

MINUTES**PUBLIC HEARING****AUGUST 14, 2019**

The Board of Chosen Freeholders of the County of Warren met in Special Session for the purpose of a Public Hearing in the offices of the Township of White Municipal Building, 555 County Route 519, Belvidere, New Jersey on August 14, 2019.

The meeting was called to order by Director Sarnoski at 10:00 a.m. and upon roll call, the following members were present: Freeholder Richard Gardner and Freeholder Jason Sarnoski. Freeholder James Kern III was absent. Also attending were County Administrator Alex Lazorisak, Assistant County Counsel Joe Bell IV and contracted Professional Engineer Michael Finelli.

The pledge of Allegiance was led by Director Sarnoski.

Mr. Sarnoski read the following statement: **OPEN PUBLIC MEETINGS ACT. ADEQUATE NOTICE OF THIS MEETING OF AUGUST 14, 2019 WAS GIVEN IN ACCORDANCE WITH THE OPEN PUBLIC MEETINGS ACT BY FORWARDING A SCHEDULE OF REGULAR MEETINGS OF THE BOARD OF CHOSEN FREEHOLDERS TO THE WARREN COUNTY CLERK, THE STAR-LEDGER, AND DAILY RECORD AND BY POSTING A COPY THEREOF ON THE BULLETIN BOARD IN THE OFFICE OF THE BOARD OF CHOSEN FREEHOLDERS. FORMAL ACTION MAY BE TAKEN BY THE BOARD OF CHOSEN FREEHOLDERS AT THIS MEETING. PUBLIC PARTICIPATION IS ENCOURAGED. IN ORDER TO ASSURE FULL PUBLIC PARTICIPATION, THOSE INDIVIDUALS WITH DISABILITIES WHO WISH TO ATTEND THE MEETING SHOULD SUBMIT ANY REQUESTS FOR SPECIAL ACCOMMODATION ONE WEEK IN ADVANCE.**

Mr. Bell provided a bit of legal background, saying that this is the first of two Public Hearings on this proposed sale of property, in conformance with the rather onerous process set forth in local public building law. The next Public Hearing will be held on August 28, 2019. He said every governing body and Municipal Clerk in the County has been notified of this matter, as well as property owners located within 200 feet of the parcel to be sold. Two separate notices were placed in the official newspaper. The purpose of this process is to ensure that the public is sufficiently informed, has an opportunity to ask questions, and any concerns be addressed.

Mr. Bell then turned to Michael Finelli to explain details of the project. The following are verbatim remarks:

MR. FINELLI: Okay. Thank you, Joe. I'll just come down here. Good morning everyone. I am Mike Finelli, and our firm, Finelli Consulting, was retained by Warren County to perform and provide a subdivision of a number of parcels that were all owned by the county which I'll get into shortly, and this is really kind of the last step in that process. All right. The conclusion of our work basically was the development of this report, which there are numerous copies up there on the table. I would recommend, if you haven't grabbed one, just take one, and you can kind of read through. It's not that long. There's a lot of attachments in the back. But that will give you a nice overview of what happened and why it happened and what the county is looking to -- looking to do in conjunction with the sale of this lot. All right. I also have a few full-size plan sheets of what is the final plat, which we'll get to in a second as I flip these pages. So if anybody would like one of those, here. I'll put them

up here with the reports.

All right. What I'm going to do is show you the subdivision plans, and then you'll see the resultant plan which shows the lot in question, which is Block 32, Lot 17, which the county is looking to sell. And as Joe indicated, this is the first of two public hearings that are required by statute in the process. The next one as he said is actually in two weeks at the Dumont, the County Admin Building. All right. When we went under contract with the county to perform the subdivision and the lot line adjustments, there were 11 lots in question. They are listed here on the cover sheet of our plan. The area in question, as I'm sure you're all aware, is in essence the PCFA landfill and other lots surrounding that and near that area. It's located at the southern end of White Township right outside of Oxford. Okay. This plan, which is sheet 2, is basically what was the -- well, when we started the survey these were -- this was the existing configuration of all the lots in that vicinity. There were 11 existing tax lots. And pardon me, gentlemen, I'm kind of just kind of focusing my attention to the public.

