STATE OF NEW JERSEY
COUNTY OF OCEAN
TOWNSHIP OF STAFFORD

RE:	
PUBLIC HEARING FOR APPLICATION OF STAFFORD TOWNSHIP TO DEP FOR APPROVAL OF LEASE AS A MAJOR DIVERSION OF PARKLAND AND TO MODIFY DECLARATION OF COVENANTS AND RESTRICTIONS	TRANSCRIPT OF PROCEEDINGS

STAFFORD TOWNSHIP MUNICIPAL BUILDING
260 EAST BAY AVENUE
MANAHAWKIN, NEW JERSEY 08050
MONDAY, SEPTEMBER 27, 2010

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MR. STARKEY: Ladies and gentlemen, thank you for coming here tonight. My name is Kevin Starkey. I'm the township attorney for the Township of Stafford.

I want to say, first off, Jim Moran, township administrator, was also scheduled to be here. He sends his regrets. Unfortunately, his mother passed away yesterday. So he has asked me to handle this, along with Jennifer Beahm, one of the township's planners from CME Associates.

What I'd like to do just to start off this hearing is to read a statement which will explain what the hearing is about, what the purpose is and we can take it from there.

Welcome to Stafford Township's public hearing on the proposed use of the surface of the closed Stafford Township landfill for the installation of renewable energy facilities.

The landfill property is owned by the township. The renewal energy facilities would be installed under a lease between the township and an affiliate of the township's designated redeveloper for the Stafford Park project, the Walters Group, to supply energy to facilities in Stafford Park.

This hearing we're having tonight is required by the rules and regulations of the New Jersey Department of Environmental Protection's Green Acres Program. Under the Green Acres rules, the surface of the closed landfill is considered to be parkland. When parkland is proposed to be used for other than recreation or conservation purposes, that is called a diversion. In order to proceed with the diversion the township must first obtain the approval of the DEP and the State House Commission. Prior to filing application for the DEP approval, the township is required to hold a public hearing known as a scoping hearing to achieve -- I'm sorry, to accept preliminary public comment on any alternative sites and alternative methods of achieving the project objectives without the diversion.

Today's hearing, this hearing being held tonight, is the scoping hearing under the DEP rules and regulations.

The township will also be filing a request with the commissioner of the DEP to release certain portions of a Declaration of Covenants and Restrictions that has been recorded against the landfill property which, as currently

drafted, would not allow the placement of renewable energy structures on the landfill. This request is being filed by the township pursuant to the New Jersey Conservation Restriction and Historic Preservation Restriction Act.

This public hearing is also intended to give public comments on a proposed limited release of the restrictions to allow the renewable energy project to proceed.

Before we accept public comment, I will briefly describe first, the diversion; second, the compelling public need that the renewable energy facilities will fulfill and the significant public benefit that they can yield; three, the efforts to identify and evaluate alternatives to the proposed diversion; and four, the compensation that would be provided for the diversion.

First is the description of the proposed diversion. The purpose of the project is to provide renewable energy, including solar and wind-generated energy, to satisfy the energy needs of the Stafford Park redevelopment project facilities that are located adjacent to the landfill. This includes not only the energy needs

of the commercial and residential facilities that are located or to be located there, but also the energy needs of the township and the Ocean County facilities that are located there.

One of the primary goals of the Stafford Park project is to maximize the use of renewable energy through the project. The proposed diversion would enable the Stafford Park project to meet that goal. The DEP has already granted the township approval to modify the closure plan for the landfill to accommodate the solar panels that are planned to be installed in the first phase of the renewable energy project. The panels will be placed above the surface of the landfill and supported on concrete ballasts at either end of the panel. Only the ballasts will touch the surface of the landfill, so that most of the vegetation on the cap of the landfill will not be affected by the presence of the panels. No panels and no wiring will be placed in any wetlands or buffer areas and no other sensitive environmental resources will be affected.

The second thing I'd like to describe is the compelling public need and significant public benefits. The distribution of energy to

the public is one of the most critical needs in modern society. At the same time, there's a growing concern about the environmental effects of global warming that are associated with greenhouse gas that is generated by fossil fuel energy sources and additional concerns about reliance on foreign oil. As a result, both state and federal energy policy views the development of renewable energy sources and the distribution of those forms of energy to be vital to the future of our state and country. To achieve those critical goals, the state and federal government both strongly encourage the use of capped solid waste landfills, which otherwise cannot be used, to locate the renewable energy facilities. Additionally, the development of a viable alternative energy industry is seen as a critical source of jobs and economic development.

In recognition of these compelling public interests, Stafford Township supports the utilization of renewable energy facilities wherever possible. The proposed diversion will enable us to meet these compelling public needs and, in doing so, will also yield significant public benefits. In this case, the development of

renewable energy at the Stafford landfill will enable the township to provide essential public services, energy for use by the public of Stafford Park. In a form, it also achieves critical environmental objectives by provided the energy without -- excuse me, by providing that energy without generating greenhouse gas emissions. The township is proud to be in the forefront of fostering the use of renewable energy on the scale proposed at Stafford Park to protect our climate.

In addition, Ocean County and Stafford Township both expect to utilize a portion of the renewable energy at a reduced cost, thereby saving the taxpayers money and yielding additional significant public benefits.

Finally, the surface of the landfill is, at best, of limited value as a natural resource, which is one of the reasons why state and federal policy encourages the use of these landfills for these types of projects.

In addition, what natural resource benefits do exist at the Stafford Township landfill are largely preserved by this project. That has been confirmed by two independent environmental studies that will be submitted with

our application.

The third issue is alternatives. The township, together with the Walters Group, has concluded that there are no alternatives to the proposed project that will achieve the objectives that are identified above. Walters has already maximized the use of the solar rooftops on buildings that have been constructed within Stafford Park and the rooftop solar panels will only supply thirty percent of the energy needs of Stafford Park. The township and Walters have been unable to identify any other available or feasible location within the redevelopment project at which to place renewable energy facilities. And the areas immediately adjacent to Stafford Park, Stafford Forge Preserve and the Garden State Parkway are not available for these facilities.

The fourth issue I want to discuss is compensation. In compensation for the lease of this property the township is negotiating what it considers to be a fair and reasonable rent with Walters under the lease.

In addition, the township will receive financial benefits through the provision to it, as well as to the county, for renewable

energy at a discounted rate.

Now we come to this hearing. In a moment I want to open the hearing to public comments. The Green Acres regulations indicate the comments are to be presented on any alternative sites and alternative methods of achieving the project objectives without the diversion. However, we'll be happy to receive comments on any aspect of the proposed use or conservation of the landfill for renewable energy or the limited release of the restrictions in the Declaration of Covenants and Restrictions.

