21 point in time. It has not considered
22 increased costs and demand that would be
23 required as a result of this diversion or
24 the cost reflected over years due to the
25 constraints on the site.

1 The end result would be traffic chaos
2 in the neighborhood, increased costs because
3 of the diversions due to the need to
4 construct new roads, and possibly having to
5 replace sewer pipes.

6 Further requests for diversions would
7 ensue. If the City would put the same
8 energy into inventorying and aggressively
9 and creatively making vacant lots more
10 usable and attractive, it would be a better
11 win, the owners would benefit, and the City
12 would still reach its goal of more
13 industrial space.

14 The City's arguments are without
15 merit. The overriding purposes for
16 purchases simply don't play out. There is
17 no reason why this poor planning should be
18 given legitimacy over the State's and the
19 public's interests in conservation.

20 Thank you.

21 MR. TEER: May I have 53 seconds?

22 MS. YEANY: Sure.

23 MR. TEER: I'm sorry. I'm still Ron
24 Teer. I forgot something and it's pretty
25 important.

1 One of the amazing things about living
2 here is that the water that we send through
3 New Jersey is so wonderful it makes it all
4 the way to the Everglades in Florida, and
5 somewhere I think my grandson is saying
6 please don't stop sending the water.

7 Thank you.

8 MR. CHIARELLO: Thank you. My name is
9 Joe Chiarello. I spoke earlier. I'm the
10 City Solicitor for the City of Millville,
11 but now I'm speaking as Joe Chiarello at 374
12 Crestville Avenue in Milleville, New Jersey.

13 I want to point out that some people
14 brought up during the course of the evening
15 where they live on the west side. I grew up
16 on South Second Street right across from
17 Edward's Pontiac if anybody's old enough to
18 remember Edward's Pontiac on the south side
19 of the street.

20 It's probably a quarter mile from the
21 river right next to the Harley Davidson
22 dealer when it was there before it turned
23 into the insulation place.

24 I didn't really recognize at the time I
25 was a kid that I was living on a State

1 highway. It's just where I lived. I
2 crossed the street, looked both ways, went
3 down to the river and fished.

4 Spent 28 years of my life there, moved
5 to Woodbury after I got married, briefly,
6 where I lived about three houses from a
7 train track that went by every three hours
8 and shook my house, and came back to
9 Millville for a couple of reasons.

10 The first reason is I work in
11 Millville, didn't really want to drive 35
12 miles each way. The second reason is I love
13 Millville. I think it's one of the greatest
14 Cities in New Jersey, and I think that's
15 what's important for the people in this room
16 and for the DEP to recognize.

17 One of the reasons that Millville's
18 such a great place is because we have a very
19 nice balance of our natural resources as
20 well as places to work, industry, commerce,
21 things of that nature.

22 I've also had some great fortune to do
23 some traveling in my life, and certainly not
24 as much as Mrs. Galetto, but I've been to
25 some of the most beautiful places in

1 America. I love going to Maine. The
2 waterfalls in Maine are absolutely
3 spectacular. My wife and I every drive back
4 contemplate moving there and every time I
5 talk to the people who live there I say, so,
6 what do you do for work up here, and the
7 answer is nothing.

8 There is no work. It's fantastic.
9 It's beautiful. It's open. There's
10 thousands of acres.

11 I went out to a wedding in Montanna for
12 friends there in Mazula, near Mazula, on the
13 Flat Indian Head Reservation, one of the
14 most breathtaking places I have ever seen in
15 my life to the point that I was there five
16 minutes and said to one of the locals what
17 do you do for work out here, and he said
18 nothing. There's no work.

19 We have a fantastic place where we have
20 a wonderful balance of open space and we
21 have a place to make a living. This eighty
22 acres will allow people to make a living
23 while still allowing a fair amount of open
24 space for people to enjoy nature.

25 I live on the edge of (inaudible), and

1 for the people that live on the east side,
2 apparently, think that the west side is some
3 Utopia. I live a quarter mile from the
4 dump. Every night from I don't know when
5 'till it stops I listen to the fans cheer
6 from the football stadium and from the
7 football field.

8 I live probably, at least the crowd
9 flies, a mile and-a-half, two miles from the
10 racetrack. And, yes, if anybody doesn't
11 know, you can hear it every day and every
12 day I hear it I say to myself somebody just
13 spent ten thousand dollars to use that track
14 today and that's fantastic because on their
15 way in town they got gas and on their way
16 out of town they got something to eat.

17 Possibly, they stayed over at a hotel
18 and they're spending money. It's a
19 balance. You can't make everybody happy,
20 obviously, but you still have to look at
21 what the fair balance is of enjoying nature,
22 which we have a lot of. A quarter of the
23 City's set aside as open space.

24 Another eighty acres, you know, is it a
25 silver bullet, as someone described, for

1 jobs? Of course not. It would be
2 ridiculous to say that it is. Would it
3 help? Of course, it will.

