

MINUTES**PUBLIC HEARING****AUGUST 28, 2019**

The Board of Chosen Freeholders of the County of Warren met in Special Session for the purpose of a Public Hearing, held in accordance with the New Jersey Local Lands & Building Law, in its offices in the Wayne Dumont, Jr. Administration Building, Belvidere, New Jersey on August 28, 2019 at 6:00 p.m.

The meeting was called to order by Director Sarnoski at 6:00 p.m. and upon roll call, the following members were present: Freeholder James Kern, III, Freeholder Richard Gardner and Freeholder Jason Sarnoski. Also attending were County Administrator Alex Lazorisak, County Counsel Joe Bell 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 28, 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.**

The following is a partially edited transcript of the proceedings, as provided by Steven R. Mack, Registered Merit Reporter:

MR. SARNOSKI: We only have one purpose of the meeting tonight, to talk about the proposed sale of Block 32, Lot 17. This is our second public hearing on the matter in White Township. So I'll hand it over to Mr. Bell.

MR. BELL: Well, thank you. This meeting is convened this evening pursuant to NJSA 40A:12-1, et seq., but in particular Subsection 13, Sale of Real Property, Capital Improvements, or Personal Property. Just to give everybody a brief overview of the basic idea and the legal background for this type of hearing. Pursuant to the Local Buildings Law, whenever there is a proposed sale or transfer of public property, it involves a pretty onerous process on behalf of the Board of Chosen Freeholders, and one of those in particular is to have two public meetings. We have had a previous meeting on August 14th in the Township of White, and this is the second meeting that is mandated pursuant to statute. Two hearings are convened in order to be robust and transparent. This is the second of two.

Notices were sent to every municipal clerk in the county to ensure that the public was sufficiently informed about the details of the potential sale of public property and has a chance to make inquiry of the professionals, Mike Finelli, and to address any concerns consistent with the law and the county's obligation. Again, the notice was mailed by providing it to everyone within 200

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feet of the property. The County also sent copies of the notice to the clerk in every governing body in every municipality in the county as well. Also advertised in the official newspapers that circulate within the municipality, all pursuant to the statute on two consecutive occasions. And with that, I'll turn it over to Mr. Finelli to discuss the details of the acquisition.

MR. FINELLI: Thank you, Mr. Bell. Good evening, gentlemen, Ms. Luberto. *(A brief dialog concerning placement of the easel was deleted here.)*

MR. SARNOSKI: Go ahead, Mr. Finelli.

MR. FINELLI: All right. Mike Finelli from Finelli Consulting Engineers. We were, and have been, retained by Warren County to first go through the subdivision process, which I'll explain, of all the properties in question, and then to take it to the next step, which is to go through the statutory requirements necessary for the county to look to sell a lot, which is Block 32, Lot 7, which is what we're here to talk about tonight. Block 32, Lot 17. This plan that I have on the board right now and highlighted in yellow depicts all of the previously configured and lots which existed. They're all located in White Township directly south and adjacent to the landfill. There were 11 lots in question, which you can see some quite large, some quite small. The total acreage of all 11 lots was 367 acres. When the county went forward back in the early '80s in an effort to create the landfill, they acquired all these properties, and those properties have been configured in that fashion since the early '80s. Most recently, and obviously the landfill has now been in existence for years, they were looking to expand the landfill to its final two cells, cell 6 and 7. That required application and approval from the NJDEP for the expansion of the landfill for cell 6 and 7. That process and the eventual approval by the DEP has really created the -- the exist -- which is now the existing lot configuration, which I'm going to flip the board and will show you momentarily. The lots as they had existed, again the 11 lots, were very peculiarly oriented, and in the DEP's review, the idea was to consolidate and merge some of the properties.

So what transpired was a subdivision application by White Township -- by Warren County, excuse me, to White Township, primarily to do two things. One was to consolidate and reconfigure the landfill lot, which is Block 32, Lot 12, which is now 217.9 acres. There were a few other properties that the NJDEP wanted the county to encumber via green acres, so that was -- ended up being part of the reconfiguration as well. There's three lots that that will basically be encumbered by green acres in conjunction with the landfill permit expansion. As there is Lot 33, which is -- which is here. There's a lot across the street, which is Lot 7; and there's a new lot that was created, which is Lot 18, which is 32 acres. In reconfiguring, manipulating, and adjusting those lot lines to basically create one large lot for the landfill, convey these other three lots to green acres, or encumber them via green acres, what was left over was two lots: Lot 22, which is roughly a hundred acres, which is this lot right here directly to the west of the primary areas in question, and a smaller lot, which is Block 32, Lot 17, which is the lot in question that the county is looking to sell. Block 32, Lot 17 is again 16.8 acres. We term it in our business as somewhat of a remaining lands lot. When you go through the reconfiguration and manipulation, the adjustments to comply with the DEP requirements per the permit expansion, this piece of property was kind of left over,

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which really had no value to the landfill and no value to the county as far as being any real benefit. So it was what we again call a remaining lands lot.

