

STATE HOUSE COMMISSION
PROPOSED MEETING AGENDA

~~ May 2, 2011, 9:00 AM ~~

Committee Room 3, First Floor
State House Annex, Trenton, New Jersey

CALL TO ORDER:

- ~ Dominick DiRocco, Assistant Counsel, Governor's Office
(on behalf of Governor Chris Christie)
- ~ Deputy State Treasurer Robert A. Romano
(on behalf of State Treasurer Andrew P. Sidamon-Eristoff)
- ~ Robert L. Peden, Deputy Director, Office of Management & Budget
(on behalf of Budget Director Charlene M. Holzbaur)
- ~ Senator Bob Smith
- ~ Assemblyman Joseph Cryan
- ~ Assemblyman Jon M. Bramnick

OLD BUSINESS:

1. Approval of the November 22, 2010 State House Commission Meeting Minutes --
The verbatim record of the November 22, 2010 State House Commission meeting will serve as the official minutes.
2. Approval of the December 9, 2010 State House Commission Meeting Minutes --
The verbatim record of the December 9, 2010 State House Commission meeting will serve as the official minutes.
3. Discussion of Ethical Disclosure
4. Discussion of correspondence received from Warren, Sussex, Union and Hudson Counties on the approval granted at the December 9, 2010 meeting by the State House Commission to the Department of Human Services for their rate setting methodology.

NEW BUSINESS:

5. Discussion Item - Patriots Corner

Patriots Corner, P.L. 2009, c. 274 and approved January 17, 2010, and signed by Governor Chris Christie, directly impacts the State House Commission. It provides for the establishment of Patriots Corner, a permanent tribute to New Jersey residents

serving in the United States Armed Forces, their reserve components, and the New Jersey National Guard.

The law provides that the State House Commission will establish: (1) a prominent location for the tribute within the State House, (2) the type and design of the tribute, and what specific information is to be displayed. It also provides that the Commission will be responsible for obtaining the information needed for the tribute and maintaining the site.

6. RPR #11-07, Block 6801, Part of Lot 1, Winslow Township, Camden County

Requesting Party: The NJ Department of the Treasury, on behalf of the Department of Human Services, requests approval to grant an easement to New Jersey American Water for the installation and maintenance of new water lines necessary to service the Ancora Psychiatric Hospital (APH).

Terms: The Department of Human Services has agreed to discontinue use of its current wells at APH and not construct new wells. Real Property Review clearance was completed with no Department or Agency expressing formal interest or possible conflict with the proposed action. The easement will be granted for \$1.00.

7. RPR #11-09, Bank Street Garage, Block 3803, Part of Lot 2.01, Trenton City, Mercer County

Requesting Party: The NJ Department of the Treasury requests approval to grant a temporary construction easement to PSE&G to perform an environmental remediation project on the property known as the Bank Street Garage. The site is a former manufactured gas plant.

Terms: Remediation consists of excavation on a portion of the Bank Street Garage property as well as the adjacent PSE&G owned property. The temporary easement will be granted for one year for \$36,000, which will cover the loss of parking spaces located within the garage. The State also retains the right to charge PSE&G an additional \$120 per month for any additional loss of parking. Real Property Review clearance will be completed if no Department or Agency expresses formal interest or possible conflict with the proposed action. The State Historic Preservation Office (SHPO) has advised that an Application for Project Authorization must be submitted for this project due to its proximity to the boundaries of the Delaware and Raritan Canal Historic district. Approval of this project is contingent upon SHPO's authorization also.

8. RPR #11-14, North Jersey Developmental Center, Block 156.02, Lot 1, Totowa Borough, Passaic County

Requesting Party: The NJ Department of the Treasury, on behalf of the Department of Human Services, requests approval to lease property located at the North Jersey Developmental Center to the Borough of Totowa to be used as recreational fields.

Terms: The recreational fields were originally constructed by the Borough under a lease that has since expired (RPR 87-55). The Borough will make a number of improvements to the fields and will also be responsible for all maintenance associated with the property. The lease term will be for five years with two, five year renewal options. Since this lease directly benefits the citizens of the State, the annual rent will be \$1.00. The Department of Transportation, the adjacent property owner, will be permitted to utilize the parking area constructed by the Borough for employee parking.

DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) REQUESTS:

9. Project: Atlantic City Public Beach, Block 1, Lot 126 (p/o), Atlantic City, Atlantic County

Requesting Party: The NJ DEP, on behalf of the City of Atlantic City, requests approval to allow the diversion, through a 30 year term easement, of 0.139± acre of the Atlantic City Public Beach in connection with the construction of an underground electric utility line by Fishermen's Energy, LLC to service an offshore wind energy project. The easement will be 10 foot wide by approximately 600 foot long.

Terms: The line will serve a proposed 20MW offshore wind project that will include the installation of six electric generating wind turbines located approximately 2.8 miles off the NJ coast from the City in State waters. The wind turbines will be connected to the electric grid via a 34 kilovolt submarine electric transmission cable that will make landfall at the southeastern terminus of Tennessee Avenue. The cable will be directionally drilled approximately 30 feet underneath the City's beach and will continue underground along Tennessee Avenue until it reaches the Huron Substation located at Absecon Avenue. The crossing of the City beach will require the establishment of a utility easement for the electric transmission line.

The initial Green Acres' scoping hearing on the City's proposal to grant Fishermen's Energy an electric transmission utility easement across the public beach was held on December 1, 2010. The public hearing on the final application was held on March 15, 2011. No public opposition was expressed at either hearing.

As compensation, the City proposes to accept \$42,500 cash to be used for the construction of a memorial statue honoring the life of Leavander Johnson, a professional boxer from Atlantic City at Downtown Park.

10. Project: Colliers Mills Wildlife Management Area, Block 18301, Lot 1 (p/o), Jackson Township, Ocean County

Requesting Party: The NJ DEP, Division of Fish and Wildlife, requests approval to enter into a boundary line agreement with John and Clare Fink in order to establish with legal certainty the boundary between the holdings of the State and the Finks.

Terms: The boundary line agreement would be mutually beneficial and is primarily intended to confirm the respective property rights of the Finks and the State as demonstrated by the survey and title work commissioned by the Finks and reviewed by the DEP. Monumentation shall be installed at the corners of the Fink property and will provide the DEP and the public with visual confirmation of the State's property boundary. Resolution of this matter through a boundary line agreement will avoid future quiet title litigation over the true legal location of the property. Based on the above, no additional compensation is proposed.

11. Project: Capoolong Creek Wildlife Management Area (WMA), Block 29, Lot 58 (p/o), Block 28, Lot 41 (p/o), Franklin Township, Hunterdon County

Requesting Party: The NJ DEP, requests approval to convey an approximately 0.032± acres of State property in fee to Hunterdon County in connection with the replacement and realignment of County Bridge F-45 on White Bridge Road over the Capoolong Creek.

Terms: To compensate for the conveyance, the County will provide \$7,164 in time and materials to improve public access to the WMA, manage invasive species and stabilize an eroded bank within the WMA.

12. Project: Makepeace Lake WMA, Block 591, Lot 3 (p/o), Hamilton Township, Atlantic County

Requesting Party: The NJ DEP, requests approval to convey a total of 0.039± acres of land in fee within the Makepeace Lake WMA to the NJ Department of Transportation (DOT) in connection with the replacement of the Route 322 Bridge over Big Ditch Creek.

Terms: To compensate for the conveyance, the DOT proposes to provide \$12,000 in materials to be used to improve access roads within the WMA and to remit \$5,000 to be used by the DEP to acquire land to satisfy its replacement land obligations to the National Park Service under Section 502 of the National Parks & Recreation Act of 1978.

13. Project: Kittatinny Valley State Park/Paulinskill Valley Trail, Block 302, Lot 1 (p/o), Knowlton Township, Warren County

Requesting Party: The NJ DEP, Division of Parks & Forestry, requests approval to convey a driveway easement across approximately 0.10 acre of the Paulinskill Valley Trail to Fernando and Antonia Semiao, the owners of an adjacent private property. The driveway easement is needed by the Semiao's to establish with certainty the legal access to Block 31, Lot 4 (approximately 34 acres).

