

~~ML~~ ML - UL v. Carteret

28 - Feb - 84

Deposition of Richard A. Ginman

pp. 132

ML0004506

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION-MIDDLESEX COUNTY
DOCKET NO* C-4122-83

URBAN LEAGUE OF GREATER
NEW BRUNSWICK, at al.

Plaintiffs,

-vs-

CARTERET, et al.,

Defendants.

CIVIL ACTION

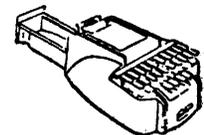
DEPOSITION OF
RICHARD A. QINMAN

T R A N S C R I P T of stenographic
notes of the proceedings in the above entitled
matter, as taken before KAREN M* AHERN, a Notary
Public and Certified Shorthand Reporter of New
Jersey, License Number 1061 at the offices of
STERNS, HERBERT & W2INROTH, 1SQS, 136 West State
Street, Trenton, New Jersey, on Tuesday» February 28,
1984 commencing at 2s00 P.M.

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A P P E A R A N C E 3 « (CONTINUED)

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I N D E X

Witness

<u>Name</u>	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
Richard A. Oinman				
By Mr. Herbert			12a	
By M#. Blsgaiei		48		
By Ms* LaBella		63		
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By Mr. Balint				128
By Mr. Koran		108		127

Exhibits

<u>No.</u>		<u>Page</u>
PZ-1 for id.	k County map, page 365*	4
PZ-2 for 14*	k document entitled State Development Guide Plan, revised draft.	4
PZ-3 for 14*	k map of Middlesex County*	4
PZ-4 for id.	A blueprint of s map.	4
PZ-5 for id*	A document entitled Commenta regarding the Revised State Development Guide Plan.	4
PZ-6 for id*	An Atlas Series Hap*	9
PZ-7 for id.	A document entitled The Draft State Development Plan dated October 19?i*	31
P2-8 for id.	A memorandum from Richard Ginman to Sidney	33

"If 1

MR. HERBERT; Hark these,

(A County map, page 365 was marked P2-1 for identification*)

(A document entitled State Development! Quid* Plan, revised draft was marked P2-2 for identification.)

(A map of Middlesex County was marked PZ-3 for identification.)

I\ ' . . . (& blueprint of .& map was marked F2-% for identification*)

(A document entitled CoBaaents regarding ths Revised State Development Guide Flan was marked P2-5 for identification,)

R I C H A R D A* G I N M A N,

Hingoes, Kew Jersey, first being duly sworn, testifies as followst

DIRECT EXAMINATION

BIT MR, HERBERT:

Q Good afternoon, Mr* Ginman, I know that you've been iwdXyet in a number of oourt proceeding* and y#«^fv# testified at depositions* is that correctt

A Yes*

Q l*m Kike Herbert of the firs Sterna, Herbert i Weinroth* We*re counsel to Lawrence Zirinsky, one of

airuan - direct />

1 the plaintiffs in the matter of I gu«s*> itM
2 Zirlnsky, et al« versus Township of Cranbury in a case
3 that's now slated or has been designated to be handled
4 by Judg* Serpentelli pursuant to the Mount Laurel II
5 guidelines. >.>->.-« <•« .,r..^...^.- - » . . . -

6 With me today or with - lit the room today
7 ia Carl Bi3gaier representing one of the plaintiffs,
8 Cranbury Land Company and Counsel for -

9 M3# LA BELLA! Janet LaB«lla#

10 BY MH. HERBERT:

11 Q Janet Labella, Counsel for the Urban League,
12 one of th@ plaintiffs and William Moran the attorney for
13 the defendant township council of Cranbury along with his
14 partner --

15 MR. BALINT: Mite Balint.

16 BY MR. HERBERT:

17 Q I will b« asking you ft number of questions
18 related to the case, and if you don't understand the
19 question, please indicate - please ask mm to repeat
20 the question or to clarify it* So, lot's proceed.

21 First of all, Mr. Ginaan, what is your
22 present position*

23 A I*m presently employed by the New Jersey Department
24 of Treasury, Office of Management ant Budget, Division of
25 Planning* Formerly at least during preparation of thm

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Ginman - direct

1 State Development Guide Plan, I was the Director of
2 State and Regional Planning in the New Jersey Department
3 of Community Affairs* licensed professional planner,

4 T I \$ How^ sir, how long were you with the
5 Division of State and Regional Planning within the first
6 I think the Department of Conservation and Economic
7 Development and thereafter the Department of Community
8 Affairs?

9 A Since 1964, which would be about - 1st's see. U
10 to '67 - was that when the DCA got launched?

11 Q Yes.

12 A Three years and then remainder of the period until
13 - I still haven't actually formally transferred although
14 I've been working on assignment in Community Affairs in
15 the Department of Treasury. I'm still formally still
16 employed by the Department of Community Affairs*

17 4 When did you assume your responsibilities
18 with the Department of Economic Development?

19 A About two months ago*

20 Q So, it would be correct to say that you were
21 working full time with the Division of State and Regional
22 Economic Development, first with the Department of Conservation and
23 Economic Development, then, the Department of Community
24 Affairs from 1964 to at least the end of 1967?

25 A Yes.

Ginman - *direct

Q That would be a period of Maeteea years?

A Yes.

Q Now, sir, dtiplng the nineteen years, wfcac
period of time did you B*rfm as the Director of the
Division of State and Regional Planning?

*... Nearly t e n years. ...

Q What period of time would that be, please?

4 About nineteen - late 1972 I believe,

Q %t*1 the ea<t of If83t

4 I was replaced tm the Spring of '83 by another
appointment.

Q Would It he correct to say just for purposes
of expediting the record that during that period '72 through
'83 you were Involved in the formulation of the State
Development Sulde Plant

A That's correct.

Q While It was developed by the Division of
State and Regional Planning, you had overall supervision
of developing that guide plan?

k Yea,

Q Okay* Sir, I'm aure that you have read the
decision of the Supreme Court in Southern Burlington
County W»A,4«C,F« versus Mount Laurel sited 92N.J.153,1933f?

A Yes* I've committed it to memory*

Q Now^r, sir, within that text to that decision

1 Gimmai* ~ direct n ^,..V^: ,* ,\ j:
2 speoificalljr 92N.J.223 to 2^3, there's an extensive
3 discussion about? the itat* Development Guide Plan or the
4 **SDGP?**

5 **A Yes.**

6 1 Q Sir, there's, also, a reference in that
7 decision at 92N.J.365 to the eounty map, which i> part of
8 the SDOP* 1 show you that page from the decision which
9 has been raarked Exhibit PZ-i. Take a look at that,
10 please* Now, have you studied that exhibit?

11 **A Yes.**

12 P- v- Q Now, air, I show you a copy of a document
13 which has been marked as PZ-2 and represent to you that
14 thia Is the State Development Guide Plan revised draft
15 dated May 1980, and X show you page 125 of PZ-2 and ask
16 you --. which purports to be the County sap of Middlesex
17 County, air. Looking at the decision of the Supreme
18 Court specifically page 365, PZ-1 for identification and
19 now page 135 of P2-2, the SDOP, are they one in the same
20 **map?**

21 **A Ye3.**

22 Q I take it the only difference is PZ-2* page
23 13\$ of the SDOP ia a larger version of the map than that
24 contained in the court decision!

25 **A Yes.**

% Now, air, what document- where did PZ-2,

1 page 13f come from? In other words, was there a map
2 upon which it was based!

3
4 Since the beginning of the preparation of the
5 Guide Plan, which began somewhere in 1975, there was a
6 continual record which Mr. Bisgaier acquired, a continual
7 record at a scale* of one inch equals a mile OR the Um\$
8 Jersey State Atlas, Series which - the original map of
9 which was prepared by the Department of - probably the
10 Department of Conservation and Economic Development, but
11 at the time maintained by the Department of Environmental
12 Protection*. We prepared on those sheets existing
13 development and, also, outlined the extent by the use of
14 tape lines, the extent of each of the categories of the
15 State Development Guide Plan from their inception and as
16 they were amended up until the 1930 draft.

17 i t , MR* HEEBIBf* Matffe till*,

18 (An Atlas Series Map was marked PZ-6
19 for identification.)

20 BY MR. HERBERTi

21 Q Sir, I show you what has been marked for
22 identification on PZ-6 and ask you whether or not -

23 4 I'm referring to the map on the other side of the
24 marking since we've marked the reverse side.

25 Q Is that the map that you have just been
describing?

1 A Yes. It shown the lower part of Middlesex County,
 2 which is outlined in green, and it* also, shews some
 3 other counties, but for the moat part, I think we're
 4 interested in Southern Middlesex. It shows the
 5 deiignations of the yellow line of the extent of the
 6 growth area meaning this area here between the two yellow
 7 lines.

8 t Could I just indicate that, Mr. ainman,
 9 you've indicated a yellow liner*. I \$&&%f\$ th# IfJliifi:^-.^
 10 line - would it be fair to say the yellow lin« depicts
 11 the separation between one zone and another?

12 A If doaa,

13 Q I notice that right in the middle of the
 14 side of the map, P2-6, is an area that is designated by
 15 a yellow line, which extends north to south and gets
 16 larger as it goea north. What would be within that xone?

17 A It's designated a limited growth area*

18 Q Okay* Juat above that, sir, is another
 19 circumferenced area designated by yellow* What would
 20 that area bet

21 A That, also, is a limited growth area*

22 % Now, within those two areas that are
 23 circumscribed by yellow lines are within a larger zone,
 24 it would appear extending frost northeast to southwest•
 25 What zone would that be designated as?