What we have done -- and this goes back to earlier this year -- we went to White Township and went through the subdivision approval process for the again reconfiguration and adjustment to all the lots to basically result in this plan before you, which is the final plat for the subdivision. Which in essence is really four lots: the PCFA landfill lot, this remaining lands lot, the one new lot that's going to be conveyed via Green Acres, and another lot which will remain as county-owned but that's not part of the landfill or any adjacent uses.

So we went through that process, got the approval through White Township, and recorded the map with the county to create the lots. So today this -- this lot configuration with the resultant block and lot designations, areas, and configuration all exist. So those -- these lots exist as we are here this evening.

With this -- with Block 32, Lot 17 being a new and reconfigured remaining lands lot, the county looked at the opportunity to benefit both the county and the citizens of Warren County by the potential sale of that lot. That process is nearing its end now, and as Attorney Bell explained in his introductory comments, there are I would say four general steps in that process.

The first is the preparation of a report, which was prepared by our office, and it's available on the desk in the front of the room, and that report is titled "Report For Sale of County Property," and I'll get back to that in a second. There are very rigid statutory requirements relative to what needs to be included in this report for it to again comply with the statutes and to allow the process to continue.

You have to have two public hearings; one at the municipal building of the municipality in question, which is White Township, which that public hearing was held two weeks ago, and another public hearing at the county facility. I believe it could have been at the courthouse or of course here. So this is the second and final public hearing for this process. The next step, and fourth and last step I believe, is to market the property. Again, the property is of no value to the county to retain. What is hoped is that it is sold at what would be at the market rate for such property, it goes on the tax rolls, and it benefits everyone. Right now obviously it's not -- there is no tax revenue being generated from that property, as it is county-owned.

So what I would recommend is to grab a copy of the report. It's not that thick, but probably two-thirds of it are attachments and plans and maps and all the background information, again required by statute, and it goes through basically what I've just explained tonight. It goes through the process, it goes through why the county is looking to sell this lot, what the benefits are, what the detriments are, and kind of sums it up, you know, in a, quote-unquote, little nutshell, so as to again meet the statutory requirements for a sale of a county property and to advise any prospective buyer of the pros, cons, benefits, you know, and all requirements and parameters associated with the lot in question. So that pretty much sums it up, I think, from what we've done.

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MR. SARNOSKI: Sure. So to put all that into simple terms, the county had to redo the subdivision on the PCFA property in anticipation of a potential expansion of the PCFA, Pollution Control Financing Authority, adding two cells. Mike Finelli was brought in to the county to do the subdivision. Part of that larger if you look at the other -- at the other side of that, that is the whole lot that is in question. The part that is highlighted in -- where you can see now is the portion we are looking to sell, which is 16.85 acres. The subdivision includes the lands for the PCFA for the expansion; it includes lands that were given to the DEP for wildlife management; it includes protected farmlands. And what else, Alex, am I missing?

MR. LAZORISAK: That's really it.

MR. SARNOSKI: And that's it. And then the lot that we're selling here, which is potentially 16.85 acres for sale. The lot in question is between the existing quarry and the PCFA. There is really no other use for it other than potentially additional quarry activities, but we are doing this process to be open and transparent and give any potential bidder on that property the option to bid on that property. That's basically what's going on and what has happened. Mr. Lazorisak, do you have anything to add?

MR. LAZORISAK: No. Actually I think you gentlemen took care of it.

MR. SARNOSKI: Are there any other questions or comments for Mr. Finelli?

MR. GARDNER: No. I think he explained it well and very succinctly. And I think, you know, the benefit hopefully is to the public when it's put back on the tax rolls. I think it will be a benefit to the public at large.

MR. SARNOSKI: Yes.

MR. KERN: I just want to say thank you to the professionals, Mike and everyone, for going through this process, because I understand the hoops and, you know, what you have to go through to get us here today. So thank you for your time on this.

MR. FINELLI: You're welcome. Thank you.