To my left is a court reporter who is taking down a transcript of the proceedings. We're required to submit a full transcript of the hearings. So any comments that are made will be taken down verbatim by the court reporter, put into a transcript form and transmitted to the DEP.

We will also accept, and so will DEP, any written comments either tonight or at any time up until October 12, 2010. You can submit those, and the notice for this meeting provides how to do it, but I can tell you. Written comments can come to me. Ideally, they would go to James Moran, the township administrator, here in the township

building, and if you give a copy to the DEP it will help streamline the process, but if you just give it to Jim Moran he will also transmit them to DEP. Although October 12th is the deadline, I think the sooner the better you can get any written comments in will be able to have the DEP and township consider those comments.

Now, with that, I'm going to open it to public comment. I urge you -- there is quite a few people here. Just listen to the comments that are made. If you want to get up and say, I agree with the prior comments, that's acceptable. But at this point, please, if anyone would like to speak, now is the time to stand up and be heard. Anyone? Sal?

MR. SORCE: Good evening. Sal Sorce, 31 Poplar Street. It's S-O-R-C-E. Manahawkin, New Jersey.

I'm going to read you portions and some highlights on a prepared statement which I will provide to the attorneys at the DEP and Green Acres.

I believe there's been a serious breach of confidence in our Stafford municipal government under the leadership of Mayor John

McMenamin.

Renewable energy facilities were included within a Resolution 2010-128 and 2010-24. Specifically, the key element was to change the lifting of the age restriction over to 565 non-age restricted housing. Under that document, there were three -- a three-worded statement. I became suspect there was something wrong in the wording. I'm stating, for the record, the three-worded statement was intentionally included or buried in the age restricted resolution approval and purposely made unclear and not specific, without any specifics to we Stafford Township residents.

During the time period between July 1, 2009 to the year 2010 there were no specific mentions ever by our Mayor John McMenamin, any councilperson, anyone coming forward in any fashion at our township council meetings, in any worded-specific fashion on the website with regard to renewable energy facilities and a clear and definitive explanation of what that three word statement represented.

We were promised transparency by our mayor when he campaigned. Residents see this as an -- many residents see this as an ambush. The

Walters Group has been working on the specifics without any prior public involvement for the past year.

Be aware that based upon my careful investigation of all township council meetings since the new administration took office in July of 2009 there have been no specific mention or caucus details on what this project truly represented. The landfill site or component or any plan to install the thousands of solar panels on our landfill were assumed to be, if one were to go by the three-worded comment, were integral to the structure of the 565 housing units, apartments and housing units which were up for approval for the lifting of age restriction. It was later proven to be the landfill or, as I'd rather call it, our parkland, open space.

2009 it came clear and confirmed that Mayor Carl W. Block and the Block team had previously approved and passed resolutions prior to leaving office in June of 2009. In fact, as late as June 19th of that year while they were looking for the exit to the township. I had asked the Pine -- I asked about the Stafford landfill status and Carl Block had indicated it had been

capped and they were only waiting for grass to grow and additional plantings to be completed, with the pine snake fencing to be removed in later -- later with the certification completed.

The development -- this is under 2010-24 and Resolution 2010-128. This is not my innuendo. This is all documents. The developer plans to use most of our new landfill, 77 point plus acres, for their profit and personal gain, to be another private energy supplier in the area. Not a single watt of energy is planned for those who pay full property taxes. To qualify that, Stafford Business Park commercial properties are on a fifty percent tax abatement for a program, private program, for up to thirty-five years.

The mayor and the council must reject this proposal on the basis of three points, and they are simple to determine by simple terms. The Stafford Open Space, often referred to as the landfill, is our property, not the property of this developer, their partners for personal capital gain. It must be preserved as it was intended for open space and agreed upon by this township and the developer.

Two, none of this solar energy is

going to residents outside the Stafford Business Park. Where the planned 565 new housing units to date have not paid one single dime in property taxes.

The plan was misleading by carefully worded statements, renewable energy facilities as presented within the lifting of the recent age restriction resolution and ordinance. It was fundamentally dishonest and not made clear.

Three, the financials that I am aware of and are documented based on resolutions and read but not in much detail to the public, they are not worth the loss of this open space property, that over time it could be used for the township and their benefit and all residents, not just for those who represent the Stafford Business Park.

Mind you, the property was only certified closed in 2009, approximately a year later than it was originally supposed to be closed.

Give you a point, on Resolution 2010-128, Page 8, redeveloper agrees to pay rent in the initial amount of 3,000 per month, with annual increases based on CPI, closed paren, for

each of the three phases or $9,000 per month total, upon receipt of all governmental, financial and other necessary approvals and in no event may any work begin on the new landfill until such time that rental payments have commenced and for particular -- for that particular phase. The term of the lease shall be thirty years and shall contain such other material terms and conditions as are acceptable to the township, closed quote.

Other pages of noted interest are Page 3 regarding the 565 attached and detached non-age restricted market rate units. I'm going to skip over that part. It's minor.

Further, the memorandum of September 16, 2010, Stacey Roth, senior counsel to the Pinelands Commission, Page 6, in order to ensure that there continues to be adequate measures provided to afford, at a minimum, an equivalent level of protection of resources of the Pinelands, despite the parties agreeing to permit development of renewable energies facilities and the lot comprising of the new landfill in accordance with the terms as herein. Rather than retaining an area as vacant open space, the township has obligated its designated redeveloper to make a

monetary contribution to the commission, that is the Pinelands Commission, in the amount of $152,900. This contribution will be utilized by the commission to undertake an assessment of other existing landfills located in the Pinelands that have not as yet been closed as required by NJAC 7:50-6.75, Item C. This contribution may be paid in ten monthly payments of $15,290. The first payment shall be due upon commencement of the development activities, including but not limited to, site preparation pertaining to the renewable energy facilities and such subsequent payment shall be due on the first of each month thereafter.

This clause -- this clause in the drafted agreement by our mayor covers a monetary contribution to preserve land or close another landfill elsewhere in the Pinelands. The recent Amendment 5 was contrived by our mayor without any specific public awareness or caucus before the citizens of this township at any time before signing it into approval or into proceed -- action to proceed. The 2000 Amendments 2, 3 and 4 were signed by the Block team during the last weeks in office, I mentioned earlier. Clearly, another

effort to provide a self-serving benefit to this developer.