MR. GARDNER: No problem. Sure.

MR. FINELLI: You guys are a little more familiar with this. So the 11 lots in question which we surveyed. It was -- you know, it was near 400 acres total land mass. Now, what and why we did this and why the county contracted with us is pretty simple. The landfill -- and again this is the existing conditions or what were the existing conditions when we got started. The landfill area, which is -- which is here, (indicating) was in the process. The PCFA had made an application to the NJDEP for an expansion of the next cell for the landfill; obviously to continue the use of the landfill because they were running out of space. As part of that process -- and this happened a couple years ago. As part of that process and the permit issuance by the DEP to the PCFA was the reconfiguration of these lots. Basically a composite lot being created for the landfill and also three lots being conveyed to green acres. Those are -- so three existing county lots. So that led us to this plan, which in essence is the plan on the table, which was the -- the final map indicating and depicting the reconfiguration of all the lots. This plan went through the subdivision application process here in White Township, receiving both preliminary and final major subdivision approval. And if you're all familiar with that process, the conclusion of that, after you receive the approval from the municipality, there's a few administrative steps, and then there's the development of what's called a final plat. This is the map that is signed off by the township and the county and is recorded with the county in the courthouse to complete the process and to develop and create if you will all the lots.

So what this did -- and of course as you can see, and I'll get to this in a little more detail, the green lot right here, Block 32, Lot 17 is the lot in question. I'm obviously going back a little bit and kind of giving you the big picture of things. Basically immediately north of this, of the lot in question, is the new landfill lot, PCFA lot. It totals now -- and these lots now exist. They are officially created and exist. This lot is 217.87 acres, and then there are a few other remaining lands lot. What happened in conjunction with the subdivision, and again this was - it's very important, it's a critical part of the process; this lot, Block 32, Lot 17, was created by virtue of the subdivision, which was a requirement of the DEP in conjunction with the permit for the expansion of the landfill. So by virtue

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of the reconfiguration and elimination of lots, the merging of lots, the 11 original tax lots basically ended up being four new tax lots: the PCFA lot; the lot in question, Block 32, Lot 17 which we're here about today; and then two other adjacent lots a little further to the west which will be -- one is being conveyed to green acres and one will be -- continue to be retained by the county. This Block 32, Lot 17 again was - ended up kind of being a fallout if you will or the balance of property that really didn't need to be conveyed to the landfill and certainly was no value to either of the other adjacent lots, so it's what we call in our world remaining lands. So in conjunction with the perfection of the subdivision Block 32, Lot 17 was also created, and as it was -- as it is owned by the county, it's obviously not on the tax rolls; it provides no benefit financially to the county and the residents of -- the citizens of Warren County.

So the county, and to their credit, basically said: You know what? Let's sell this lot and let's see, you know, if it has some value. Based upon the sale it will go on the tax rolls and clearly be, you know, some benefit to the citizen -- to Warren County, because the county doesn't need it for anything. So that leads us to today.

We have prepared the document up on the table entitled a "Report For Sale of County Property, Block 32, Lot 17, White Township, Warren County, prepared by Finelli Consulting Engineers," our office; and this report was formatted and developed in direct conjunction with the state statutes governing this process. It basically explains what I just said in maybe a little better form. It goes through the property configurations, the reasons for the sale, the advantages of the sale, environmental and recreational impacts that are threatening endangered species and - and so forth. Again, I would certainly recommend just grabbing one and taking it home, and that will certainly answer any other questions you may have. So I think that hopefully explains the process, explains how we got to where we're at today. And again this is a statutory requirement by the state in order for the county to sell Block 32, Lot 17, which has no value at all to the county but may have some value to -- to someone.

MR. SARNOSKI: Thank you.

MR. SULLIVAN: A question?

MR. SARNOSKI: No, not yet.

MR. SULLIVAN: Not yet. Okay.

MR. SARNOSKI: We're going to open up for public comment in the public hearing, and then you can --

MR. SULLIVAN: No. I just wanted some clarification.