Qinman - direct

ii

1 JL[. ' aat^fs a growth*

Jrⁿ V % >X

2 Q Would it be correct to flay, sir, that at
3 least on FE-4 that within the? general areas designated
4 by yellow that we've just identified - **they are either**
5 **a growth area or limited growth area?**

6 A Of the two we just described, yea.

7 Q Mr* Ginman, f show you a map which has bees
8 identified aa P2~3* Gould you identify what that map ia,
9 **please?**

10 A Subsequent to the Supreme Court decision, it
11 became obvious to the Department of Community Affair* that
12 reproducible maps at least at the scale that we had
13 maintained the original information* aa at least equal in
14 quality to PZ-6 would be an order*. As m result, we
15 contracted with the Department of Iranaportation and
16 we're at the present time preparing maps at the identical
17 seale_f one inch equal* a mile for eaah county of the
18 State*. They were much improved maps from the original
19 since they were better detailed and. prepared in such a
20 fora as to be reproducible.

21 Since the original maps prepared are maintained by
22 Environmental Protection were no longer circulating in thr
23 publiu domain, we transferred the information appearing or
24 PZ-6 to the new Department of Transportation maps and as
25 they have been made available, have transmitted them to

1 %bm Chief Justice of the Supreme Court for any
 2 litigation* They're, also, available I believe through
 3 the Department of Community Affairs*

4 Q How, would it be correct to say that PZ-3
 5 as far as the demarcation of the lines, the zones
 6 depicting the various areas, growth area, limited growth
 7 area and whatnot is identical to the aones depleted on
 8 **PZ-6?**

9 **A** They are intended %m be and I assume that they are.

10 Q Okay. So, would it therefore be correct
 11 that PZ-3 -- designations on PZ-3 as far as zones are
 12 the same as the designations on page 133 of the ~* I am
 13 sorry* 125 of the 3DQF, PZ-2 and page 365 of the Mount
 14 Laurel II decision, PZ-1 for identification?

15 **A** Yes.

16 Q Now, Hr» Qinman, I believe a moment ago
 17 you were going into some of the background of how the
 18 original bate map, PZ-S upon which eventually we had the
 19 promulgation of various maps %h&% you've described
 20 including the one in the Supreme Court decision, how
 21 that process came about* Couldi you basically indicate
 22 whether there was any committee that you were reporting
 23 to, that is the Department of Community Affairs, your
 24 division within the Department of Community Affairs!
 25 Was there a cabinet committee?

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m

A Maybe I better go back a little bit.

A As I said earlier, the process started in 1975 at which time we solicited all of the counties of the State for their thoughts and feelings about how a plan should be developed which they did* and we, then, circulated in 1976 our opinion of what we thought that translated to before we went public, and in fact, the date of that circulation was exactly October of 1976.

From that map, we then made certain modifications and created the 1977 draft, State Development Guide Plan, and between the period of that draft and the 1980 draft, the governor* a Office created an office of policy and planning headed by Don Linky one of the trusted counsels of the Governor's Office/

Q L-i-n-k-y for the record?

A Yet* Ttm Office of Policy and Planning felt that it was important to have an Advisory Body to the office and create - the Chief of Staff Robert Mulehay and Donald Linky -

Q H-u-l-c-h-a-y for the record!

A Yes. X believe so* - organised a cabinet committee on development policy and projects called the Cabinet Development Committee for short. The purpose of the committee was to

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Was there any specific directives from that cabinet meeting at the same time that the SDQP or I dissemination of the SDQP?

A . I was directed as the Director of the Division to execute the plan.

Who were you to release it to

& The public

Q Did you do so?

A Yes.

Q Is that SDQP the same SDaP that was referred to by the Supreme Court in the Mount Laurel decision at 92N.J. 223 through 288?

A Yes.

Q from that date in May 1980 until the present time, has there been any modification by the Cabinet Committee of that promulgated SDQP?

Q Now, sir, did there some a time that the Department of Community Affairs solicited comments from various planning agencies throughout the State concerning that May 1980 SDQP?

A Yes.

Q How did you do that? Sir, how did you solicit these views?

A Well, there were a number of ways. Since we had

Ginmai - direct .

/*iV«"!;v*?

16

1 had public hearings on tbn plan and we took testimony
2 at any public hearing that wa attended* we hate received
a letters ami comments from the public at large and from
4 official agencies both as a result of our mail out ~ we
5 had m very heavy mail out to all public agencies that we
6 could think of. There were & number of publis and
7 private ami quasi public agencies that were, also, on the
8 mall list. We received comments from them*. We discussed
9 at length with County Planning Boards* Our intent was
10 to try to work through plan changes as much as possible
with County Planning Boards.

12 Me, also, began a process which actually began
13 prior to the release of the 1930 draft of a cross
14 acceptance process between the Tri-State Regional
15 Planning Commission and each of the nine northern Hew
16 Jersey County Planning Agencies, and ours were a three-way
17 plan comparison process with the result of a report
18 Issued Illustrating the comparison approximately late
19 *79 and it's a contemporary of the Hay 1980 version*
20

21 Q Would one of the nine northern county
22 planning agencies be the Middlesex County Planning Agency?

23 k Yes.

24 Q Okay. X didn't mean to cut you off, Mr.
Oilman*

25 A Yeah*

Please.

1
2
3 A I was going to add subsequent to the 1930 draft j
4 we continued that process and our intention was to think
5 about the plan and process as a dynamic one that was
6 constantly subject to the change. In fact, what we were
7 attempting to do was to get as much consensus as possible
8 with the idea or the State Executive Branch taking some
9 major action with regard to the plan and a number of
10 alternatives were discussed at the same time that a
11 number of additional changes were being discussed to
12 the 1980 draft*

13 Q Now, sir, I show you a document which has
14 been marked for identification as PZ-5 which is labelled
15 or has a cover, Comments regarding the revised State
16 Development Guide Plan, and it indicates it was prepared
17 by the Division of Planning in the New Jersey Department
18 of Community Affairs on January ifSl. I show you that
19 document, sir* Was that document prepared by the
20 Division under your Jurisdiction?

21 A Yes.

22 Q Would it be fair to say that that
23 incorporated a number of comments that were made by these
24 various planning agencies and citizens and other groups
25 concerning the May 1930 SDOP?

A Yes*

Or Bid- th Middlesex County *fwiiiiif

Department made certain comments about the SDOPT

A They were & continual discussent in our revision* to the plan. They wera always very active in participating, and making recommendation*.

W - Would it be fair to say that the comraenta made by the Middlesex County Planning Department were one of a number of commenta made by other planning agencies throughout He* Jersey?

Q Now, air, PZ-5 contains 1 believe at Section 1 in its Arabic number 1 -- Vm sorry* Roman numeral 1-1 under recommendation 1-2 -

A Te»#

Q - it indicates •- would you simply read that recommendation, please, for the \$m@v&t

A Reconsmdentation 1-2, "The Middlesex County Planning Board suggested expansion of the agricultural area in the Southern part of the county including portions of Cranbury and Plainaboro. This area Is characterized by fine agricultural soils and active agricultural activity, although, development pressures do exist in the area* and %h» area is relatively small* Staff recommends the amendment shown on map f on? based o& apparent local and county interest in maintaining agriculture* Map three

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shows that the county has presented in the current draft.

Q Now, sir, on the next page after --

A Two pages after.

Q Two pages. I'm sorry, there is a map designated as --

Three pages, Map three and the State current draft. Would that map be the same map as you've testified to earlier which is represented on page 125 of the SDQP marked for identification as FZ-2?

A Yes,

Q Map four the recommended changes I take it were those recommendations made by the Middlesex County Planning Department which are memorialized in recommendation Boman numeral 1-tf --

A Yes.

Q Now, sir, this document within which that recommendation I-M, that is the comment regarding the revised State Development Code, appears to be a document of about a hundred pages. Would that be correct?

A Yes.

Q How was that document submitted in its entirety by the staff of the Department of Community Affairs meaning the Division of Planning within the Department of Community Affairs to the cabinet committee?

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PEN DEPT. ACCNZE C. J.

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A Yes.

Q When it was submitted, I take it it was submitted on or about? January 1931 to the cabinet committee?

A Yes.

Q When it was submitted to the cabinet committee, what did the cabinet committee do in response to its receipt?

A Well, each department took a copy back and had its staff review the proposals, and there were text changes to the plan as well as a few other things as they were discussed today and it was discussed further.

Q Okay. Were you present at the cabinet committee when those discussions took place?

A Yes.

Q Did you, also, review minutes of the cabinet committee meetings?

A There were minutes kept, yes.

Q You have reviewed those minutes since their actual production during the Spring of 1981 I take it?

A Yes, I have.

Q Okay. I take it that you presently do not have a copy of any of those minutes during that period of time of the cabinet committee?

A I have some copies of some minutes. It never

1 occurred to me it would be that important to retain them,
2
3 I assume that I got all the ones that pertain
4 specifically to the guide plan.

5 Q I'd like to request of you, Mr. Qinman,
6 if you could furnish mm with a copy of any of those
7 minutes* ; v: ^

8 B1R. HERBERT; I will represent to
9 Counsel I will provide to Counsel copies
10 of that document.

11 MR. MORANS Off the record.

12 (Whereupon a dlscusaion was held
13 off the record.)

14 BY MR. HERBERT:

15 Q Counsel have conferred and what we would
16 request of you, Mr. Qinman, is that you ascertain vhaM
17 minutes you have available concerning the cabinet
18 committee and only those minutes dealing with the SDGP
19 starting back whenever its first consideration was
20 undertaken bj the cabinet committee up to and including
21 the Spring of 1981. I'd request any minutes dealing
22 with that area*.