In recent requests I have made some officials aware of my files on the solar Stafford project and they have not been successful nor have any of my comments in public meetings been made available to me in a sufficient amount of time. I've been limited to five minutes and cut off in attempt to help this town, to help this administration, to help this mayor and have the public understand that this is not my biased information. This is what is factual and information that has been published for the record, and I have access to the record because I am actively involved with state and county officials.

The DEP and the Pinelands Commission must demand all township records and resolutions be passed on to them on this project, that proof in the form of recordings be provided to show evidence of their public presentation and details in the prior year. The fact is I don't believe there are none because I've been denied access to their files, as in they do not exist.

I recently did some research on

commercial property leasing agreements, based upon two simple phone calls in a survey of leasing -- commercial leasing property billboards. I found the running standard for land leasing is based upon dollar amounts by square footage. Apparently, our mayor has decided into a preliminary agreement with Timothy Regan, Walters partner and Ed Walters, Jr., founder of Walters variety of companies, including their newest, Stafford Solar 1, LLC, one of several entities operating within the Stafford Business Park development.

Based upon dollars -- again, this is all facts. This is all published from records that I have access to, and I will provide to the Green Acres, DEP. $3,000 per month factored by thirty acres or 43,560 square feet per acre or at thirty acres is 1,306,800 feet, total square feet. The total square footage lease amount comes to .0023 or less than three cents revenue per square foot or slightly just above two cents per square foot. Based upon the township summary report for the Stafford Business Park renewable energy Block 25, 34.02, 39 and 40 the Stafford -- and again, this is all factual documentation. This is not

any creation of mine. The Stafford Township landfill is located on a 77.834 acre parcel known as Block 25, Lot 35 in Stafford Township. The capped landfill occupies approximately fifty-four acres of Lot 39. Approximately eighteen acres of the capped landfill is to be used for Ocean County for leaf composting. Again, this is all recorded documents accessed through the DEP and the state. Walters Homes, Incorporated is proposing to be, and this, again, this is what's written, to be beneficially utilizing much of the remaining capped portion of the new Stafford landfill and adjacent areas to develop a renewable energy project. The proposal is to generate approximately six megawatts of solar power to provide energy to commercial and residential elements of the Stafford Park redevelopment project, as well as existing Ocean County facilities also located at the business, the Stafford Park.

Based on this statement, Mayor McMenamin, who also sits on our planning board, should have taken action to place on hold any proposals of such resolutions for solar energy and that contingencies, rigid contingencies, and

precautions in any agreement be included to protect the Stafford Township citizens and those signing off on these agreements. The current drafted agreement contains no such protections or contingencies, based on what I've read and what I've seen made available to me. How does such a project gain such subsequent -- prior approvals without the necessary precautions?

With regard, again, to 2010-198 Stafford Park Solar 1, LLC and the associated block numbers, I won't bore you with that. During our September 21, 2010 council meeting I attempted to caution the mayor and the council that they were not following rules set down for such an approval. My appeal to present my information was denied and was advised they would not consider any additional time to discuss and cut me off. I was unable to provide my findings and information, only to help this mayor and these council members know what they were getting into, because I believe they are unaware of a lot of details and yet they seek to approve the resolutions and sign unanimously at this last meeting.

The Pinelands CMP requires in Section 7:50-4.45, Item A, no amendments to any part of a

certified municipal master plan or land use ordinance shall be effective until the municipality shall have submitted such amendment to the commission and either the commission has certified such amendment pursuant to NJAC 7:50-3.35, or the executive director has, pursuant to (b) below notified municipality that such amendment does not affect the prior certification of the master plan or land use ordinance, closed quote.

Again, I'm not going to give you the forward on each of these, but they will have it for reference.

MR. STARKEY: Mr. Sorce, there's not a strict time limit here tonight.

MR. SORCE: I realize that, and I intend to take the adequate time to read the balance of this. Are you objecting to that?

MR. STARKEY: I'm going to say this: Out of respect to the other people here in the room --

MR. SORCE: I have absolute respect for everyone in this room, including you.

MR. STARKEY: I think they also want to have an opportunity to comment. So I think

that to be fair, you should keep your comments to a reasonable time limit.

MR. SORCE: Yeah, believe it or not --

A SPEAKER: Can I say something a minute?

MR. STARKEY: No. I'll get you in a second.

MR. SORCE: Mr. Starkey, Kevin, if I may, these are highlights. Okay? These are highlights. Okay? May not be acceptable to certain people who want to be brief on this, but these are highlights. Okay?

MR. STARKEY: I just want to point out, you do have an opportunity to put in anything you want in writing.

MR. SORCE: I know that. I am well aware of it. I'm well aware of it.

A SPEAKER: Can I say something now?

MR. STARKEY: No.

MR. SORCE: No.

MR. STARKEY: Just wrap it up.

MR. SORCE: Pardon?

MR. STARKEY: If you can just wrap it up so we can get to -- there is a number of people

here.

MR. SORCE: I'm going to complete what I've prepared.

MR. STARKEY: Please, go ahead.

MR. SORCE: Okay. I think this is really wasting my time.

MS. VOGRIN: I would like to give my time to Mr. Sorce. I've never met him before but he seems very important.

MR. STARKEY: Thank you, ma'am. Thank you, ma'am. There are not strict time limits being imposed here. Thank you, ma'am. I appreciate your gesture.

A SPEAKER: Can I say the same thing she does?

A SPEAKER: I'll give Sal my time. That's all I wanted to say.

MR. STARKEY: Looks like you're going to be the only one talking tonight.

MR. SORCE: Pardon? Well, wait a minute. Hey, hey, hey. Are you kidding me? Are you kidding me?

A SPEAKER: I brought my sleeping bag. Go on, Sal.

MR. SORCE: That's an insult. That's

an insult.

A SPEAKER: Go ahead.

MR. SORCE: I just want to get back to my thought here.

A SPEAKER: He's all messed up now.

MR. SORCE: Folder two.

Be careful. I'm sensitive. You might not think it. Don't you love this?

Subject, solar panels, the next toxic waste problem. I recently noticed that the environmental chair had responded in a planning board session with a no comment on the Walters Stafford Business Park 565 apartments, housing projects. How can this possibly be acceptable? Are they not required to take a position of their agreement or denial or state that they have reviewed the documents in their entirety and do not have any issues, do not wish to raise any issues at that time? That, in fact, no comment is totally unacceptable to people like me who have been doing this for thirty-four years in council meetings and in planning board sessions.

I recently did some research on solar panel manufacture, its toxicity and as the next environmental waste problem in the United States.