Terms: In exchange, the Semiao's will convey to the State, a 25 foot wide corridor presently being used both as their driveway and the Trail, to donate a 0.75 acre parcel of Paulinskill riverfront property (Block 29, Lot 2) and to sell a conservation and/or

agricultural easement to the State to limit future development of Block 31, Lot 4 to one single family home and associated agricultural structures.

14. Project: Ambrose and Doty's Brooks Park, Block 496, Lots 1.02 & 9.01 (p/o), Piscataway Township, Middlesex County

Requesting Party: The NJ DEP, on behalf of the County of Middlesex, requests approval to allow the County to grant a 0.189 ± acre storm water drainage easement to Piscataway Township on a portion of Ambrose and Doty's Brooks Park. The drainage easement is necessary in order to allow Trammell Crow Development and Investment, Inc. to develop an adjacent 44 acre parcel (Block 496, Lot 1.03) into a warehouse distribution center and related office facilities. The development will include two on site basins that will discharge to the Doty's Brook.

Terms: To compensate for the easement, Trammell Crow has agreed to contribute \$50,000 (over ten times the appraised value of the easement) to Middlesex County for the future acquisition of parkland. In order to install the 36 inch storm sewer pipe, eight trees will be removed that have a diameter at breast height of 6" or greater. In accordance with N.J.A.C. 7:36-26.10(c)4, Trammell Crow will pay to Middlesex County \$28,980 for the replanting of 105 trees at other County park locations where needed.

Middlesex County conducted public hearings on the proposed diversion of parkland on December 15, 2008 (scoping hearing) and August 27, 2009 (final hearing). At both hearings, there were a number of concerns expressed by the public, i.e., increased flooding, the potential for long term impacts to the parkland and its wetlands anytime an outfall structure is constructed due to poor design and lack of maintenance of the storm water facilities; fragmentation of the parkland and a detraction from the park's beauty and aesthetics. Several commenters felt that approving this project would set a dangerous precedent for open space by allowing it to be diverted from public use solely for private gain and development. The Green Acres Program did receive a petition signed by over 150 people who opposed the warehouse development project.

Despite these concerns, both Piscataway Township and the Middlesex County Planning Board approved the proposed warehouse project as consistent with the Township's Master Plan and other applicable local and County requirements. On balance, the County and Township have determined the proposed diversion as acceptable given the economic benefits of the warehouse project and the relatively small impact on the parkland from the installation and use of the subsurface discharge pipe. Further, the County disagrees the proposed diversion will fragment the park, substantially impact wetlands or negatively impact the aesthetics of the park in any significant way. Since the Township will be responsible for the maintenance of the outfall, the County hopes to avoid concerns raised by the commenters about long term impacts. The County passed a resolution affirming its support for the proposed diversion and requesting approval of the application.

15. Project: Ambrose and Doty's Brooks Park, Block 457.04, Lot 2.03 and Block 500.01, Lot 1.02, Piscataway Township, Middlesex County

Requesting Party: The NJ DEP, on behalf of the County of Middlesex, requests approval to allow the County to dispose of approximately 0.34 acres of Ambrose and Doty's Brooks Park to the NJ DOT in fee for right of way purposes and to divert an additional 0.58± acres of parkland for various easements associated with the DOT's Route 18 Extension, Section 3A road improvement project in Piscataway Township.

Terms: On May 26, 2010, Middlesex County conducted a public hearing regarding the proposed disposal and diversion associated with the DOT's Route 18 Extension, Section 3A road improvement project. At that time, there was no opposition voiced. To compensate, the DOT will construct a six foot wide asphalt walkway along 2,000 linear feet of Ambrose and Doty's Brooks Park at a cost of approximately \$65,000 and provide an additional \$17,500 cash compensation to be used for future acquisition of parkland.