23 MB* BISGAIERI If I can interrupt,
24 make it all inclusive, whatever you have
25 from the time the cabinet committee first
started considering the SDGP until the time

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it ceased to exist If you had any minutes,

THE mTmSBt Eve© if the SQOF was not on the agenda?

101«. IXSQAXIBi ' H#f~iii* ' Discussion relating to the SDQP,

THE WITNESS; Ob, okay.

MR. HERBERT: Off th« record*

(Whereupon a discussion was held off the record.)

BY MR. HERBERT:

Q Mr* Qinman, when the comments were submitted, that is PZ-5 were submitted by staff to the cabinet committee in January 1981, you indicated that various departments studied the document and made apparently some input* Would you just describe what departments you're referring to, please? Are they cabinet level departments of the State Government?

A Yes, and they for the most part include those concerned with development* For example, Community Affairs, Transportation, Environmental Protection, Treasury, Labor or at that time, I guess, there was ~* " that was before Commerce, but it would have been the group that la now in Commerce. Agriculture, there may have been a couple of others that X Just can't think of*

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Q Okay. How many evasions of the cabinet committee were held at which time the comments were consideredt

k I don't know. To me, it seems like it was eternal* but I'm sure it wasn't that long, I% seemed like we were constantly discussing them* but I would probably say a half dozen*

Q Would it be correct to say at least a half a dozen*

4 this is a guess«

Q At least

A I'd have to look it up*

Q All right* Would it be better to say approximately a half dozen meetings were held of the cabinet committee to consider the ornamentsf

A See, Vm running together timea when we probably sat not to discuss specific comments, but what to da about the Guide Plan as well* It was sort of all caught up in the same discussion. The amendments were really thought of as part of m process of finalising the Guide Flan*

Q Now, sir --

A At least to make & status report of the Guide Plan*

Q After however many meetings there were concerning comments, would it be correct to say that there

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Ginman - direct

^Jk^t^%~

24

1 was a decision made by the cabinet committee not to adopt
2 any such changes? . ' ".... \ >

3 A I don't think it was a conscious decision not to
4 adopt them. It was just no decision was reached.

5
6 % Would it be therefor* fair to say that the
7 **May 1980 SDGP identified as PZ-2 is, therefore, the only**
8 promulgated State Quids Plan by this cabinet committee?

9 A As far as the staff was concerned, the only thing
10 that we felt had any status was the May of 1980 drafts
11 **since we* were not authorized to release any other**
12 **documents.**

13 Q So, I would take it that as far as the
14 Division *mi* Planning is concerned, the only document that
15 has official status even as &t today is the Hay If80 SDGP
16 Identified as PZ-2?

17 MR. MORAHi Object to the fora of
18 the question, use of the term official
19 status. There's been no testimony other
20 than - from this witness other than the
21 fact that the committee authorized the
22 release of the Plan* Whether or not that
23 confirms official status has not been
24 established*

25 MR, HERSEHT: Could you go back to
his answerf

(Whereupon the requested portion
was read back,)

BY MR. HERBERT:

Q When you talk about status as far as the
staff is concerned, could you just qualify that a little
bit better? What do you mean by status?

A -- * * fiat' wi^L' ta&#a little explaining* We began the * *
process in 1975. We had experienced I think what the
Planning Division felt was a serious setback in not
having a previous effort called the Horizon Plan not
reach some point where it could have at least public
release. There were a lot of reasons why that didn't
happen. So, we felt that we had to have a new start in
the Cahill Administration* There was an attempts to look
at how planning was organized.

Now, a plan was produced* We felt at this time,
perhaps, rather than have the argument as to how planning
should be organized to State Government, we should make
an attempt to organize the plan to see what a plan would
look like, work it out with municipalities* If we had
consensus, maybe the organization would follow.

So, we were building from what we thought was a
very tentative base* The first discussion with counties
was a draft plan that really had very little status*

By the time we got with the 1977 plan, it started

Ginman - direct . . . ; . . . ; . . . " " " M . * . : : T - ^ ^ 2\$

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to gain some - at least some respectability> but it was" still pretty much a draft plan put together under whatever leagues authorised the Division of Planning to authorise plans and circulate them*

The goal which we were striving for was literally some type of gubernatorial planning process* This should be the plan the administration should get behind*

When we got to the point of getting a cabinet development committee organized, it was - the whole idea of the cabinet committee and the Governor's Office of Policy and Planning was not very far from what the Cahill State Planning Task Force recommended* At least it was in the direction.

When they began to look at the plan in a serious way and took the responsibility of authorising its release, we felt that the plan started, to gain some status*. We were not about to jeopardise that by running around releasing plans by the Division. So, we were mm in lock step* At least we thought we were in lock step with the Cabinet Committee and Governor's Office and we would take direction from them.

1 I see. I don't want to* belabor it, but as far as a document with "status"¹¹ is concerned, would it be fair to say that that term in your mind would be official status as far as the SDGP is concerned, that the only

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... documents; in that area would be the May 1980 version.

MR. MORAN: Again, I object to the form of the question when you're talking about official status. I don't even know

MR. HERBERT: Well, I think this State official of nineteen years might be able to answer that question. The objection of Mr. Moran is justified on the record.

BT MR. HERBERT:

Q You can answer the question?

A Well, our interpretation of what status meant at that time was to have the Cabinet Development Committee take the responsibility for whatever document was to be issued. The only one that we have any record of their taking a positive step is the May 1980 version.

Q Mr. Chairman today X brought with me a map of Cranbury Township and on that map - it's rather larger in size. On that map is depicted the various land holdings whether they be actual purchase properties or operation properties of various litigants in this matter, and they're so identified. Would it be correct to say that I asked you to draw a line designating the separation between the limited growth area and the growth

-km

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4T? :§iiv»'••dirati^ •; ; " " "r'.\ '- ^^&^^';;/ "i(lp; |
area as^ shown on the Hay- 198t SDQff ' lJiHii\$lf: - »'•J*?

3 Q You have so drawn that line* have you nott

4 .. k .. tes*
5 ^ : : ^ : - ••(! -^ -' Would it be correct t# sajx that" thar is' sa^f
6 approximate line and is not of pinpoint accuracy?

7 A Yes*

8 Q Okay. Now, sir* X show you the map which
9 has been identified aa PZ-4 and I would aslt you* sir,
10 to simply indicate - you can write right on the asp ~
11 which side of the line is the limited growth area and
12 which side of the line is the growth area*

13 HI* HERBERTS Off the record.
14 (Whereupon a discussion was held off
15 the record.)

16 BY MR* H!RB!R\$*

17 Q Now, let the record reflect that Mr. Ginman
18 has written the words growth area* That ia the area
19 generally to the east of the red line that he had
20 earlier designated on PZ-4, and the area within Cranbury
21 Township to the west as the limited growth area* Would
22 that be correct, Mr* Qinmanf

23 4 Yes*

24 t Mr- Ginraan, based again upon the May 1980
25 8DQW, is there any area of GranDury Township whleh is

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Ginman -direct

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designated other than limited growth area or growth area?

A I don't know the Township, m*

MR. HERBERT: Off the record*

(Whereupon a discussion was held
off the record.)

MR. HERBERT: Read back my question*

(Whereupon the requested portion
was read back.)

mm* HERBERT:

Q And the answer 1st

A No.

Q t take it, therefore, there 1* no area
within Cranbury Township according to the 1980 - May
1980 SDGP which is designated as agricultural?

A No.

(Whereupon a break waft taken*)

BY MR. HERBERT*

Q Mr. Ginman, going back to the line of
demarcation between Halted growth and growth area which
has mm been Identified oa PZ-4, the large map of
Cranbury, do you recall discussions that were held prior
to the promulgation of the May 1980 plan with the
Middlesex County Planning Agencyt

A fe».

3 Wa» that line of demarcation predicated upon

1
2 Wi2 a@m underpinning rationale? Let m» rephrase the
3 question*

4 Was the separation, that la tha line
5 separating limited growth from growth area, was that baae4
6 upon any kind of policy judgments as far as the Division
7 of Planning was concerned?

8 A Well* the notion of reducing the growth area in
9 the Southern part of the County was & position that was
10 well maintained by the County for acae time, and our
11 reaction to that was to create a limited growth area In
12 thia region, and the arguments were put forth by the
13 County Planning Board la a memorandum to us. Actually,
14 I guesa it was a policy statement which I think I have
15 given you copies of.

16 Q Let me see that, please*

17 A . I think I've gives them out* I don't have a copy.

18 Q Would It be fair to say that the designation^*
19 of Halted growth and growth area for Middlesex County
20 specifically as It affects Cranbury was the result of
21 that interplay between the Middlesex County Planning
22 Agency and your Division of Stats Planning?

23 A Also, in the Tri-State Regional Planning
24 Commission, I have several internal memoranda that have
25 addressed that subject. Shall I share those with you?

Q Sure, Can we have whatever documents you've

brought with yfn- pleaaet . / -. . . .
 4 411 right. In June - this is that 1976 version*
 In '77, there was a report to all County Planning
 Directors that went along with the '77 draft showing
 changes as a result of discussion, one of which is
 referred to in M14AUM& C@tmtr#

Q Now, first of all, could we have the 1976
 document identified as P2S-7 please? It's dated October
 1976.

(A document entitled The Draft
 State Development Plan dated October 1976
 was marked P2-7 for identification*)

BY MH. HERBERT:

Q Now, P2-7 which is captioned at the top The
 Draft State Development Plan consisting of eight pages
 contain at page two & concept map; does it not?