Apparently, solar photovoltaic panels in the current mainstream have environmental organizations looking at the impact of manufacturing and the disposal of solar panels.

Solar companies tend to be secretive about -- mind you, this is all taken from the references in my documentation which will be provided for backup and support to everything that I'm saying.

Solar companies tend to be secretive about their product recipes, making some manufacturers cautious, yet conceptually open, to third-party recycling. I don't see anything about that in an agreement.

Solar modules may contain some of the potentially dangerous materials as electronics, including silicon tetrachloride, cadmium, selenium and sulfur hexafluoride, a potent greenhouse gas.

As solar moves from the fringe to the mainstream, insiders and watchdog groups are beginning to talk about producer responsibility and contract responsibility with regard to recycling in an attempt to sidestep the pitfalls of electronic waste and yet retain the industry's green credibility.

For the record, cadmium is technically banned in Europeon Union's Restriction for Hazardous Substance directives, although current policy allows for an exemption for use in solar panels.

Cadmium may be carcinogenic. Exposure affects the lungs, kidneys and may be fatal to those who work with the materials or the panels. Quote, it's gene toxic and a mutagen, so that it has the ability to affect DNA, meaning it could affect reproduction and future generations' DNA, stated Mulvaney of Greentech Media, a national media organization involved with technology issues.

A report stated that California estimates 1.5 billion pounds of solar panel waste containing 2 million pounds of lead. 600,000 pounds of cadmium will have to be disposed of in California alone. Some solar panels are being ditched way ahead of their twenty year lifespans. I see, again, nothing in the agreement, any mere mention of any of these little tidbits.

How toxic are solar panels? The Silicone Valley Toxic Coalition, SVTC, a group that has done more than any other to clean up the

electronics industry attempted to answer that question today with a release of its solar scoreboard. It did not get very far. Only twenty-five solar manufacturers that SVTC contacted, only fourteen, which together represented only twenty-four percent of the solar market in this country, even responded to the inquiries, the comprehensive inquiries conducted. Their answers weren't always heartening. Six companies reported that their products contained lead, a potent neurotoxin. Three companies reported that their products contain cadmium, known as a carcinogen. One company uses hydrogen trifluoride, a potent greenhouse gas. Only seven companies provide recycling free of charge. Only eight companies said they would support extended producer or broker responsibility laws that would require them to take back or recycle their solar panel products.

Among SVTC's findings, recent surveys, it stated that solar companies are using anything from annuity programs, escrow, maturity bonds, annual fixed contracts or pay-as-you-go. I didn't see any of that in any draft agreements.

MR. STARKEY: Mr. Sorce.

MR. SORCE: I'm wrapping up.

MR. STARKEY: Thank you.

MR. SORCE: I really wish you wouldn't interrupt me.

MR. STARKEY: I'm not trying to interrupt. There is a number of people here. Some of them may have raised their hands and they may have to leave. You have been here for a half hour.

MR. SORCE: That's too bad. That's too bad.

MR. STARKEY: But if you're wrapping up, please.

MR. SORCE: Yeah, I'm wrapping up.

As I said, these are highlights. I could have gone further. It was my understanding, based on speaking with the DEP and June Lagani (phonetic), that these would be non-restrictive sessions based on your commentary representing these people.

With regard to solar modules, such as silicone and rare metals could be more valuable in the future providing an additional incentive to recycle. Material price spikes have caused the industry turmoil in recent years. For example,

polysilicone shot to 400 per kilogram between 2006 and 2008. It is now down around $55. A volatile market for a thirty year agreement?

What, if anything, has the township, the planning board, its representatives, their engineers and so-called experts have done anything to advise this mayor, counsel him with regard to serious elements, protective contingencies of elements within any such draft, that this draft is -- based on my personal experience, thirty-four years or more drafting huge contracts, I see none of it.

Thank you for your time.

MR. STARKEY: Thank you.

Lou? Oh, go ahead.

MS. LETTMAN: Go ahead.

MR. STARKEY: Go ahead.

MR. CASTELLI: I'll give you a copy after so I can get your attention.

I'm here just to speak about one element of your introduction which is the compensation. I thought this was going to be an actual town council meeting. That's the way it was presented in the newspaper. So my statement here is addressed to the mayor and the council,

but I want it entered as part of the record, as well.

MR. STARKEY: Yes, sir.

MR. CASTELLI: What I want to say is on behalf of myself as a resident taxpayer and my fellow citizens and taxpayers, I propose that the mayor and council review and adopt the following recommendations regarding the leasing of the closed Stafford landfill property for the purposes of erecting solar array panels for the generation and sale of electricity by such panels.

I understand that the primary interested party to this proposed arrangement is the Walters Group but no definitive lease agreement has been executed. If my recommendations are adopted and implemented, the taxpayers of Stafford Township should be entitled to an annual financial lease payment that is fair, benefits the taxpaying residents and provides the lessee the opportunity for a reasonable rate of return on its investment.

I understand that the lessee may incur a substantial risk with respect to its investment but the lessee also stands to garner a reasonable rate of return with upward financial

opportunity. It should not be the policy or practice of Stafford Township to have its taxpayers assume any of this risk, and the mayor and council should refrain from any action or ordinance that mitigates this risk to the detriment of the citizens and taxpayers of Stafford Township.

My recommendation to the mayor and council regarding this matter are as follows, four items.

The first item, mayor and council should review the process, the proposed terms and the conditions that Waretown, Ocean Township, is adopting with respect to the lease of its closed landfill to a private party for the purpose of erecting solar array panels. Waretown has a plan to lease its landfill to erect a solar electric generation system that is similar in size and scope to the Stafford proposal. As a matter of fact, it's a little bit smaller than Stafford's.

As represented by the Mayor of Waretown before the Stafford Town Council meeting of September 21, 2010, it is estimated that the annual lease payment to Waretown for this landfill lease is four to $600,000. Because the Waretown

solar array proposal has progressed substantially ahead of Stafford's, Stafford Mayor and Council should use the Waretown proposal and experiences as a base case for reviewing and implementing the Stafford lease.

Item number two, much controversy has evolved around the amount of the annual lease payment to Stafford by the Walters Group. I recognize that no annual lease payment has been finalized. Whatever amount of annual lease payment is negotiated, it should be based on a financial base case that is known to the public, represents a fair return to Stafford Township and the lessee and is published to the public by Stafford and the lessee to represent the lessee's financial risks and profits. This financial base case then serves as an index to assess the viability of this transaction for Stafford Township and for the determination of future profit participation by Stafford in the success of a project, and I'll define that in my item number three.