MR. SARNOSKI: I'm going to add one other thing. I don't see this as -- as there's already a quarry operation there, I don't see this as adding any change to the current operations of the facility or how anything basically in that area would really change from the way it's being operated now regardless of who takes over the property from -- after the sale. It was -- there was a quarry right next to this. The operation potentially if it's sold as a quarry would continue in that manner. So in order to facilitate this meeting what I'm going to do now is open it up to the public, ask for a motion and second to open it up to the public. I'm going to ask that you keep your comments brief, to the point, try not to repeat, and Mr. Finelli or the other professionals will be happy to answer any questions you may have. So at this time can I get a motion to open the meeting to the public on the proposed sale of Block 32, Lot 17 in White Township?

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On motion by Mr. Gardner, seconded by Mr. Kern, PUBLIC HEARING –PROPOSED SALE OF BLOCK 32, LOT 17, WHITE TOWNSHIP was opened at 6:18 p.m.

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

MR. SARNOSKI: The meeting is open to the public. Please come up, state your name, where you're from, sign in so we have your name for the record, and ask your question and make your comments.

MS. MacKINNON: My name is Elizabeth MacKinnon. I'm from White Township. I live on Hazen Oxford Road right above the proposed -- well, the landfill and the quarry are down below me, but I live up at the top of Hazen-Oxford Road right coming up from Brass Castle. My first question would be, how is that property now zoned?

MR. FINELLI: It's zoned residential.

MS. MacKINNON: It's res -- okay. So in order to make this you would have to change the...

MR. SARNOSKI: We're going through the sale regardless. We've requested a zoning change to facilitate the sale, but regardless of the zoning change, we're going to go forward with the sale of the property.

MR. FINELLI: And if I -- I'm sorry.

MR. LAZORISAK: So per the ordinance and statutes, the property will be sold as is. So whatever the zoning is at that point in time, that's how they're purchasing the property. So it's up to the potential buyer to get whatever approvals, local approvals, variances, zone changes that he may need for whatever he may do with the property. So it's as is.

MR. SARNOSKI: At that point.

MS. MacKINNON: Okay. So but it is zoned residential right now, they have to...

MR. SARNOSKI: At this time.

MS. MacKINNON: When the quarry that's there now, the existing Oxford quarry was put in 30 years ago, it caused a huge amount of noise pollution at my house. I had to go down and, you know, make my -- you know, have someone come back up, which they actually did. The managers of the quarry at that time came back up, and they did put in sound, some sound barriers, which helped for a while, until about ten years ago. The noise escalated. So the noise is really extreme, especially on a day like today when there's cloud coverage, which happens all the time. Sirens go off, the noise is there. It can go into all night long depending on when, you know, it's in operation because it's not every day in operations. It will go for two weeks, then it won't - - you know, it will be closed for a while, and then it will start in again. I don't -- why do we -- is there a need for another quarry? We already have quarry trucks all over this county that are a

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concern, they're on our roads all the time. And we have several quarries in this area, so I don't know what that -- and it's -- it's polluting. It makes a lot of noise. Is that what we want right there, to expand that noise and have more noise? I'm just...

MR. SARNOSKI: This property has no value to the county as is. We're selling it to put it back on the tax rolls at the value that it's there for. It's between right now a quarry and a landfill. So the potential operation and the potential future of that property and the value of that property exists for one of those uses, mostly for the quarry use. I under --

MS. MacKINNON: I think they were closing that landfill. Right?

MR. SARNOSKI: No. No. Right now the landfill is going through a potential expansion.

MS. MacKINNON: I thought they were going to close it.

MR. SARNOSKI: No.

MR. GARDNER: No. The incinerator is --

MS. MacKINNON: The incinerator has been closed.

MR. SARNOSKI: The incinerator is closed.

MS. MacKINNON: I'm sorry. Yes, incinerator, not the landfill.

MR. SARNOSKI: Yes. So at this point the value of the land really exists in a further -- you know, continuance of the quarry operation. The quarry exists there now. That's what we're --

MS. MacKINNON: But you're going to make it bigger.

MR. SARNOSKI: We're not making it bigger.

MS. MacKINNON: Well, somebody wants to make it --

MR. SARNOSKI: Whoever wants to buy the property, if that's what they want to buy it for, will manage that property --

MS. MacKINNON: And is there --

MR. SARNOSKI: -- but it will add value to the county.

MS. MacKINNON: So that would be up to White Township at that point, whatever that is?

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MR. SARNOSKI: The potential owner, you know, future owners of the property and White Township will do the zoning.

MR. LAZORISAK: Yeah, but they would have to --

MS. MacKINNON: Because --

MR. LAZORISAK: They'd have to make an application in front of the...

MR. BELL: And all those that are affected by it would be properly noticed as well.

MR. LAZORISAK: They would make an application, and again if you have concerns about hours of operations and things like that, that's when you bring it to the local planning board to address.

MS. MacKINNON: So it would go to the White Township planning board?