16. Project: Old Short Hills Park, Block 2702, Lot 19 (p/o), Millburn Township, Essex County

Requesting Party: The NJ DEP, on behalf of the Township of Millburn, requests approval to allow the Township to grant access easements to two homeowners to continue the use of 0.167 acre of Old Short Hills Park to service two adjacent residential properties located on Block 2502, Lots 5 and 5.01. The majority of the 0.167 acre diversion area is the existing asphalt driveway servicing the park for park visitors. At the time of the subdivision of Block 2502, Lot 5 in 2005, the existing driveway off Old Short Hills Road servicing the original home on Lot 5 was eliminated and the Township agreed to grant access easement for use of the driveway and a small additional area by the two adjacent lots (existing Lot 5 and the newly created Lot 5.01).

Terms: On December 7, 2010, the Township conducted a public hearing regarding the proposed diversion with no public opposition to the proposal. In order to compensate for the private use of parkland for access to two residential properties, Millburn Township has agreed to permanently dedicate approximately 3.35 acres of land along the East Branch of the Rahway River for public recreation and conservation purposes. The Township has agreed to install benches and fencing, plant trees, extend municipal water service and create a community garden area on the replacement land to facilitate public use of the property of which the estimated value is \$12,000.

17. Project: St. John's Park, Block 163, Lot 15 (p/o), Keansburg Borough, Monmouth County

Requesting Party: The NJ DEP, on behalf of the Borough of Keansburg, requests approval to allow the Borough to expand a cell tower diversion area approved in 1998 from a 30 foot by 30 foot area to a 50 foot by 50 foot area in order to

accommodate the replacement of the existing tower and allow additional space for the carriers' equipment cabinets underneath the tower.

Terms: As it has in the past, the Borough will dedicate all revenue collected from the cell carrier tenant leases for park purposes. The Borough anticipates two new tenants can be accommodated once the tower is replaced and that the additional cell carrier leases will generate annual revenue of \$20,000 per tenant. The Borough conducted a public hearing on January 5, 2011 regarding the proposed diversion of parkland at which time there was no public opposition to the proposal. When the Borough conducted public hearings for the original cell tower diversion application in 1998, there was no public opposition to the proposal.

18. Project: Cultural and Recreation Area, Block 7801, Lot 17 (p/o), Vineland City, Cumberland County

Requesting Party: The NJ DEP, on behalf of the City of Vineland, requests approval to allow the City to continue the use of its police training facility at its present location on 11.3 acres of parkland known as Block 7801, part of Lot 17. The training facility has been at this location since 1986, however, it was first discovered by the Green Acres Program in early 2008. In addition to requesting the legalization of the existing facility, Vineland City is requesting approval to expand the police training facility by 5.3 acres for a total area of approximately 16.594 acres.

Terms: The expansion project is necessary to increase the number of firing lanes and to extend the length of a number of the lanes. By expanding the facility, more officers would be able to qualify at one time and the facility could accommodate additional public agencies from the surrounding area. To compensate for the diversion of 16.594 acres of Green acres encumbered parkland, Vineland City has agreed to permanently preserve approximately 102.534 acres of land for public recreation and conservation purposes.

The initial public hearing (scoping) was held on March 27, 2008, at which time the public expressed concern that the use of parkland as a police training facility would scare off wildlife as well as the general public who may be fearful of using the surrounding parkland. Concerns were also voiced regarding the noise impact and lead contamination collecting in the adjacent wetlands and natural areas. The City has assured the public that the improvements to be made to the firing range as part of the expansion will better buffer the facility from wildlife and from the public and reduce noise impacts to surrounding areas. Since the facility has been in use since 1986, the expansion is not expected to have a significant additional impact on wildlife. A wooded buffer will be maintained between the expanded facility and the road. The City has also assured the public that steel bullet traps will be used to trap projectiles and prevent leaching of lead into local waterways. Access to the remaining portion of Block 7801, Lot 17 will continue to be via Learnings Mill Road, which runs off Mays Landing Road to the south of the firing range. At the September 29, 2010 public hearing, there was no public opposition expressed.