The lease should also provide for periodic lease payment escalators to the annual base lease payment that are measured or calculated

by some index, such as the consumer price index, the township tax rate increase, increase in electricity rates or any other index that is reasonable and recognizable by the public.

Thirdly, I also propose that the lease agreement provide Stafford Township the right to participate in the profits of this business endeavor. The profit participation would be calculated on the success of the endeavor measured against what I refer to as the financial base case in item number two. To the extent that the project's profits after the base rent payment with escalators exceeds the base case, Stafford should receive a percentage of such profits, such as twenty-five to fifty percent or whatever would be deemed reasonable.

This profit participation protects the taxpayers of Stafford from any unintended upward change in the success of this project, while leaving the lessee with excess profits. So everybody benefits.

To ensure the integrity of the financial results, Stafford Township should have the right to audit the project's financial results, including filings with the state public

utility and any other government body.

Let me elaborate on profit participation. Profit participation is a very common business practice. Stafford is not in the business of electricity, but what it is doing is providing a valuable asset that this project could not exist without, and that's the property. So its right to a participation in its success I think is appropriate.

Fourthly, the mayor and town council should not take any action, negotiate any lease term or pass any ordinance that benefits the lessee at the expense of the Stafford Township taxpayers. The landfill is the public's property and any benefit derived therefrom must inure to the Stafford Township taxpayers and residents.

While the above recommendations appear to infringe on the lessee's profits, my underlying premise is to protect the taxpayers of Stafford Township. This endeavor is a project that the township has no experience in dealing with and any outside experience that may exist is probably limited and in its infancy. The lessee is in the business to take risks that provide greater financial rewards for it and the township

cannot and should not be exposed to such risks.

The above recommendations mitigate risk to Stafford and provide the taxpayers financial benefits from their public property while still affording the lessee with an upside financial opportunity from this project.

I will be glad to discuss this with the mayor, the council, any administrator, anybody representing Walters Group, and I am very concerned about this, the compensation elements.

I'm not against the proposal. I'm against the terms of the proposal, which I do not know. And that sounds kind of contradictory, but let me tell you why my contradiction exists. It exists because of mistrust. Mistrust for what's transpired in the past, what's transpired on the lifting of age restriction on the housing, what's transpired with respect to the tax base, and I have no axe to grind here. My axe is as a taxpayer. My taxes have gone up substantially since I've moved here. And I know many residents who can't afford their tax and make a choice between whether they eat or pay their taxes or get medical care and that's unconscionable. I'm not here as a moral authority by any means. I'm here

as a taxpayer who's fed up with what has been going on in this town in give-aways.

Here is an opportunity for the town, take a public land, a resource that, granted, has very limited use because of its inherent nature as a landfill, but the fact of the matter is the township, to the extent that this can be exploited, should benefit in that exploitation.

And I will tell you that the township is on notice, thanks to Waretown, what they have been doing, and whether Waretown's rate of four to $600,000 is correct, I do not know. And I'm not stating a position that it is correct. But certainly when a number like that is thrown out there it makes you sit back and say, what is happening in Stafford.

Let me say this: At the upward level of $600,000, that's two percent of our tax. Again, based on our most recent budget, approximately two percent of our tax. When the township is going through the budget crunch it's in, what it is facing coming in the future, the taxpayers of this town should not be subjected to any term condition lease payment that doesn't bring it adequate compensation.

That's all I have to say. Thank you.

MR. STARKEY: Thank you.

MR. CASTELLI: I have copies for the mayor and council. I will give them to them, personally.

MR. STARKEY: Thank you.

MR. CASTELLI: But I will give you your own copy.

MR. STARKEY: Thank you.

MS. BEAHM: Thank you.

MR. CASTELLI: Would you like one copy?

MR. DEL DUCA: Sure.

MR. STARKEY: Sir?

MR. ALSOBROOKS: Jeremy Alsobrooks, 625 Clipper Ave.

I just have a few questions. I got here a little late. I work all day. I couldn't make up any paperwork or anything because I'm not retired. I don't sit home all day and look at that. This is my daughter, Jody, here.

MR. SORCE: That is an insult.

MR. ALSOBROOKS: I just have to say that I was wondering -- I didn't get here in the beginning. Is this going to be paid with public

money or how is this job -- it's privately going to be paid for?

MR. STARKEY: The project?

MR. ALSOBROOKS: The project, itself.

MR. STARKEY: The solar project is proposed to be right now be placed on the township owned landfill with both lease payments going to the township and with some electricity being given to the township and to the county at a discounted rate.

MR. ALSOBROOKS: Okay. The only thing I would want to put in there is that all the work on the job be done by, you know, qualified workers at a prevailing wage, you know, not unqualified workers. You go over there to that Walters job and you see guys up in the bucket truck with no harness on. You go there on a Saturday, they're working with no hardhats on. You know, they should be OSHA trained, you know, and qualified workers. We have people in this town that are qualified and, you know, just want to get a good wage, don't want to make $10.

And I think you guys do a good job. Our taxes are good. Solar panels are just as safe as your computer. It's the same thing. So I

think it would be a great idea to do it.

That would be the only thing I have to put in there.

MR. STARKEY: Okay. Thank you.

MR. ALSOBROOKS: Thank you very much. You guys have a good night.

MR. STARKEY: Ms. Lettman?

MS. LETTMAN: Theresa Lettman, Pinelands Preservation Alliance.

The comments I want to make tonight are about the procedures that led up to this hearing.

The Green Acres rules state that at least thirty days prior to the hearing, in Section 7:36-26.8(c)15, post and maintain in legible condition until the public comment period is concluded, a sign on the parkland that is the subject of the proposed diversion or disposal. Such sign shall advise the public of the proposed diversion, the public hearing, when the public hearing is on the post, disposal or diversion and an opportunity for the public to comment. Such sign shall be located at each public entrance to the parkland proposed for the diversion or in other prominent locations approved by the

department. Such signs shall be sufficient size and visible -- and visibility and contain sufficient details to inform the public of the proposed diversion.

Although this public property is not open to the public for access because of the construction that had been ongoing for the past several years, it is adjacent to publicly owned open space. Those using the state land should have had an opportunity to know that Stafford landfill grasslands was the subject of a proposed diversion.

On September 19, 2010 I walked the entire length of the Stafford landfill grassland property on the state land that was adjacent to this public land and there was no posted sign to meet the requirement. You may believe that the public cannot get to the property for anyone to see a sign if it was posted but the public should have been given every opportunity with the posting of the correct signage.