MR. SARNOSKI: Yeah, we're going to just follow the process. So we have to follow a process.

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MR. SULLIVAN: Sure. No problem.

MR. SARNOSKI: He's just doing his report right now. I'll ask the administrator, Mr. Lazorisak, to follow up.

MR. LAZORISAK: Yeah. I'd like to, one, for the record maybe clarify a little bit how we got to this process. So back in the day when they created the proposed landfill, way before my time, the county had gotten possession of all these individual lots. The overall footprint of the landfill and the future expansion of the landfill was approved back in the day, back in the early '80s, '70s. And again, as Mr. Finelli was saying, what happened is, is when the PCFA, Pollution Control Financing Authority, that oversees the operation and the control of the landfill applied to the DEP for the next expansion, which is the final expansion, which would have been cell 6 through 7, or 6 and 7. At that point in time New Jersey Department of Environmental Protection, NJDEP, came back to the County and the PCFA and - I don't want to use the word "extorted" - however, suggested, in order to move forward with the expansion that the DEP would like some green acres property out of all these lots, meaning they want to preserve wildlife and whatnot in the property. So that's what began the reconfiguration of these lots and trying to combine them. One of the purposes of doing this as well, the freeholder board at the time in looking at this along with the past administrator said it made sense that the landfill be one lot, not broken up into the individual eight lots it might have been. At that point in time we started playing around with the different configurations working with the DEP, because they were picking what lots they wanted and they felt were the right lots to preserve for Green Acres. So thus that was a little bit of a history of exactly how this map and this final plat really became. So the first thing is consolidate all the individual lots into one lot for the PCFA. And, Mr. Finelli, just for the record could you please point out and call out what lots are being given to the DEP for the open space Green Acres, please.

MR. FINELLI: Certainly. Well, we -- on the plan shows it proposed, but obviously these lots have now been created. Block 32, Lot 18, which is right at this location, which is 32 acres. There's a small lot actually adjacent to Route 46, which is up -- is Block 42, Lot 7, which is here. And there's another existing lot which is right here, which is Block 34, Lot 33. So there are two existing lots being conveyed to Green Acres: Block 42, Lot 7; Block 34, Lot 33. And then there is a new lot, well, which is -- which is now a new lot: Block 32, Lot 18.

MR. SARNOSKI: Okay. Mr. Gardner, do you have any questions before we open it up to the public or comments?

MR. GARDNER: No, no. I think excellent job by Mr. Finelli.

MR. FINELLI: Why, thank you, Rick.

MR. SARNOSKI: I have no questions or comments either, so at this time I'd like to open -- or I'd like to get a motion to open the meeting to the public regarding the proposed sale of Block 32, Lot 17. Do I have a motion?

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On motion by Mr. Gardner, seconded by Mr. Sarnoski, PUBLIC HEARING ON PROPOSED SALE OF BLOCK 32, LOT 17, WHITE TOWNSHIP, NEW JERSEY was opened at 10:20 a.m.

Recorded vote: Mr. Kern absent, Mr. Gardner yes, Mr. Sarnoski yes

MR. SARNOSKI: Okay. At this time are there any questions, comments from the public? If you would, just state your name and spell it and where you're from and then ask your question.

MR. SULLIVAN: Denis Sullivan, 2012 Brookfield Glen Drive in White Township. The question really has to do with the lot. What, if any, restrictions on the permitted usage of this if it is to be sold. Industrial, is it - it's zoned R-1 right now according to the report.

MR. FINELLI: That's correct.

MR. SULLIVAN: Technically, obviously it's not going to be used as a residential property, so –

MR. SARNOSKI: I'll let Mr. Lazorisak answer that.

MR. SULLIVAN: So at some point it will come before the planning committee here in White Township, but what, if any, do you envision the potential uses of this lot or what restrictions do you envision, number one?

MR. SARNOSKI: I believe it already has come before the planning board, and I'll let Mr. Lazorisak answer the question.

MR. SULLIVAN: Right. Number two is, as you know, we are already concerned about the impact of Mr. Jaendl's warehousing on Route 519, which you folks have jurisdiction over because it's a county road.