4 A couple other things I want to
5 mention. Somebody said early on in
6 opposition to the sale that the original
7 sale to the DEP involves a willing buyer and
8 a willing seller. The transaction that
9 we're trying to approve now is a willing
10 buyer and a willing seller.

11 For people concerned that this is going
12 to set some precedent that every piece of
13 dedicated space or DEP owned land is going
14 to be turned over to private industry, it's
15 not the case.

16 We are here tonight having this hearing
17 because the DEP desires to sell this land to
18 Millville. That's why we are here. If the
19 DEP doesn't want to sell the land, it don't
20 go up for sale.

21 I think that's a fair statement. You
22 can drive to Union Lake Wildlife Management
23 Area, which I think is about fifty-five
24 hundred acres.

25 I don't know what it is. And it exists

1 because someone built a dam there and
2 flooded the river.

3 Menantico Wildlife Management Area
4 exists because somebody mined the sand there
5 at one point.

6 You got to have a balance. I
7 understand what everybody's saying. If this
8 was in my backyard, so to speak, and I
9 walked my dog there, I would hate to see it
10 go, but at the same time you might have to
11 get in your car and drive to walk your dogs
12 or you might have to walk a little further
13 to walk your dog.

14 I can drive to probably twenty thousand
15 acres of the Wildlife Management Area from
16 my house in miles, a couple miles, under
17 three.

18 Just for the record, this is a lovely
19 town for bald eagles and osprey. My son
20 thought it was fantastic. I think the
21 river's one of the most beautiful places in
22 Millville. My friends moved down here from
23 Woodbury. The first thing I did was took
24 them on the boat and took them down to see
25 the eagles, which also fly over my house,

1 fly over Main Street, and fly over the
2 Cohansey in Bridgeton.

3 Everybody has an interest. There's no
4 doubt about it. We have to find a balance,
5 and I think part of this balance is letting
6 that eighty acres be developed for
7 industrial use as was intended.

8 We've heard a lot about planning. The
9 planning was that that land was industrial
10 and that's what it's for. The fact that it
11 has been dedicated for a whopping eighteen
12 months does not, in my opinion, put into the
13 public trust that forever we can kiss that
14 money, those jobs, that opportunity
15 good-bye.

16 It really should come back to Millville
17 for the opportunity to sell it to a private
18 company and put that money back in the tax
19 payer coffers.

20 I'm going to just talk very quickly
21 about the sewer. The same sewer line
22 services the neighborhood on the east side.
23 That is being maintained for those
24 neighborhoods.

25 So, those sewer lines are going to be

1 maintained.

2 There are going to be no wetlands
3 permits admitted. There's no stream
4 encroachment on that land. It's done.

5 So, those concerns should not be
6 concerns. What we should be concerned with
7 is finding that appropriate balance for
8 everybody, all 28,000 people of Millville
9 and probably a hundred thousand people in
10 the County that need those jobs, not just to
11 walk their dog, not just to go walk around,
12 but for all purposes.

13 Thank you.

14 (Whereupon, a short recess was taken.)

15 MS. HEISLER: I promise I'll be very
16 short. My name is Mary Heisler again.

17 I want to address two things in
18 response to Mr. Chiarello's comments. He
19 spoke about balance of work, industry, and
20 sustaining nature.

21 Just this weekend a man named Martin
22 Linton died. He was the person who stopped
23 the building of the dams that would have
24 flooded the Grand Canyon and destroy three
25 hundred miles.

1 Something that he said, I'm quoting
2 now, about nature, to compromise is to
3 lose. When you compromise nature, nature is
4 compromised. It's gone. It's hurt. It's
5 injured. You gain nothing back ever.

6 Something to think about when you talk
7 about balancing. Okay?

8 Another good point, Mr. Chiarello said
9 that we have a willing buyer and a willing
10 seller. Well, the owners of this land are
11 really the citizens of New Jersey, and the
12 amount of people speaking tonight, I would
13 say we are not willing sellers.

14 Thank you.

15 MS. YEANY: Thank you.

16 Does anyone else wish to speak before
17 we close the record?

18 Okay. We will close the record.

19 As I mentioned, the second public
20 hearing is January 6th in Trenton. You can
21 submit written comments on this hearing
22 until December 17th, but we will accept
23 comments through the middle of January after
24 the hearing in Trenton.

25 Thank you.

1 (Whereupon, the hearing concluded at
2 10:30 p.m.)
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 C E R T I F I C A T E

2

3 I, Maryellen DeFeo, a Notary Public and
4 Certified Shorthand Reporter, do hereby
5 state that the foregoing is a true and
6 accurate transcript of the testimony as
7 taken stenographically by and before me at
8 the time, place and on the date hereinbefore
9 set forth.

10 I do further state that I am neither a
11 relative nor employee nor attorney nor
12 counsel of any of the parties to this
13 action, and that I am neither a relative nor
14 employee of such attorney or counsel and
15 that I am not financially interested in this
16 action.

17

18

19

20 _____
Maryellen DeFeo
Notary Public, State of New Jersey
My commission expires 6/5/2020
21 Certificate No. 2178570
Date: 12/03/2014

22

23

24

25