Under 7:36-26.9 you need to submit proof to the New Jersey Green Acres. If you move forward with this application I would like to know the exact location of the sign. If I missed it,

please let me know.

The Green Acres Rule 7:36-26.8(c)2, at least fifteen days prior to the hearing the applicant shall publish a display ad in the official newspaper of the municipality. I saw over and over again in the Asbury Park Press the legal notices that told about this hearing but, again, I did not see a display ad and I'm questioning whether there was one. If so, what paper and what date?

On September 20, 2010 I came to Stafford Town Hall and asked the township clerk if I could review the Stafford Business Park grassland diversion file. I spoke with Bernadette Park, the township clerk, who indicated to me that she did not have a file. I then walked to the business administrator's office and left my written request with my business card, asking to review the file. After two days went by and I received no call from the administrator, and I do understand and I was at the township meeting to hear that there was a problem, I decided to fax my written request again to the mayor and to the township clerk. A copy of the fax receipt is attached to the comments that I will hand you

tonight.

I raise these details for two reasons: One, to let you know of my disappointment that there are no details about the diversion prior to the scoping hearing; and two, to comment on the statement I heard today from you about the public hearing that you have scheduled for October 14, 2010. The second public hearing gets scheduled after New Jersey Green Acres receives the completed application.

MR. STARKEY: I'll tell you -- I'm sorry. I don't mean to interrupt. But I believe there will be a meeting scheduled in mid October. I did not say it's going to be October 14th. I don't think that has been determined yet. It may be.

MS. LETTMAN: Okay. Mid October serves for my comment that I'm about to make.

MR. STARKEY: Great.

MS. LETTMAN: The Green Acres rules require a transcript of the scoping hearing, a description of the compelling public need, a draft of the lease, a set of plans of what is going to be constructed on the parkland, an alternative analysis and an environmental assessment report

which outlines the existing features of the land proposed for the diversion, and this must be available thirty days prior to the public hearing. So if you scheduled that for mid October we miss the date. There was no -- nothing available at town hall and, again, I put in a call today to both the township clerk and the mayor with no response back.

This thirty day requirement is according to 7:36-26.9(d)1 through 12 which states that New Jersey Green Acres, after it determines the town's submission is complete, allows the township then to schedule the public hearing. Even if Green Acres determines on October 12th, because public comment is allowed to October 11th, that your application is complete you have not met the public review requirement.

Stafford Township has not yet met any of the procedure requirements needed to inform the public about your intention to divert this open space. Stafford Township has not provided the correct public notice for the meeting and the public has not had an opportunity to review any documents. I think that both need to be rescheduled.

I have that for you, and I will have comments. The Pinelands Preservation Alliance is concerned. We want to make sure that the public has every single day that is afforded under the rules. You may be in a hurry and you may be rushed, but they get every day and we will try very hard to make sure that happens.

Again, I do want to tell you and add to those comments that today after you made that comment I went back to the rules again. The date on which the hearing can occur has to be two weeks after your letter from the DEP saying your application is complete. So again, you don't make it.

You also indicated that this would be on the agenda for the State House Commission in November, but upon conclusion of the public hearing and at least seventy-five days prior to the date of the State House Commission meeting on which the application will be heard. We, the public, get those seventy-five days to review the completed application. And so that's what we're looking for, every day that we get. And I will put in detailed comments now that I've learned some more tonight about the application before the

11th.

Thank you.

MR. STARKEY: Thank you.

Yes, sir?

MR. DeVITO: Emile DeVito, New Jersey Conservation Foundation.

I want to thank the New Jersey Green Acres Program for creating the rules that allow for this scoping hearing and the opportunity to speak tonight. I want to thank the town for hosting the meeting.

New Jersey Conservation has been following Green Acres diversions for probably thirty years. We're very familiar with the rules. I won't repeat everything that Theresa Lettman just stated because they are in the diversion rules for everybody to see on the Green Acres website, and so it's very important that everyone follows those rules.

This is parkland. Doesn't matter if it used to be a landfill. It doesn't matter if it's capped landfill. There is a deed filed in the appropriate place in the county that says that it's parkland in perpetuity, deed restricted forever, protected by the New Jersey Green Acres

Covenants. And it's -- the diversion application is for private development.

There may be some aspect of a compelling public need for solar power and it may be that when you take into account the nature of the recyclable material, as Mr. Sorce pointed out, and all the other problems that we don't know about that you can still decide that this is an appropriate site for solar energy generation.

But if the Green Acres Program decides to allow the diversion there needs to be four to one acreage compensation for public parkland. Four to one. This is thirty acres. There needs to be 120 acres compensation. That's the rule.

Furthermore, Green Acres does not only require acreage compensation, they also require monetary compensation based on the value of the land. The town is already obviously well on its way to making this land incredibly valuable with all sorts of adjustments to their various township planning components and zoning components, and so it's very valuable land. Green Acres Diversion Rules are such that you can't swap valuable land for wetlands or land in the

preservation zone that's valued at, you know, very minimal amounts per acre.

I also want to just correct Mr. Sorce. He is a wonderful public servant but his -- he correctly stated that the lease is for .0023 pennies -- I mean dollars. Actually, I can almost make the same mistake. The $3,000 per month on thirty acres comes out to .0023 dollars per square foot per month. It's not two cents per square foot per month. It's .23 cents or a quarter of a penny per square foot per month. Quarter of a penny per square foot per month at the $3,000 per month rate. Okay. If it goes up to $9,000 then it would be three-quarters of a penny per square foot per month. So it's important to not drop decimal points when you do the conversions.

Now, the scoping hearing is about -- this scoping hearing is about the Green Acres diversion but it's also serving as a hearing regarding the release of the deed restrictions as a result of the New Jersey Conservation Restriction Act.

New Jersey Conservation Foundation holds almost a hundred conservation easements

around New Jersey, and occasionally, a few square feet of those easements need to be released because sometimes roads get expanded or different things happen that require us to go to the commissioner of the DEP and the State House Commission to get conservation easements released. Actually, I'm sorry, I don't think the State House Commission makes the ultimate decision on the Conservation Restriction Act. I believe that's just the commissioner of the DEP.

So the commissioner of the DEP gets to decide whether or not a conservation easement gets released. And the Conservation Restriction Act states that there needs to be a net benefit to the natural resource value embodied in those deed restrictions and conservation easements.