A Yes.

Q Now, on that concept map there is a general
 area designated "Development Area¹ in crosshatched?

A Yes.

Q Would it be fair to say that all of Cranbury
 looking at that concept map was at that time designated as
 "Development Area"?

A Yes. The term was actually synonymous with growth
 area. We just changed the designation as a result of

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1 recommendations we had received that they liked the other
2 ten a better*

3 Q Would it be fair to say that initially the
4 first version if you will of the State - what was later
5 to become the State Development Guide Plan, thisⁿDraft
6 State Development Plan* designated as PZ-7 which was
7 **circulated?**

8 A To all County Planning **Directors.**

9 Q In October If 7% designated Cranbury as a
10 growth area?

11 Q Now, after this was sent out, what was the
12 next document that you brought with you as far as the
13 evolution of tfei* SDOFF

14 A All right. Aft a result of the coismentB we
15 received_g we were engaged to the procea* of plan
16 comparison with Tri-State Regional Planning CoBaaid#ion
17 and Middlesex County, which is referred to in this
18 document of Juno of *7?«

19
20 ME* HERBERT* May wo have this
21 document which is a sixteen-page
22 memorandum froo Richard Oimxian, Dii*ector,
23 to Sidney Willis, W-i-l-l-i-s, Assistant
24 Commisaioner of tho Department of
25 Community Affairs dated Juno 2nd, 1077

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MR. HERBERT: Off the record.

(Whereupon a discussion was held off the record.)

BY MR. HERBERT:

Q It says the same thing*

A Well, the text prior to this that's headed Middlesex County outlines the issues that were concerned and correlated with the map* First one is regarding "Lower Middlesex County along Route X in South Brunswick and Plainsboro Townships extending to the main lines of the Penn Central to the east and into Somerset County," and the Regional Development Guide, which is the Tri-State document, Tri-State Regional Planning Commission points out, "Much of this area is classified as appropriate for rural development less than point five dwellings to the acre*** The Guide Plan says that "This area is classified for development, supported by public investment," and shall I go on and read the discussion?

Q No* I think the discussion speaks for itself.

There is an allusion at the last sentence of that discussion where it states, "It should be noted that the Division has previously articulated its position regarding development in Southern Middlesex County to the Standing Committee on Land Use,

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Environment and Energy in a memorandum on January 7th, 1977."

A Yes.

Q Would you have a copy of that memorandum with you?

A I have no idea where that is, didn't ring a bell at all.

Q Do you recall what that memorandum basically addressed?

A He*

Q Do you know what the Standing Committee on Land Use, Environment and Energy is?

A I think it's a Tri-State Committee. Probably what it was was a technical advisory committee to the Tri-State organization so that when they were in the process of adopting various plans and policies, they had some recommendations. So, I have no idea where that communication went.

Q Okay* Now, just for the sake of identifying this, PZ-6, the June 2nd, 1977 memorandum from yourself to Commissioner Willis, we're now zeroing in on Middlesex County, You've identified issue number ten* and you've indicated that issue by the location and you've just spoke to, I take it, a disagreement between your staff and the --

1 We've outlined there is a technical disagreement
2 and the reasons for the difference of opinion between the
3 two agencies, and number eleven is ~ relates to
4 Cranbury Township and it in effect dismisses th# very
5 same situation that Tri-State Plan calls for rural
6 development and we sail for development, and the
7 discussion says See above discussion, which refers to
8 item ten* So, the same basic argument prevails and them
9 on twelve, it's Monmouth Junction and w@ go on with
10 another issue,

11 Q I see* Would it be correct to say, Mr.
12 Ginman, that the only section of this June %n&§ *7?
13 memorandum, PZ-8 for identification, dealing with
14 Cranbury is the map and items tea and eleven in the
15 page after that map? I'm &\$rv?* The page before the map?

16 X There Is an observation in the main text that was
17 a concern between the definitions of the Tri-State Plan
18 that they had a lot of small little areas shown as growth
19 centers or something like that. We didn*t, and we
20 assumed that there would be a lot of small little
21 existing villages la the State that would continue to
22 grow despite what they were designated whether they were
23 limited growth, and that's covered in the cover, but
24 there's ne specific reference to Middlesex County* Shall
25 I go oaf

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Following that was a submission that went along with the new draft, the original draft I should say of the State Development Guide Plan in September of '77, and for each county, we highlighted what the changes were, what we had decided to do from the *?§ version* In Middlesex County, it refers to -

Q Before we have any further testimony of this document, it is m September 29th, 1977 document from Donald Stansfield, Chief of the Borough of Statewide Planning within the Division of State and Regional Planning to all County Plan Directors, re Changes in State Development Guide Plan Concept Map consisting of six pages*

OT. ZIERBERT: Mark tills«

(A document from Donald Stansflaid to all County Planning Directors dated September 29th, 1977 was marked PZ-9 for identification*)

BY MS. HERBER1?J

Q Okay, Looking at that document, would you explain what that document is, please?

A It is in effect an advanced copy to the County Planning Directors, and this is the company memorandum and it also, highlights what we've done by and large to accommodate their concerns, and Middlesex County tm

* NCAD 00 . BAYL E. N.J.O 7000 I

1 referred to on the bottom page three, and the
2 statement goes on, "Two large parcels of land between
3 Route 1 and the New Jersey Turnpike in Plainsboro,
4 Cranbury and South Brunswick Township are reclassified
5 from a growth area to a limited growth area*. Two land
6 areas are separated by a narrow growth area in the
7 Monmouth Junction, Dayton area, which South Brunswick
8 has established as a high density district*. The limited
9 growth classification has been utilized in this area to
10 reflect the active agricultural land in Plainsboro and
11 Cranbury Township and certain environmental sensitive
12 flood plains and swamp lands in South Brunswick*"

13 Now, there's another paragraph that refers to
14 Monroe Township.

15 Q Just stopping you at that juncture, would it
16 be fair to say that originally in the first
17 Development Guide Plan as it was then called, the State
18 Development Plan draft had recommended all of Cranbury
19 Township being in a growth area and that as a result of
20 input from the Tri-State Regional Development - I am
21 sorry* Tri-State Agency and other agencies that that
22 was thereafter changed to be partially growth and
23 partially limited growth?

24 A Yes* with this provision. I don't want to
25 suggest that somehow we had targeted or outlined, specific

1 township* or municipalities for one designation or
2 another. Am a result of th«? way tha plan was
3 constructed wit& % growth corridor running literally froa
4 New Brunswick to Trenton, the designation of such
5 completely enveloped. -* tn# result of t&at enveloped
6 Cranbury Township*. It was snot we looked at Cranbury
7 and aay this township should be in growth,

8 Q Getting to that growth corridor -«

9 4 Tes*

10 Q - d o I take It that the line of
11 demarcation botwaaa the growth area ant the limited growth!
12 area oii the BMW as it gees through Cranbury Township la
13 extending out from the growth corridor centered on Route 1
14 going between Hen Brunswick and Trenton?

15 A Well, we considered not only Route 1 hut other
16 parallel routes like 130, the Turnpike, the Conrail
17 main line and so on*

18 Q X guesa what I'm getting to is the growth
19 area constitutea a growth corridor X take it generally
20 following major transportation networks In the State and
21 in this case Route 1 and 130T

22 4 Yes.

23 Q Okay. You have another document beyond
24 September 29th, 1977?

25 4 tealu Moving right along - I hate %& bury you

1 its. pap«p - th« next page op document i* * Plan
 2 **Comparison Process that I believe was finalized just**
 3 before the publication of th« 1980 docluuantu fher* are
 4 thr^e parts to it, one of which is an exFlftnatlds by one
 5 of our staff meiabera called Plan Compariaou Process **just**
 6 to describe what it is* It¹a the descriptive form. The
 7 second item ia a memorancium from the two principal
 8 persona at Tri-State in our office that worked on this
 9 document and the memo is to Tri-State, the persoa in
 10 ohargo of the effort in Tri-State and ayaelf describing
 11 thia process and, then, the major *ttmm* is the actual
 12 plan comparison report -

13 Q Let's have these ~~

14 A — for Middlesex Comity.

15 Q **Fine.**

16 MR.. HERBERTi I'd like to have these
 17 documents marked in chronological order.
 18 First, the Plan Comparison Proceaa •- - '
 19 consisting of seven pages dated June 29th,
 20 1979* I^fd like to haw It marked as P2-10,
 21 **please.**

22 (A Plan Comparison Proce3a dated
 23 June 29th, 1979 consisting of seven pages
 24 was marked PZ-10 for identification.)

25 MR. HERBERT: Now, the memorandum

1 from Catherine Poaloecky and Mary
 2 Winder, Planner* with the Division of
 3 Planning, New Jersey Department of
 4 Community Affairs to Mr. Ginman and
 5 the Director and Secretary of the Tri-State
 6 -- !*» sorry. To the Director of the
 7 Tri-State Economic Development and Land
 8 Use Division and to the Secretary of the
 9 Tri-State Standing Committee on Land Use,
 10 Environment and Energy consisting of three

11 ... pages marked as n^Vk* < ^--r^r-\ ' *---* : . ' T' f< ,

12 (A memorandum from Katherine Poslosky
 13 sad Mary Winder consisting of three pages
 14 was marked PZ-11 for identification.)

15 MB. HERBERT: the fairly voluminous
 16 document labelled Middlesex County Tri-State
 17 Regional Development Guide and State
 18 Development Guide, I'd like to have that
 19 marked ~ I am sorry.