DEPARTMENT OF TRANSPORTATION WAIVER OF OUTDOOR ADVERTISING REGULATIONS:

19. Application for Outdoor Advertising Permit Numbers 70659, 70660, 70661, 70663, Block 45, Lot 11.01, Wall Street, Easton Avenue, New Brunswick, Middlesex County

Requesting Party: The NJ Department of Transportation, Division of Right of Way, on behalf of the City of New Brunswick and the New Brunswick Parking Authority, requests approval to waiver from outdoor advertising regulations to allow the issuance of outdoor advertising permits for four off premise signs which would be mounted on the parking garage of the Gateway Project at Easton Avenue and adjacent to the train station in New Brunswick. The Gateway Project is a mixed use transit village project which emphasizes the quality of the urban fabric. The signage is designed for outdoor advertising and public service announcements.

Terms: Three signs will be mounted on the façade along Easton Avenue and will be visible to eastbound traffic on Easton Avenue. These will be 20 feet in width by 40 feet in height (20 x 40 = 800 sf). The fourth sign will be mounted on the southern façade of the parking garage overlooking the train station. It will also be visible to motorists on Route 27 (Albany Street). It will be 40 feet in width by 30 feet in height (40 x 30 = 1,200 sf). NJ DOT denied the applications for these signs because they would be too close to each other and to other existing permitted locations. The proposed signs were oversized in height.

The issuance of outdoor advertising permits requires waivers from the following regulatory requirements: To permit to allow the signs along Easton Avenue to be within 70, 56 and 92 feet of each other and another sign where spacing of 300 feet is required – N.J.A.C. 16:41C-8.7(d)1. To allow the signs along Easton Avenue to be 40 feet in height where a maximum sign height of 30 feet is required – N.J.A.C. 16:41C-8.7(d)2. To allow the sign visible to Route 27 to be within 137 feet of another sign on Rt. 27 where spacing of 300 feet is required – N.J.A.C. 16:41C-8.7(c)2. The DOT has determined that it is in the public interest to grant these waivers in order to promote the success of the Gateway Project. The waivers would be granted subject to conditions which ensure public safety compliance with federal regulatory requirements.

DEPARTMENT OF TRANSPORTATION (DOT) REQUESTS:

20. Project: Route 4 (Current Route 52), Section 1, Parcel VX8F1B, Block 1815, Adjacent to Lot 5, Somers Point City, Atlantic County

Requesting Party: The NJ DOT, Division of Right of Way, Property Management Unit, requests approval to sell by direct sale to the only adjoining property owner, Platt's Inc. Corp., 696 square feet of surplus vacant land to be assembled to their adjoining commercial property for use as additional customer parking.

Terms: The recommended sale amount shall be \$10,100, appraised value. Platt's Inc. Corp principal managing members: David C. Platt III, David Platt, Jr., and Celeste Platt, principal office located at 25 MacArthur Boulevard, Somers Point, NJ.

21. Project: Route 78, Section 5D, Parcel VX153B, VX154B, VX155B, VX156B, VX157B, VX158B & VX159B, Block 5403, Adjacent to Lot 1, Union Township, Union County

Requesting Party: The NJ DOT, Division of Right of Way, Property Management Unit, requests approval to sell by direct sale to the only adjoining property owner, Hollywood Memorial Park Company, to be assembled to their adjoining commercial property which is an active cemetery. The parcel is approximately 16,566 square feet.

Terms: The recommended sale amount shall be \$30,000, appraised value.

DIVISION OF PENSIONS AND BENEFITS' REQUESTS:

22. Judicial Retirement System -
Requesting Party: The NJ Department of the Treasury, Division of Pensions & Benefits

Terms: The State House Commission shall sit as the Board of Trustees for the Judicial Retirement System to approve the following:

1. Approval of the Minutes of the Meeting Held on December 9, 2010.
2. Confirmation of Death Claims, Retirements & Survivor Benefits.
3. Financial Statements for Period of June 2010 to January 2011.

EXECUTIVE SESSION (as necessary)

OTHER BUSINESS (as necessary)

ADJOURNMENT