We do not agree with the statement in the preliminary comments of the meeting that this land has very little natural resource value. During the Pinelands Commission deliberations a number of years ago the grassland that was supposed to be generated on top of the closed landfill, there was much discussion from the technical committee how that grassland would actually serve eventually as critical habitat for

the pine snakes that den all around the property on public land and breed and nest and sun themselves in those open areas on the edge of the grassland. So there is conservation value to that land.

Furthermore, all around the country closed landfills are parks. Many of them many years old now and people use them for bicycling, for bird watching, for natural resource observation, nature observation. This is a park. It's a park for people. It's a park for wildlife, and it doesn't matter what it used to be anymore. That was the reason that Stafford Township and the Pinelands Commission entered into the arrangement with the Walters Company to close the landfill. They gave the Walters Company significant leeway with the tenets of the Pinelands Comprehension Management Plan, allowing rare plants to be destroyed so that this development could occur, allowing pine snake dens to be destroyed, allowing pine snake habitat to be destroyed, because the Pinelands Commission viewed that closing the landfill and making it not a dangerous place anymore was somehow a benefit to the natural resources of the Pinelands overall, and they used

an MOA. Now all of a sudden we're asked to undo the MOA. Everybody signed on the dotted line that it would be parkland forever and now we're asked to undo the MOA because there is another way to make money off of that land.

Now, there is precedent for taking parkland for electric power generation and transmission and using it, you know, for those purposes. Recently the Pinelands Conservation fund was set up when a power company took about 100 acres of parkland along the Garden State Parkway, and my numbers, I just did the calculations here at the meeting tonight, so my numbers may be off by a small percentage, but approximately 100 acres of parkland was taken and a fund of $13 million was set up with the Pinelands Commission as compensation to the people of New Jersey for the taking of that parkland.

This parkland is thirty acres. It's parkland. I don't care if it was a dump. The people of New Jersey don't care if it was a dump. You set it in a deed that it's parkland forever and now it's going to be taken. Leased is a euphemism for taken.

So by those calculations, a Pinelands

Conservation fund should be set up to the tune of about 3 or $4 million, at least, if we're going to use the precedent set by the other power company a few years ago. And that's not for the people of Stafford. That's for the people of New Jersey. The Green Acres Diversion Rules are to benefit the people of New Jersey who contribute millions -- billions of dollars to acquire open space around New Jersey. And it doesn't matter if this land was acquired with those dollars or not. Once it's dedicated as parkland it all counts the same and there are Supreme Court in New Jersey decisions to show that.

This land is parkland. If it's going to be taken, the people of New Jersey need to be compensated 120 acres and millions of dollars. That's the way the rules work. I want the Township of Stafford to be aware of that. I want the developers to be aware of that. I want the Green Acres Program to be aware of that. So that if those standards aren't upheld, no one can say that they weren't aware ahead of time.

Furthermore, okay, it does not have a limited value as a natural resource. Those were your words, Mr. Starkey. The land was set aside

for natural resource protection.

The alternatives analysis, I don't understand how you can possibly conclude that there are no alternatives. Just drive down to Stockton State College and they have a gigantic solar field on their parking lot. The Stafford Business Park has gigantic parking lots. I don't understand why that same technology can't be used to generate the electricity right there, right over the parking lots, keep the sun from hitting the parking lots.

I can just tell you some of the benefits that would accrue if you put solar panels over a parking lot instead of over parkland. There would be no loss of public open space. There would be no need to retreat from an MOA. I'm trying to understand what good anybody's signature is anymore when you sign a piece of paper and then two years you come back and say, never mind, let's take some more. There would be no need to undertake a Green Acres diversion process. There would be no loss of habitat, including future critical habitat for rare species. There would be no loss of carbon sequestration in the grassland, that is starting

to occur. When you put solar panels over it, the sun will never hit the soil again and there will be no carbon sequestration in that grassland, almost none.

The shading of the parking area and if you also use rooftops will cause less absorption of sunlight and heat trapping by the asphalt and there will be less of a need to cool the building interiors, and there will be less of a heat trap because the asphalt won't heat up as much during the day.

There won't be any increase in runoff off of the top of the landfill cap and loss of soil function because rainfall never hits it anymore or sunlight never hits it anymore.

There won't be any compaction of soil in the grassland by maintenance vehicles that constantly have to run up and down the roads in the solar facility leading to compaction and erosion and runoff which no one has figured out how to deal with. And there won't be any loss of species habitat if you actually choose to build solar panels on a parking lot.

So those are just some of the things to consider.

Also, one final point, during the deliberations with the Pinelands Commission there were extensive financial analysis documents created, and I recall that one of the reasons that we had to lose additional habitat was because it was a risky thing, capping the landfill was a risky thing and it might cost a lot of money and it might take a long time and there might be problems and so the developer asserted that they needed to make a little bit of a higher profit on their investment because it was such a high risk investment. Well, this is not a high risk investment. This is solar panels. The sun shines. The electricity gets generated. The electricity costs a lot of money and you know how much money you're going to make.

I can't understand how in heaven's name this town could be looking to lease this land for .0023 cents per square foot per month for such a low risk development when the town should be -- if you decide to put a solar facility there and you meet the Green Acres requirements, the town should be some sort of a partner and reap those benefits, reap those profits and then everyone can enjoy the solar electricity also who's going to be

using it.

As far as the Green Acres Diversion Rules go, this is a public trust issue. Society seems to be forgetting the public trust. This land is public land. This land is the people of New Jersey's land, deeded to the Township of Stafford for perpetuity for maintenance and management and protection. Now, if you decide that the needs for solar power on that land instead of on rooftops and parking lots and better suited land is just absolutely so paramount, then you need to preserve the public trust and get additional land and get money for the people of New Jersey as required by Green Acres Diversion Rules.

Thank you very much.

MR. STARKEY: Thank you.

Anyone else like to participate in public comment? Yes, ma'am.

MS. VOGRIN: I'm Jean Vogrin, and I live in Warren Grove, Stafford resident, and I've lived in the township -- I've lived in the township since 1967. My husband and I have lived in Warren Grove since that time.

So we live -- we moved here because

of the Pinelands, because it's very beautiful, wonderful creatures, flora, the whole bit. The water is very, very precious, precious land and this is part of that legacy, that we all as citizens have to preserve.

You hear about taxpayers and money, and money is important to us, it's important to me too to try to get through these years of retirement, but I worked very hard for those years, not what that gentleman seemed to have thought, to get here. But it's important, so is the environment and so are the Pinelands. They are very, very precious to us, all of us who have the ability to appreciate what's there because we've educated ourselves and we experience it. And it's just for those who haven't and who just go around being business people, which is very important too, but it's not the end of life. The rest is also deeply, deeply important to us and to the future.