MR. SARNOSKI: This is just - this is just regarding this plat plan.

MR. SULLIVAN: What might the impact be?

MR. SARNOSKI: What is this impact on 519 you're asking?

MR. SULLIVAN: Yeah, what it might be on the County Road 519.

MR. LAZORISAK: Okay. I'll try to answer some of that. You're correct.

MR. SULLIVAN: I assume that would be the outlet.

MR. SARNOSKI: No, 519 is not an outlet for this.

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MR. SULLIVAN: Or an outlet.

MRS. SULLIVAN: What would the outlet be?

MR. SARNOSKI: Okay. Let him - allow him to answer the question.

MR. LAZORISAK: Okay. So you're correct, it is currently zoned residential. Back in the day when this was all created, there - individual lots were both residential as well as light industrial up there. The County did apply for a zone change a few months ago in front of White Township. After speaking with the planner and him reviewing it, he said yes, it absolutely makes sense and the zone should be changed. He made that report to the Planning Board based upon the White Township zoning ordinance. That in the zoning ordinance, there was three laws in the zoning ordinance that he was following to change this lot into a light industrial lot because it is sandwiched -- it's landlocked as you can see. Mr. Finelli pointed north of it is the landfill; south of it is Tilcon quarry. Thus other events in White Township have transpired. I'm not going to get into that. So, however, our request is still waiting I guess to be moved forward. Now, when we put this lot out to bid, as we have with previous buildings and properties the county has owned, in the conditions of the sale it's as is. Whatever the local zoning is, whatever zoning requirements, restrictions, ordinance -- ordinances, laws apply, they follow with that lot. We cannot change them because it's part of the municipality, it falls under the jurisdiction of the municipality. So when it goes out to auction, we had hired and acquired a professional auctioneer licensed in the state of New Jersey, and those are some of the items he has to discuss, you know, to the people bidding on this property so they know that the lot is being sold as is.

So again, whatever a potential buyer plans to do with that piece of property, he has to go in front of the local municipality for whatever; zone change, restrictions. Ordinances have to be done, they have to meet for whatever proposed use they have there.

MR. SARNOSKI: If it's not completed already.

MR. SULLIVAN: Does that mean -- I'm sorry. I have a follow-up.

MR. SARNOSKI: And I'll follow up with an answer too. And in this - in the process of the proposed sale, you know, the thought was that the continued operation of a quarry in that area would probably be the most value to any purchaser --

MR. SULLIVAN: Sure.

MR. SARNOSKI: -- due to the mineral composition of the land and the already, you know, used property. Being landlocked between a garbage dump --

MR. SULLIVAN: Sure.

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MR. SARNOSKI: -- and a quarry, we didn't see it really as a use for any residential or any other type of use. So we felt that continued operation of a quarry would most likely be the intended use and would probably most likely continue in the same manner it does now with the same results as you have now.

MR. SULLIVAN: Okay. The follow-up question I had. And I –

MR. SARNOSKI: Sure.

MR. SULLIVAN: -- agree with you completely by the way on that. That seems to be the most appropriate use of the property.

MR. SARNOSKI: Sure.

MR. SULLIVAN: Is it possible or is it within the authority of the freeholders to encumber the sale by restricting the ingress and egress of the site to a specific highway?

MR. LAZORISAK: We cannot do that.

MR. SARNOSKI: We can't do that. And at this time the only egress is Pequest Road –

MR. LAZORISAK: It's – the only - right. The only road currently available to that site, as you can see it's landlocked, is Mount Pisgah Avenue.

MR. SARNOSKI: Mount Pisgah.

MR. LAZORISAK: Now, Mount Pisgah Avenue, there's two ways you get to Mount Pisgah Avenue. Off of Route 31, which is Jensen Drive, which is a private road, as well as Mount Pisgah Avenue goes all the way out to County Route 624, which is Belvidere Avenue. However, that part of Mount Pisgah Avenue has weight limits that were established by Oxford Township on that road. So again the only true road – you know, roadway going in and out of that site is Jensen Drive to Route 31.