20 BT MR* HEHBERT*

21 Q Is there a date on that document, Mr. Ginman?
 22 k Probably various dates depending on resolutions
 23 passed and so on. It is generally late <79.

24 Q Okay.

25 k Early '80.

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1 There's an indication on page four,
2 October 15th, 1979. Would that be an approximate date
3 as to when it was issued?

4 Say the date again*

Q October 15th, 1979?

A That sounds good to me.

MR. HERBERT: Mark this.

(A document entitled Middlesex County
Tri-State Regional Development Guide and
State Development Guide was marked P2-12
t&w identification*)

BY MR* HERBERT!

Q Now, if we may go back, PZ-1Q* this document
apparently, was authored by & Mary Winder, W-i-n-d-e-r.
Could you describe who she was, please? Mary Winder, who
is she, please?

A Bhm was & Staff Planner employed by the Division
working in the Bureau of Statewide Planning under Mr*
Stansfield. Her prime responsibility was carrying out
this gross acceptance process between the plans along
with Katherine Poalosky, and she saw fit to author this
memorandum that described this whole process.

There's a specific reference to Middlesex County.
It's just an overall description of what it is that we
are - or what it is that I submitted regarding Middlesex.

1 1 Q PZ-11, which is the meat document which,
2 again, is authored by Ms. Winder as well as Ms* Poslosky
3 dated January 16th, 1930. Could you describe what that
4 document is, please?

5 A Tea. All of these counties were **being reviewed**
6 and compared and analyzed about the same time, but they
7 have different dates on the completion of that process*
8 This memorandum was prepared and sent out to myself,
9 and the responsible parties of Tri-State in effect
10 finalising the process at least for this* That's turn
11 overalls over 'gea^yn^p^-. ,

12 Q Now, I direct your attention to PZ-12,
13 which appears to have been issued on or about October 15th,
14 1979* Could you explain what that document is, please?

15 A Yeah. The first sheet is a map and in fact
16 several sheets beginning - are maps of the Tri-State
17 Plan, which is prepared in a grid fashion for square mile
18 grids, and these are designations of densities and so
19 forth that are compared with - the first map at least
20 has lines from the State Development Guide Plan
21 superimposed over it to try to illustrate the comparison
22 between the different policies.

23 There are accompanying memoranda or actually they
24 are resolutions on Middlesex County Planning Board in the
25 **Tri-State** Regional Planning Commission indicating their

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Ginman - dlreet^T" • ' . -m^ ^, -«-# 44
acceptance or agreement to disagree regarding the way
either the Regional Development Guide Is worded. That's
the Tri-Stat© document or the State Development Guide
Plan or County policies, and the final accompanying item
is a chart at the end that lists all three of the policiei
of tha three agencies and what they have said about each
of the areas that we were concerned with. I think the
conclusion was that we were reasonably consistent with
three, ageneies with each other. j; .

9 How, looking at the last page of PZ-12, who(h
is the document you just described with the grids and so
forth and comparing that with page 125 of the SDGF marked
as P2-2 for these depositions -

A Yes.

Q -. would It be fair to say that the lines
of demarcation between the limited growth area and the
growth area are identical? I*m sorry* Let me correct
that* Are identical as they affect Cranbury?

A It would be hard for me to make the conclusion• I
think there is a great similarity in the war the maps
were drafted. Whether they precisely reflect the exact
lines would be very difficult for me toF say.

Q Mr* Ginman» do you have any other documents
beyond the grid @a& document, PZ-12, which predates the
May 1980 SDGP documents that go to the, If you will, the

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evolution of this plant

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2 k Yea. In January, we prepared a status report
3 regarding the different agencies and the - either the
4 plan comparison process or whatever does include some
5 **State agency plans and County plans as compared. There**
6 is a reference to Middlesex County,

7 **MR. HERBERT:** I'd like to have this
8 document, which has a caption "Status of
9 the State Development Guide Plan with
10 respect to plans of other agencies"
11 prepared by the Bureau of Statewide Planning,
12 Division of Planning, Department
13 of Community Affairs dated January 1980
14 marked for identification as PZ-13*

15 (A document entitled Status of the
16 State Development Guide Plan with respect
17 to plans of other agencies was marked PZ-13
18 for identification,)

19 BT MB* HERBERTi

20 Q Sir, would you identify that? I know I
21 just indicated the title. What basically is PS-13T

22 A Well, it is a status report, which was used to
23 believe, to brief the Cabinet Development Committee on
24 our progress on drafting the plan*

25 Q I'm turning now to page two at the bottom.

Ginman - direct

46-11

1 There is an allusion to — and toward the toffe of the
page three to Middlesex County*

3 A Yes.

4 Q Would f&m for purpose* of the record simply
5 read that short statement there, please?

6 A "Middlesex, part of Tri-State Region, extensive
7 discussions held with Tri-State and County staff*.
8 Basic plan compatibility achieved and the SDGP mapm
9 modified accordingly. How working together In measuring
10 the population distribution that would result If the
11 Year 200Q Plan were realised. Sewerage inventory now
12 undergoing inhouse review prior to submission to the
13 County for review. Issues remaining include the validity
14 of the population target.¹¹

15 Q Now, sir, did you draft this document,
16 PZ-13, the last document we've referred tot

17 A I'm sure it went out over m\$ signature, I personally
18 did not put it together. The staff did*

19 Q You approved it as the Division Director?

20 A tea.

21 Q It states as you've just read that "Basic
22 plan compatibility achieved and the SDGP saps modified
23 accordingly.¹¹ Now, sir --

24 A Yes.

25 Q ^- would that basically capsulize the

Qinman ~ dlreot

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1
2 process that was ongoing from 1976 as represented by
3 H-fi which is the first draft State Development
4 m to PZ-13, the status of the SDOP on January 1980?

5 Perhaps the question -

6 Would that basically capsulize what had
7 taken place from 1975 until January 1980, that is the
8 attempt to reconcile differences with various agencies?

9 k Probably from '77 since we had an Interim map
10 or interim plan published in '77*

11 § And a modification of the maps so as to
12 reflect, I take it, some kind of consensus with these
13 agencies?

14 A Tea* We were trying to illustrate where we were at
15 any point in time. If I were ever to suggest we had
16 complete unanimity la opinion. In any one select point
17 at time would be misleading you. We tried to get maximum
18 participation, maximum consensus and move from there to
19 continue to try to resolve these issues* That's what we
20 did for the 1980 draft.

21 Q the May 1960 SDGF, which is referred to
22 by the Supreme Court to Mount Laurel II as if deals
23 with Middlesex County, specifically 92N.J.365, therefore,
24 is the end product if you will of an ongoing dialogue
25 with Middlesex County Planning Agency and Tri-State
over an approximately three-year period of time* Is that

Qinman - direct

correct?

k I'm troubled by the use of the word end product. I never -* I don't think w# could ever say w# reached an end product. Certainly aofe with Middlesex or any other County,

j It was a continuing dialogue, but at that point in time, I think it was our opinion that we had reasonable consistency at least sufficient enough consensus to go ahead with that particular plait-

Q That plan was thereafter released with the authorisation of the Cabinet Comuraittee to the public in Hay 1980?

4 Yes.

MR. HERBERT! X have nothing further.

I think we've - X'w agreed subject to approval of plaintiffs* counsel and Mr* Moran - Mr. Bisgaier asked to go second if that meets with everybody's approval*

CROSS EXAMINATION

BY MR, BISQAIER:

Q Mr* Ginman, what sis® was the staff that wai working under you at any given time on the plant

k Well, it was contained to the Bureau of Statewide Planning that probably had somewhere between eight and tei personnel assigned to it which were supported on occasion

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. *TFA--C;

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1 from staffs from some of the other bureaus on, specific
2 issues, especially, aa we got into some of the questions
3 of housing and so on.
4

5 Q Over the period of years that you were
6 continuing to evaluate the auide Flan designations,
7 I take 1% there were many instances of staff •- •-
8 recommendations that ultimately were not ~» did not find
9 themselves into the actual consent map that Is found in
10 the May 1980 State Development Guide Planj Is that net
11 correct?

12 A Teah. We had many different level conversations
13 with County Planning Boards. On occasion, a delegation
14 of maybe two or three staff personnel would go out to
15 the County and have & meeting and summarize the events
16 as to what the County recommended, what we thought we
17 should recommend and so on and, then, there would be a
18 staff deliberation with the Bureau, and If it was a
19 serious Issue where thsre was some difficulty, I might be
20 drawn into the matter*

21 So, it wasn't always the ease where the staff
22 would resolve these Issues In the field* They would
23 discuss them and sometimes their positions were not
24 **accepted.**

25 Q Now, in that context when you say what we
thought we should recommend, you're referring to the

1 individual staff members who happened to be talking to
2 the Comity or at County meetings who would them
3 memorialize im a memo to you their personal viewpoint as
4 to whether to accept or not to accept a County or
5 another agency's recommendationi is that not correct?

6 A That's correct.

7 Q The other way though» whether the Division
8 of State and Regional Planning && a Division adopted or
9 did not adopt a specific staff member recommendation
10 would be to look at the actual consent map as fount in
11 the May 1980 State Development Quid© Plan and that would
12 tell you what the ultijaate decision was of the Divisioni
13 is that not correct?

14 A Yes.

15 Q Is there any way to know at any given time
16 aa to whether a, specific staff recommendation aa may be
17 found in a given memorandum was the recommendation of
18 the entire Division or was the recommendation of individual
19 members of the ataTf?

20 A % couldn't say how It would be*

21 Q The Hay 1930 document which embodies staff
22 recommendations, I take it you previously testified that
23 that document or those recommendations were discussed
24 with the Cabinet Committeej Is that not correct?