MR. LAZORISAK: That would be correct.

MS. MacKINNON: And -- but that hasn't been determined yet is what you're saying?

MR. LAZORISAK: Well, we haven't sold the property yet.

MS. MacKINNON: Well, that's -- no, it's obviously that. But in other words, so its use is not totally determined yet either way?

MR. SARNOSKI: They have not -- they have not changed the zoning at this time.

MR. LAZORISAK: No. Right now the zoning is residential.

MR. SARNOSKI: We -- yeah, at this time they haven't. But I know we did request the zoning change prior to the sale, but they haven't moved on that. We're just selling it as is, so if it changes, it changes.

MS. MacKINNON: So I know the existing quarry is there, it's zoned residential. But in order to expand on that would they be -- they would be able to keep that residential? Like because that makes no sense at all to have it residential.

MR. LAZORISAK: We couldn't answer that.

MS. MacKINNON: All right.

MR. LAZORISAK: That would be up to the local planners and engineer for the township.

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MR. SARNOSKI: To me, having a land between a quarry and a landfill zoned as residential makes very little sense. I guess open space or farm -- no, not farmland. Open space or wildlife mitigate -- preservation, maybe if they chose that, but that's not for us to determine.

MS. MacKINNON: So you -- but the sale of this land is predicated on bringing revenue? It's not -- in other words, it couldn't be used for open space as a preserved land?

MR. SARNOSKI: We have -- we've given actually multiple acres, more acres than we're selling, to the DEP for open space and for wildlife --

MR. GARDNER: Habitat.

MR. SARNOSKI: Yeah, mitigation, wildlife habitat. So the majority of the land being subdivided is being given over for those purposes: open space and habitat for wildlife.

MR. LAZORISAK: And let me -- and let me interject. When we worked on this configuration, the DEP pretty much pointed out the areas they wanted to preserve. Obviously, they have their habitat maps and whatnot. They had no interest in this piece whatsoever, this area. So again, Mr. Finelli kind of said it was a -- what did you call it? Left over?

MR. FINELLI: Oh. Remaining lands.

MR. LAZORISAK: Remaining lands. DEP had no interest in that remaining land.

MR. SARNOSKI: So this -- DEP didn't want this land for any kind of open space or wildlife management. It's really for the county to do with as we can for the best benefit for the county residents, and that's what we thought was best.

MS. MacKINNON: All right. Well, I guess I'll have to take it up with White Township when the time comes, but it's not a good thing to have there when you have peoples' homes. And it's already bad enough. It's just going to make it worse, and it's going to add more trucks to our roads that are already beating up our roads.

MR. GARDNER: How far are you from --

MS. MacKINNON: Pardon?

MR. GARDNER: How far are you from there?

MS. MacKINNON: Well, on the map you can see it. It's a little teeny triangle on the tax map.

MR. SARNOSKI: I don't see this as adding additional traffic. It will probably maintain the traffic that's there.

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MS. MacKINNON: No. I think it will add additional traffic --

MR. SARNOSKI: Okay.

MS. MacKINNON: -- but -- but yes. All right. Thank you.

MR. SARNOSKI: Thank you. Anyone else? Mrs. Cook.

MS. COOK: Good evening, gentlemen. Carol Cook, Blairstown. I have just a minor question. This land is landlocked. Whoever buys it will have to go through White Township to have access to the property. Is there anything nearby that would give them access?

MR. LAZORISAK: There is an easement the county owns that can access that property.

MS. COOK: The little pointed end?

MR. LAZORISAK: Mike, why don't you show the easement.

MR. FINELLI: It basically runs along here and then --

MS. COOK: Oh, okay.

MR. FINELLI: -- around there. So there is --

MS. COOK: There is access.

MR. FINELLI: -- an access easement. It's not frontage per se on a street, but there is the ability to access it.

MS. COOK: I gave two -- I gave 800 feet to someone who was landlocked right next to me. Okay. Very good. Thank you.

MR. SARNOSKI: That's it?

MS. COOK: That's it.

MR. SARNOSKI: Anyone else? If there's no other questions or comments about the sale of this proposed property, and the proposed sale of this property, I'm going to ask that we have a motion to close the public hearing.

On motion by Mr. Kern, seconded by Mr. Gardner, **PUBLIC HEARING ON PROPOSED SALE OF BLOCK 32, LOT 17, WHITE TOWNSHIP, NEW JERSEY** was closed at 6:27 p.m.

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

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On motion by Mr. Gardner, seconded by Mr. Kern, and there being no further business before the Board at this time, the meeting was adjourned at 6:28 p.m.

ATTESTED TO:

Alex J. Lazorisak, Clerk of the Board