And I think this land -- I was shocked. I went to the meeting that was held when Walters made the original proposal and I was shocked that the mayor and every member of the township committee got up and just praised this to

the skies without any reservation, and these were people elected by us to represent us. They were not representing us. They were representing Walters. And I think that the town should represent all of us and our deep interests in the Pinelands.

Okay. That's it.

MR. STARKEY: Thank you.

Yes, sir?

MR. NEWCOMBE: John Newcombe, N-E-W-C-O-M-B-E.

I am a relatively new person here in town, only about twelve years. And I like to think I came here to learn. And one of the things I did learn is that you would be surprised how little people listen and learn from what they hear here.

Example, one person got up and mentioned things that I did not know about the chemicals from this generating. Whether it's correct or not, I don't know. Another person got up and spoke his word, which was real good. He wanted the work to put these up, which is okay, as well. But he never mentioned the bad part of the other. My only issue here is we do need to learn.

So I don't want anybody voting this up without the time to study it in between.

Thank you.

MR. STARKEY: Thank you.

Yes, ma'am?

MS. CARRARA: Good evening. My name is Jody Carrara.

I work for ANJEC, which is the Association of New Jersey Environmental Commissions, and ANJEC is against the diversion of the open space. I was not able to get the full documents before the hearing this evening.

Will we be having another DEP hearing?

MR. STARKEY: Yes.

MS. CARRARA: Do you know the date?

MR. STARKEY: I don't. I can say the date of October 14th has been discussed. I think that has not been finalized. It will be in mid October. There will be public notice provided.

MS. CARRARA: Is that enough time? I believe it's thirty days.

MR. STARKEY: That is -- it will be done in accordance with NJDEP directives, guidelines and approval.

MS. CARRARA: All right. Thank you.

MR. STARKEY: Yes, sir?

MR. FERWERDA: Peter Ferwerda, F-E-R-W-E-R-D-A, Warren Grove, New Jersey.

For the purposes of the record, the amount of information that is presently available makes it difficult for me to provide good comments because they are askewed due to the lack of information.

In view of the fact that that information is not available, I think it's in the public interest to do this entire hearing or input session over again based on all of the facts, risk analysis, cost benefit analysis and not only one alternative, which is the use of this spot, but at least three or four other alternative sites.

One alternative site that comes very quickly to my mind is the meadowlands on Dock Road in Stafford Township. Here are areas that are clear of trees, do not appear to have any pine snakes crawling around and could possibly be well suited to this type of electrical energy production facility, and maybe in conjunction with the solar panels you can also possibly put windmills.

Now, that is another alternative that I haven't heard. Why can we not construct on any new buildings in the Stafford Business Park and residential areas windmills to provide for the generation of power?

Because one of the things I get concerned about is that the last time I talked to a physicist he told me that if I have an arc of electric around methane gas there is an explosion. The landfill is basically a kettle of brewing methane gas. Now here we are, we're going to be having wires that will be fastened that may be exposed, may not be exposed, could become exposed through erosion and possibly explode. So I think that this is part of the risk that has to be considered in terms of the nearby residents or the people who will be living in the so-called low cost or affordable housing and the children which recently became a part of the population of that housing.

The deal between Stafford and the private organization should be one that is tilted in favor of the public, where the public can get a return on this investment since it has paid and will continue to pay for many years for this

particular project in the form of increased taxation.

So I think that this is part of the lack of information and information that should have been made available to anybody who was interested in obtaining that information prior to this evening's input session or meeting or hearing. I'm not quite sure what type of event this is because there are different definitions or fine tunings of those words.

The basic problem is that there was a deal. The deal was made between the township and the development commission and the developer. It was one that was looked over by the Pinelands Commission, the attorneys for all of the parties and they did a fine job of tweaking it to make it bulletproof, and part of that bulletproof commitment was that this would be parkland, the site of the proposed project that we're talking about.

Now, I've had some experience, unfortunately, with the courts and I think in terms of one of those experiences getting into divorce agreements, and this is a very highly emotional agreement usually, there is a lot of

mixed feelings. People will make concessions they didn't really mean, so forth and so on. But you try to break that agreement and, believe me, you'll spend years up in Ocean County with your legitimately sound arguments of why I wasn't capable, I wasn't responsible, I wasn't informed, I was deceived, so forth and so on, and the courts don't really want to hear it because you had your chance when you prepared the deal to set it up to protect your personal interest.

And now in this situation we have a few years later where they come along and they say, oh, we didn't really mean to, and I think that that is grounds in and of itself that this project and this particular proposal is unacceptable and any diversion of parkland should be rejected.

Thank you.

MR. STARKEY: Thank you.

Anyone else want -- yes?

MS. RIST: Joanne Rist, R-I-S-T, Manahawkin.

I just wanted to leave my personal comment. I'm very appreciative of solar power and the benefits of it, but I believe there are other

places that could be utilized for that. If you drive down Route 206 towards the Columbus area you'll notice that they have solar panels on the streetlights that are along the road. As the gentleman had mentioned, Stockton is doing it in parking lots and we have very -- a good amount of parking lots here now.

I've been here ten years and watched the development change in this area. I'm from Lower Bucks County originally in Pennsylvania where they didn't plan as well and they've taken up every ounce of parkland and every open space that there possibly is and put something on it, and it don't think the people here realize what a treasure they have here with the open space. Once it's gone, it's gone and it's not coming back.

There's always going to be someone that wants to make a profit. That's the way that America is, but at what expense to everyone else? That's what we really need to look at.

This area was promised parkland and we're setting precedence here, as that gentleman had mentioned, that once we do that, when does it end. Who is the next group that wants to come up and profit and when is enough?

Thank you.

MS. BEAHM: Thank you.

MR. STARKEY: Thank you.

Anyone else like to make any public comments at this hearing? Thank you all.

I'll declare the hearing closed and we'll give notice of the next hearing.

Thank you very much for coming tonight.

(Whereupon, the proceedings were concluded.)

C_E_R_T_I_F_I_C_A_T_E

I, MICHELLE D. WILCOX, a Certified Court Reporter and Notary Public of the State of New Jersey, certify that the foregoing is a true and accurate transcript of the deposition of said witness(es) who were first duly sworn by me, on the date and place hereinbefore set forth.

I FURTHER CERTIFY that I am neither attorney, nor counsel for, nor related to or employed by, any of the parties to the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed in this action, nor am I financially interested in this case.

MICHELLE D. WILCOX, C.C.R.
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