25 A Yes.

1 Q You testified that the Cabinet Committee
2 neither adopted nor Juafc didn't act on those recommenda-
3 tions?

4 A That's correct, . . .
5 ; - Q ; - : la it true to say or how would you . -
6 eharacterize those recosiaendations? were those recoaunenda-
7 tion3 of the Division? 614 it have the imprimatur
8 of the Division! Were the; - was the Division acting
9 as a eonduit for recommendations from County Planning
10 Agencies? Was It the final word so to speak of the
11 Division op wan the Division itself open to discussion
12 with the Cabinet Committee as to changes? Bo you know
13 what I'm getting at? In other words -

14 A We were playing two roles* Since we were moving
15 toward* the document that was hopefully going to take
16 on a more official imprimatur of State Government, we
17 wanted to demonstrate the fact that it was an open
18 process. So, we began to include, to try to accommodate
19 to those recommendations that became persistent among
20 Counties, and Middlesex waft not the only County that
21 hat issues that we were not able to resolve on a technical
22 basis* There were some that we probably did not raise
23 because we felt they were frivolous* but where ther# wer#
24 serious or where there was & legitimate difference of
25 technical opinion, we felt it was important to bring

1 those forward and have those aired and discussed.

2 One that comes to mind is a - I^f 11 use an
3 illustration* Not in Middlesex County, but there was a
4 let of concern ever the Great Swamp and whether that
5 area shouldn't be significantly enlarged to protect it
6 %*?&& *&* border* of the wildlife area. We saw that
7 there was a tremendous amount of local support for this,
8 for the ides of changing the map, but we were, also,
9 cognizant of the fact that there was a need, also, at
10 the same time of map changes that there be some local
11 policy demonstrated to try to protect the area, some
12 kind of a - I hate to use the words Pinelands North,
13 but some kind of & movement to that effect, and we
14 recommended that to the Cabinet Committee and they, also,
15 considered that at the same time they considered a map
16 **change.**

17 **So, we** were trying to move in the direction of
18 if you seriously think about making changes of major
19 policy, also, think about how they may be implemented
20 and we were trying to get that - trying to begin that
21 as a regular process for the Cabinet Committee to deal
22 with*

23 Q How would you characterise your state of
24 mind presenting these recommendations to the Cabinet
25 Committee? Would you characterise it as more or less

1 fixed that this was your recommendation and you were
2 recommending that for approval or would you characterize
3 it as somewhat open for discussion purposes with the
4 **Committee?**

5 A " " 1*4 probably have felt say the latter. I saw myself
6 as more or less of an officer carrying out an assignment
7 of bringing this process along rather than trying to
8 instill my own views*

9 Q Now, you made a distinction before as a
10 result of a colloquy between Mr, Moran and Mr* Herbert
11 as to the status of the two documents» the May 193a
12 document and the January 1981 document, and you
13 characterized, I believe, the 1980 document as approved
14 for publication and 1981 not approved for publication*
15 What does that mean? What did that mean vis-a-vis the
16 way the State intended these documents to be viewed or
17 used? I could put it another way*

18 A Let me try and answer it. Prior to the Mount
19 Laurel XI decision, we had viewed the State Development
20 Guide Plan as a device purely to assist State Government
21 to making policy decisions about capital investments, and
22 we had hoped that the 1980 document would move - and I
23 think most of the department heads who found it useful
24 had hoped that it would move from & status - I forget
25 what the title was across the front of it - State

1 Development Guide Plan, Revised Draft.

2 Most department heads felt it did not sound like
3 a document with any air of finality about it, and they
4 were anxious to see this become a major State Government
5 policy document.

6 So, that's what we were moving to and that's the
7 kind of document we hoped to achieve, something that had
8 an imprimatur on the part of the State Government.

9 Q Now, was it your understanding of the action
10 of the Cabinet Committee vis-a-vis the Mar 1980 draft that
11 it had that imprimatur?

12 A I can only measure it in terms of degree.
13 Certainly more so than any previous document.

14 Q How would you compare it to the January 1981
15 document?

16 A Well, more than that since they decided not to
17 take any action, well, there was no decision. It was an
18 absence of action on the part of the Cabinet Committee,
19 and they did not take action on this, although having
20 discussed it at least for several meetings.

21 Q You indicated previously that this document,
22 the January 1981 document was not approved for
23 publication. Was it approved for any purpose whatsoever
24 by anybody?

25 A Well, it looks more final, I guess, than it probably

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was intended, but we had put it together in such a form to circulate among the cabinet offices. So, it was prepared in that sense and, apparently, others were aware of it and inquired about it, and the Attorney General's office advised us that it did have in fact public status and I, then, advised, the Department of Community Affairs to print these up in volume because they would probably be demanded by others that would be interested.

H&< HERBERT1 Off the record.

(Whereupon there was an off the

't," " *"" pseo?€ discussion.) / , ^--^

BIMR, BISGAIER:

Q Now, when you say the Attorney General's office indicated to you it had public status, you're referring to public status in the sense of the Sunshine - in the sense of the public document law requiring release to the public upon public inquiry is that correct?

A I think literally like any of the documents I'm relating to, it's not something we were holding or keeping from the public, and I assume it would have - that there would be a large demand and Xerox these things everytime the Department went and printed them -

Q The release was subject to or as a result of]

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1 an inquiry by the Department to the Attorney General¹*
2 office which yielded the opinion that this was a
3 public document which you wer« required t& release
4 upon public request?

5 jk::^.....,.,.tfcdf.wa»aftajpan inquiry by an attorney Jte #
6 Harding Township* ' ? . . - . - , - • .";i

7 Q However, I appreciate that, but could you
8 --1 would llk« a y«» 0^ nm w whatever -•

9 A Ye3.

10 Q - to the quention.

11 A Yea, I Juat wanted to point out the Department
12 didn't Juat all of a sudden decide upon to do this* it
13 wa» an inquiry that led to the diseusion of the document•

14 Q If X understand the chronology of its
15 release_f it was Initially prepared by you? It was
16 presented - prepared by your staff! It was preaented
17 by you to the Cabinet Committee?

18 A Yes.

19 Q No action was taken? Tom were not authorize^
20 to publish the document* You, then, received an inquiry
21 from an attorney in Harding township to release the
22 document* You, then, inquired of the Attorney General's
23 office and got the opinion that you were required to
24 release it and, then, you released it?

25 A Yes.

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1
2 Q The specific line of demarcation that
3 exists in the May 1930 plan which is indicated on PZ-3
4 in Cranbury which demarcates an area for limited f^rowth
5 and an area for growth, do you personally have knowledge
6 other than the general analysis of why an area should fee
7 limited growth aft opposed to growtht Do you have any
8 personal knowledge or are there any documents that would
9 reveal the specific logic to the exact location of that

10
11 What I'm getting at la if doesn't appear to
12 follow a road, 1% doesn't appear to follow any natural
13 terrain or topography?

14 A I recall the debates between the County staffs and
15 our Planning staff* and I don't know what caused the
16 staff to at least come to some consensus on the location
17 of the lino* I think the only people that could answer
18 that would be the specific professional staffs that work*ed
19 on that*

20 Q The lines that are drawn on the various maps
21 appear to have no specific continuity* For exajaple, the
22 lines that are drawn on the overall consent map in the
23 May 1980 plan ant the lino's that are drawn Oxl the County
24 maps in certain particular areas appear to be somewhat
25 different* The State map is, you know, seema to be with

Qinman - cross "

v^h|... ; 58

1 \$ broader stroke* There are round areas and curved areas.
2 You get to the County maps and they're very precise of
3 almost their geometric lines, and what I'm asking you
4 is now is how do you articulate with specificity anywhere
5 as to the exact designation of a line? What is your
6 source for knowing whether or not * line is in one place
7 versus another placet Xs that the Atlas sheet that you
8 initially pea marked? Xs that your only source?

9 A Well, the source that I rely on the most is the
10 full statewide map that appears in the plan since we
11 tried to deal with this from a statewide perspective and,
12 then, we prepared the County maps for convenience and,
13 then, kept this as a record of what we were doing.

14 Q This you're referring to as the Atlas sheet?

15 A The Atlas sheet as a record and really relied
16 most heavily on the State as a whole* which appears on
17 page 44 of the May of 1930 Guide Plan* As the policy
18 for precision of line, it referred to the Atlas sheet*

19 Q So, the only way one would know precisely
20 where & line is located with regard to the Hay 1980 draft
21 would toe to refer to the Atlas sheet or what you've now
22 produced as PZ-3, the new County maps?

23 A ?es»

24 Q Is that correct?

25 A Yes.

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Q Now, looking at the January 1981 document and specifically with regard to the map four, recommended change which shows Middlesex County -

> ' *. Qr -- to your knowledge, is there anything comparable to the Atlas sheets in order to ascertain with precision what was being recommended in map four QW is that painted with a broad stroke and that's - we have her* the only base map that we could go by*

A Had this been officially adopted, we would have, then, adjusted these record copies to reflect that precision.

Q The record copy, again, you're referring to is the? Atlas sheets?

A Atlas sheets*

Q Having not been adopted and having not done that, the adjustment on the Atlas sheet then, there is no <*. *

A There is no record.

Q There is no record*

A Other than that.

Q I'd like you to refer to a document, the September 9th, 1981 Middlesex County Planning Board document which I don't recall what it has been marked as.

ME* BISQAIEBi Off the record*
(Whereupon a discussion was held

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off the record.)