MR. SULLIVAN: And we who are residents along 519 probably need not be necessarily concerned that the traffic will be backing –

MR. SARNOSKI: The traffic you have now from the quarry is probably the same traffic that will continue, and if you don't – I don't think you see any traffic at this time.

MR. SULLIVAN: I believe we do have a couple quarries along 5 -- that have access to 519 right now. In fact there's one along Titman Road.

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MR. GARDNER: This sale should not really generate any noticeability whatsoever. Because just as the administrator indicated, trucks will be heading out to 31.

MR. SULLIVAN: Okay. Thank you for your responsiveness.

MR. LAZORISAK: Also let me explain as well. Tilcon has approached the County about purchasing this property. Now, by law -- Mr. Bell can jump in here if I miss any important cues here. If you look at that green lot, that lot by law is pretty much sandwiched in. It's a landlocked piece of property. Now, by law the county freeholders, as well as the municipality when they have a piece of property such as that, they can do direct sale to adjoining property owners. So in essence by law this board could sell that property directly to Tilcon. However, we are going through this process because the freeholders wanted non -- you know, wanted transparency here, so again they're putting it out to bid. Tilcon can bid it, any other quarry can bid it, any other developer can bid it. But this is the process and why we've gone this direction. So again, Tilcon has approached, you know, and has shown interest. Obviously no money, nothing has been discussed. We can't do that by law. But that is also the other option this board could have done. But again, the freeholders want transparency. We're going through the process; we're going through the hearings; we're making the public known.

MR. SULLIVAN: Well, that makes sense.

MR. BELL: Just to expand on that. This is what they would call a public sale, meaning it would take place by auction and everybody would have an equal opportunity. And what the administrator is referring to is there's an exception in the statute with contiguous property owners that does allow you to go through a private sale. However, the freeholders elected not to do that because they thought that public participation and transparency was important. But the reality is, and I think it might address some of the questions and concerns that have been raised, is it would be unlikely that anyone else aside from Tilcon would -- would take the initiative to purchase this property because of the obstacles that they would have to go through to be able to actually use the property. Being that it's landlocked without road access, it -- but it's sandwiched in between an existing quarry and a landfill. There's almost -- really not many other people that would be -- you know, have any type of interest in buying it, but nonetheless, we still thought it was important to, you know, go through the formalities of the procedure and make sure that everybody in the community was informed, especially because, you know, with the landfill and the quarry and the traffic in the area. Although we did not think that was a concern, we wanted to make sure that, you know, the residents did not view that as a concern themselves, or if residents pointed out certain aspects or factors that the county had not taken into consideration, that we could properly consider them in going forward with the sale and make sure that we adjusted our plans to fit with what was, you know, best for the community and the taxpayers and everything else.

MR. SARNOSKI: Any other questions?

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MS. BLOZEN: Yes.

MR. SARNOSKI: Okay. State your name, where you're from.

MS. BLOZEN: Ellen Blozen from White Township. I'm interested mainly in the amount of acreage that's going to go to the landfill and the amount of acreage that will go to the -- the land, green acres land and if it can be kept that way, and what would be left for Tilcon to -- to want to bid on --

MR. SARNOSKI: Well, the property --

MS. BLOZEN: -- out of the original 400 acres.

MR. SARNOSKI: So the property that we're proposing the sale on is 16.856 acres. That's the property in the green right there. That's the property that will be sold.

MS. BLOZEN: It's only 16 acres?

MR. FINELLI: Sixteen acres.

MR. SARNOSKI: 16.856.

MS. BLOZEN: I thought it was 400 acres.

MR. FINELLI: No, no, no.

MR. BELL: No, no, no. No.

MR. LAZORISAK: That's the landfill property.

MR. SARNOSKI: The landfill property is 400 acres. That's already existing as the landfill property.

MR. FINELLI: Jason, excuse me for interrupting. But it's more than just the landfill. The landfill property is not 400. All these other existing county-owned properties sum up to somewhere in that vicinity, but they're clearly not the landfill property.