MR, BISQAIER: Mark this,

(A document entitled New Jersey State Development Guide Plan Revised to Kay 1980 with identification.)

BY MR. BISQAIER:

Q Take a look at a document that's been marked PZ-14 and see if you can identify that for the record*

A This is a statement that we received from the Middlesex County Planning Board. We received this in a number of forms. I think we received it early on with a cover letter from the County Planning Director and then, more formally this way after it was adopted, and it is a comment on their opinion of the 1980 draft*

Q This is a comment that, obviously, was prepared subsequent to the May 1980 draft and prior to the January 1981 recommendations?

& Yes*

Q It was received by you and your staff?

A Yes*

Q X& that correct?

A Yes.

Q Now* I refer you to page two of that document, the second full paragraph* Would you Just

1 read that to yourself?

2 A Yes.

3 Q I, also, refer you to page -- before I ask
4 you that question, there's, apparently* a three-page
5 memorandum here and, then, it's followed by a memorandum
6 dated July 14th, 1980, Do you see that, what would be
7 page four of that?

8 A Yes.

9 Q It's a document that was, apparently,
10 prepared by something called Comprehensive Planning. Do
11 you know what that is?

12 A It's an organization within - it's a staff of the
13 County Planning Board.

14 Q Now, I refer you to page eight of that
15 document. You'll have to count* I ask you to read to
16 yourself the second paragraph of that.

17 A Yes, I read it.

18 Q Now* it appears to me and I ask you if it
19 appears to you from reading that that the recommendations
20 that are contained in this document refer only to
21 changes in the area in Cranbury designated limited growth
22 and there is no recommendation in here to any area in
23 Cranbury designated growth? That* apparently, from the
24 face of the document in any event the Planning Board¹ a
25 recommendation was to change some areas designated

1 limited growth to agricultural, and there's nothing
2 contained in here which appears to recommend any of the
3 growth areas be changed to agricultural*

4 The bottom line of the question is do you
5 have any recollection whether the change between the May
6 1930 draft and the recommendations in the January 1981
7 dram were intended to change areas designated for growth
8 in Cranbury to agricultural or simply to change areas
9 designated limited growth in Cranbury to agricultural?

10 A I don't recall other than what the document says*

11 Q You have no personal recollection as to
12 whether or not there was an attempt to change growth
13 areas to agricultural purposes as opposed to limited
14 growth areas to agricultural?

15 A I don't recall. Incidentally, I notice that one
16 has a few blank pages. I don't know if the
17 skipping of our copying machine or the other copies are
18 better*

19 MR. HERBERT: Let the transcript reflect
20 the two blank pages --

21 MR. BISGAIER: Three*

22 MR. HERBERT: Three blank pages are
23 simply that. They're all the document
24 of all of the pages that are typed are
25 in that draft. Would that be correct, Mr.

THE WITNESS: The other one shows it
I assume* That's it. :

MR* BISQAIERS X den¹f have any
further questions* \$fcaate##:- ' ' ' ' ' ' ^

CROSS EXAMINATION

BY MS. LA BELLA:

Q Mr, Ginman, you were referred several times
to the Cabinet Committee's meetings when they arrived at
no action* the decision to take no action on the 1981
revisions, proposed revision. What exactly happened!
I mean how does someone arrive at a decision to take no
action?

A Maybe X should clarify that. There wa» not a
decision to take no action. No action was taken if" I
may try to clarify that. It was a continuing discussion
and It literally was dropped.

Q Heir did that come about that it was dropped?

k Well, aa X recall early on, there was a great deal
of concern that the revision process and any final
disposition er - final disposition, by that I mean some
formal adoption er aome formal designation of the plan
by the administration is concerned that that should be
done early on before the primary season got into fall
swing.

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1 It was & concor-n that this mt become an issue,
 2 but would suffer the eonaequeneea of a political debate*
 3 Unfortunately, the arguments or the discussion* that we.
 4 had with th* different parties that wer© Interated in
 5 th« flam including th# 3tat« agencies waa net resolved
 6 early» and It did drift Into this period nJN»r# there wa*
 7 a great deal of concern a« to what this would do or how
 8 tliia would fare in the political arena#

9 Q Whose decision then was it to drop further
 10 diacuaaionst

11 A I don't know there was & decision to drop. There
 12 was a deelialoa as I recall i©* I bellew - It aay hav#
 13 even been formally made by the Director of Policy and
 14 Ploanlng t@ th# Governor & m t^ one of aev«ral alteraative4
 15 he would recommend* I don't recall a decision ever being
 16 made after that*

17 Q What happened? 014 the Cabinet Committee
 18 simply stop meeting?

19 k The Cabinet Committee had other itess to deal with.

20 Q It stopped considering all aspects of the

21
 22 A It didn't come up on the agenda OF if It did, it
 23 might have been a status report by the Director of Of floor
 24 of Policy and Planning, who may have said and not admit
 25 anything more than that*

1 Q No one attempted to revive discussion*

2 A J ©wre were different Cabinet office*
3 that took a bigger interest in the plan than others.
4 The Commissioner Campaseny (phonetic) from the
5 Department of Transportation waft very interested in the
6 plan as was our own department. That didn't necessarily
7 mean an answer would be forthcoming*

8 Q Going back to the original designations of
9 growth areas, limited growth and agricultural, could you
10 explain what factors your staff and you considered
11 in designating an area as growth as opposed to limited
12 growth and limited growth as opposed to agricultural?

13 A Just a brief summary* Well, there are general
14 criteria listed in the Guide Flan which !•11 have to find.
15 this deals, I guess - begins on page 28, guidelines for
16 planning and talks about ten different criteria, five of
17 which are development inducing we believe and five of
18 which are more restricted in nature suggesting either
19 agricultural conservation or limited growth*

20 The distinction between the three becomes somewhat-
21 difficult, perhaps, not so much in conservation areas as
22 we try to target those areas that we felt were at least
23 being discussed actively in public* For example, like
24 Delaware Water dap, the Delaware Water dap national
25 Recreation area, the Skylands area and the Pinelands

I could be fairly well defined* A^ieultwUiFareas we
2 tended to key off of the blueprint commission on New
3^ Jersey agriculture which had targeted something likm ft
4 million acres for - hat* to use the word preaervation
5 because they hat* to use that, but they wanted that to
6 remain in agrieulture. They uaed maps that were prepared
7 by the Soil Conservation Service I think which are
8 repeated on page 29# talk about soils potential capability.

9 We examined this with what we considered to hm
10 areas of sufficient scale to sustain agriculture. It wa»
11 a let of diseuasion with the blueprint report about having
12 critical laas to support the kinds of things that?
13 agriculture depends on, places, co-ops, your farm
14 products and so on. So, we made some judgments about
15 where thone lands would best survive. Limited growth
16 areas were areas timt didn't quite meet all those
17 criteria.<

18 Q In this process, did you compare different
19 cominunities or different lands that were designated as
20 growth in one section and not growth In another or
21 agriculture in one section and non in another?

22 A Tou mean between different communitas*

23 Q Between different coiaibunities or different
24 counties or even within the same countyt

25 A Well, it was pointed out to us by - I'll use an

Ginman - cross

1 illustration. Sussex County Planning Board suggested
2 that the form and distribution of agriculture in their
3 county was significantly different than it was in
4 Cumberland County, and we tried to find a way to
5 accommodate to this difference. In fact, that may have
6 been one of the recommendations of the '\$1 report.'

7 -v-^ . So, we were aware of different geographic areas
8 generating different conditions for the same basic kind
9 of activity. The same thing as there were different
10 conditions justifying the Pinelands from the Skylands
11 area, but I don't know that we ever got down to the
12 municipal level of comparing two towns that might have
13 been within the same county as to why one is one) and one
14 is another if that's the direction in your question.

15 Q Yea, that is the direction. For example,
16 if we refer to P2-3, SM Middlesex County, there are areas
17 that are designated limited growth area, Plainboro and
18 going down to Cranbury and you, also^ have agricultural
19 areas mainly in Monroe, I believe?

20 A Yes,

21 Q Was there any rationale for that or could
22 you describe what the rationale might have been?

23 A It was a more of a historical evolution. Since we
24 have started with the concept of a growth corridor
25 running from New Brunswick to Trenton literally between

1 I mean the boundary goes both east of the Turnpike and
2 west of Route 1, but basically those are the determinants
3 of the ^{fe^tit*} corridor.

4 Q Now, prior to the time that the May 1980
5 draft was authorized for release by the Cabinet Committee,
6 you had received comments from Middlesex County Planning
7 Board; is that correct? --

8 A Yes*

9 Q Had you, also, received comments from the
10 different townships within Middlesex County?

11 A Yes.

12 Q Were those comments consistent with the
13 comments that they provided after the release of the May
14 '80 report?

15 A I'm not sure of the question*

16 Q In other words where the May '80 SDGP was
17 released, was Middlesex County concerned about the
18 preservation of agriculture in some of these areas that
19 were designated as limited growth and were recommended
20 to be designated agricultural in the 1981 revision?

21 A To my knowledge, I think Middlesex County was
22 reasonably consistent with my - let me look at one
23 of these things, I may find a reference to that.

24 I lit a memo dated June 30th, 1979 - this is from
25 Poalosky, Winder and Sulley (phonetic) to Weinar, Ginman

1 and Powell regarding the - this is buried in this
2 document known as PZ-12.