MR. SARNOSKI: Right. And as Mr. Finelli said, you know, a good portion of that, way more than this property, is given, being given to green acres, being given to the DEP. And then the lot there on the right is the -- the bulk of that property is the landfill there. And then that other section in the top left is going to be maintained for the county, but right now I think it's being used as agricultural usage for right now.

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MR. LAZORISAK: Yeah, it's being farmed.

MS. BLOZEN: The landfill would get a good portion for expansion.

MR. SARNOSKI: It's always been the landfill –

MS. BLOZEN: Yes.

MR. SARNOSKI: -- so they're just retaining that portion.

MR. BELL: To help you make sense out of that, when the county acquired all these properties, it was -- it was basically by compulsion. In the 1980s the state had passed what they called the Solid Waste Management Act which required each county to -- you know, to have provisions to dispose of in-county waste. The county acquired these properties, which again were about 400 acres total, opened the landfill. Then the state regulations were struck down in federal court, and the county and all the other counties throughout the state who were following state law were stuck with this problem. But just to give you an idea, the approximately 400-acre site, only about four -- although all of those blocks and lots up until recently, you know, 11 to now four, were considered part of the landfill for purposes of the Solid Waste Management Plan, only about 40 acres total of the 400 is actually used for active disposal. So most of the property there has been sitting vacant and unused for many years. And just to give you more specifics about where each is going. Of the total of 400, approximately 40 acres total would be going to the state for Green Acres and wildlife mitigation. The County would keep another approximately 318 acres. Of that, 200 and -- just under 218 acres would be kept for purposes of the landfill. The other a hundred and -- just a little over a hundred acres would be kept by the county. And then this particular property here, the Block 32, Lot 17, which is just under 17 acres, would be going. So more or less this is a very small portion of the existing property. And it's also a property that, you know, now that things have been reconfigured and the state gave us these approvals something that has been unused for many years and, you know, now potentially -- it was more, if anything, sort of a waste of public property and resources that, you know, we're now trying to make sure that could be used and put on the tax rolls and, you know -- and, you know, more prudent use of public lands and taxpayer money.

MR. SARNOSKI: Very good. So any other question?

MS. BLOZEN: Does this -- does this board have anything to do with the landfill, the running of the landfill or the -- or the actual, you know... nothing, nothing at all, because that's a private entity?

MR. SARNOSKI: We appoint the members of the PCFA. The PCFA is the governing body that -- or not governing -- well, yes, they're the oversight body that oversees the operations of the landfill, which –

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MS. BLOZEN: But it has nothing to do with the –

MR. SARNOSKI: We appoint the members.

MS. BLOZEN: Oh, you do?

MR. SARNOSKI: Yes, of the PCFA.

MR. LAZORISAK: It's an authority set by statute, so the freeholders -- the County of Warren actually owns the land.

MS. BLOZEN: Well, I'm just thinking like Tilcon might be able to make a deal to get an access road with the -- the landfill, you know.

MR. SARNOSKI: No. We own the land. We would have to give approval for that.

MR. GARDNER: Yeah, this board would give approval then.

MS. BLOZEN: Okay. That's it then. Thank you very much for your answers. Thank you.

MR. SARNOSKI: Any other comments, questions from the public? Seeing none, do I have a motion to close the –

MR. LAZORISAK: Press comments?

MR. SARNOSKI: Oh, any press comments? I don't think that's in here. Do I have a motion to close the public hearing on proposed sale of Block 32, Lot 17 in White Township?

On motion by Mr. Gardner, seconded by Mr. Sarnoski, **PUBLIC HEARING ON PROPOSED SALE OF BLOCK 32, LOT 17, WHITE TOWNSHIP, NEW JERSEY** was closed at 10:36 a.m.

Mr. Sarnoski had no further comments.

Mr. Gardner thanked the public for showing interest in this matter. He said he thought this was a benefit to the community at large, and a benefit to the taxpayer once the property sale is complete.

On motion by Mr. Gardner, seconded by Mr. Sarnoski, and there being no further business before the Board at this time, the meeting was adjourned at 10:36 a.m.

ATTESTED TO:

Alex J. Lazorisak, Clerk of the Board