3 Q Hm you have a page number on that?

4 It*# ea!Xe& p&\$& -• X*X3t- refer to - it is known
5 as MX6> and it deals with supplementary comments by
6 Middlesex County and this is 3.1 criteria for designation
7 of open land areas* "Middlesex County requests
8 clarification of a portion of the State policy statement
9 on limited growth areas. They, also, do not contain
10 concentrations of environmental, sensitive lands that
11 are primarily farmland which merit specific state attention
12 at this time."

13 "We do not believe that this statement is accurate
14 as applied to portions in the limited growth in Middlesex
15 County, for example, the limited growth area shown east
16 of Route 130 and north of Route 522 in South Brunswick
17 contains Pigeon Swamp which is scheduled to receive an
18 eight million dollar state investment by m Green Acres
19 Program for acquisition as an important ground water
20 recharge area and passive recreation area. It will be
21 a State Park* Unless the policy statement is altered,
22 this area should be designated as open space in the SDGP."

23 A second example - you want me to go on?

24 Q You don't have to read it, but the second
25 example is actually the area that we're most concerned

1 wit& now* isa^ft that correct?

"j^ - ;

2 4 Ye 8,

3 Q How* was there a difference in the
4 consideration of these concerns expressed by Middlesex
5 County by your staff before th* promulgation of the
6 draft in 1930 as opposed t#> the revised 1981 draft?

7 A I think we were aware of the County^ **concern for**
8 **some time.**

9 Q What was the difference* %hmn* is the way
10 the drafts eam« out between 1980 where thers was a
11 limited growth area ant IfSI where it was proposed as
12 an agricultural area?

13 A X could say they wore us down, but I would be
14 guessing* I just don't know.

15 Q You don't have any recollection of what made
16 the difference?

17 A It is possible, you know, that the planning
18 staff is only human• It is very possible that if one is
19 persistent enough and badgers often enough, eventually
20 you will attempt t© %vf to resolve the issue. That may
21 have been what occurred to this situation. I just don't
22 kww#

23 Q Did any of you? staff actually do inapection | a
24 an^ site visits to the land that you were designating?

25 A Yes, especially if it was under question.

1

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1 Q Did people from your staff or you go to the
2 areas te Cranbury?

3 A I cannot certify that em such and auch a day ao and
4 so actually appeared in the field, but It was standard
5 policy for our statewide planning staff to be intimately
6 familiar with areas under dispute. In f act, the Bureau
7 €&f•# took great pvi\$m ia knowing every town, every
8 village, *VQ?F road, m*v\$ train line, frequency of the
9 mass transit service* So, I deferred those Judgments
10 pretty much to the Bureau Chief and bis staff and I
11 trusted their Judgment»

12 Q Would you know, for example, if a site visit
13 vert made and a particular new development was, obviously,
14 being constructed, would that cause the staff to place
15 that into a growth area as opposed to an agricultural area|j
16 to y©« think*

17 4 Sot necessarily• Everything is a isatter of scale*
18 I don't think there's probafely not m part of Hew J*r«*y
19 anywhere that doesn't have soaa efforts of some growth
20 somewhere, whether it be tha wilds of Sussex County or
21 Cape May or Salem*

22 There is a sort of a planning Judgment that has to
23 be made) whether you think that's a persuasive argument,
24 does it look like it's literally m committed that the
25 chances are Xt won't be Inevitable or just an isolated

1 instance, and those are very difficult decisions to make,
2 and I had to rely on the staff to make those judgments
3 based on what they saw in the field.

4 Q Are you at all familiar with the Clear
5 Brook Development in Monroe?

6 A No, no. I know of it. I couldn't exactly tell
7 you how to get there.

8 Q Were you aware of the role that that played
9 in the designation in Monroe for agricultural as opposed
10 to growth or limited growth?

11 HE. HERBERTS Off the record*

12 (Whereupon a discussion was held off
13 the record.)

14 THE WITNESS! Let me try and answer
15 the question. I think the question you're
16 asking is out of distinguishing between
17 different towns and, I think, I've
18 answered earlier that the initial stab at
19 the amide Plan was not municipality oriented
20 at all. When, I think, I answered in Mike
21 Herbert's question regarding the designation
22 of Cranbury, I said it resulted in Cranbury
23 being designated a certain way, not that we
24 set out to designate Cranbury a certain way*

25 So, we tended to look at very large

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regions of the State, and what was happening as a consequence in this area, we identified a growth corridor. Recognizing Monroe is close to the growth corridor, we drew the line; of the corridor within the bounds that we thought were impacted most upon the criteria we were looking at*

In doing so, a town like Cranbury wound up in that growth corridor very similar to a town like Monroe, which wound up outside of it* the fact it may have had substantial development or for that matter to use another illustration* within many areas of the State that were designated agricultural or limited growth were existing villages or a town maybe of reasonably, substantial size*

It did not suggest - one of the concerns we had from our rural legislators was does that mean that they were forever condemned to not getting any State aid for anything* It was a very serious concern, and we argued and we responded to them by suggesting the text of the Plan ~ there's

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going to be lots of these that will be peppered around the State, but the general philosophy in this area would be for agricultural preservation or conservation or limited growth.

MS. LA BELLA: Okay, I don't have any further questions.

CROSS EXAMINATION

BY MR. WARREN;

Q: Your name is Thomas Warren, and I'm representing plaintiff, Garfield & Company in this litigation.

A: I'm sure you answered till one question, but just refresh my recollection if you would. What is your current position?

A: I'm currently with the New Jersey Department of Treasury,

Q: Prior to that you were with the?

A: Department of Community Affairs. I was the Director of the Division of Planning during the preparation of the State Development Guide Plan,

Q: When did you leave the Department of Community Affairs!

A: I haven't really left officially. I'm on assignment with Treasury, but probably will be transferred.

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Q Can you tell me whether SO±0t^inr X9\$fla
aakteg 4eeisioa» the Department of Coiffliatoi# Affairm:
mum rely upon the State Bevelopaaiat Quite Flaaf

A Say that again. During what perlodf

Q During 1982 and 1983.

A Yes.

Q We're talking about the Hay 1980 State
Development Guide Plan*

A Would thm department rely on It?

Q Did It use that as one of the bases for
whatever conclusions or deciaiona OF recoramentlona it
made?

A I'm not exactly aura X understand the question. If
you are saying that ~

Q Let mm rephrase it.

A Go ahead.

Q To what uae In 1932 and 1983 did the
Department of Community Affairs put the May 1980 State
Development Guide Plan?

A X don't know*

t ton don't know?

A No* I'll explain the reason. The Department's
primary operational function that deals ~ that could
possibly relate to the Quid* Plan ware in a couple of
areas, one of which was housing investment bf the

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1 Housing Finance Agency and/or the Mortgage -- X guess-
* f* ' V 2 they're combined now into an organization they call
3 HAMPA, House and Mortgage Finance Agency..

4 . Conceivably, investments by that agency would be
5 within growth areas of the Guide Plan* However* for the
6 most part, those are highly urban areas anyway. So, I
7 wouldn't ever expect a major conflict with that agency.

8 The other function of the department that carries
9 on in the sotmm of reviewing large seals development
10 proposals and commenting to municipalities and, also,
11 reviewing projects under the A95 system. It's a Federal
12 Project Review, and both of those areas when the
13 Division of Planning existed - it would comment em the
14 suitability of either large scale developments to
15 municipalities OF the suitability of federal funds being
16 acquired for some particular infrastructure like sewerage
17 projects or high-rise, comments in regards to the Ouide
18 Plan* but when the Division of Planning was eliminated,
19 those functions were spun off* On© was spun off.

20 I'm not sure what the person is doing, that is,
21 other than circulating the documents. I doubt they are
22 doing an? serious evaluation, and the other function was
23 Just being recorded because there was no way - there was
24 no staff to do any serious reviews.

25 Q When was the Division eliminated?

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A ifgj.

Q Up until the Division was eliminated in 1983, you were associated with it?

A Yes.

Q When you would comment on proposals which were submitted to the Division, would the basis for your comments be the May 1980 State Development Guide Plant?

A Yes.

Q Would the basis for your comments be the January 1981 comments which X think have been marked as PZ-5T. Would you base your comments on the proposals on the document PZ-5?

A PZ-5 is what?

Q That is %hm comments. Let mm show it to you* The January 1981 comments,,

A I don't know. I assume that our comments would have been from 1980, but I don't know for sure. It's conceivable that a comment may have been drafted based on the other --

Q As far as you know, they were based on May WSOT

A Let's say I assume that they were since I did not personally review each and every project, but took the responsibility for probably signing the document t

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had assumed they wore*

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Q If you had reviewed it yourself, you would have based it on th* May 1980 -

k Yes,

Q -- plan?

A But I cannot verify that that happened,

Q You're not sure what the others did, but you yourself as the Director would have based it on the May 1981 plan; is that correct?

A Yes*

Q X's looking at the May 1981 plan which was printed up by the department* is that correct?

A Yes*

Q How many printings has it gone through do you know?

A I have no idea* I know that it's several times* It was a big wave after the Mount Laurel decision*

Q So, it was printed up in 1981? There was another printing - was there a printing in 1982?

A I don't know exactly* I know that there are several that in fact - I know there were several different covers available* One was blue, one like that with white, one without that kind of cover at all* I know there's at least three. There may be four or five*

Q Were the January 1981 comments, PZ-5#

1 printed up by the Department?

2 A tea'

3 Q How much printing did that go through?

4 A To my knowledge, only one.

5 Q That was at the time it was originally
6 produced presumably around January 1981t

7 A I'll revise my comments. When wo initially prepared
8 it, it was not in the nmn*m or printed*. It was Just
9 Xeroxed copies, but there were sufficient copies to
10 distribute to the department heads. So, there were
11 probably no more than fifty copies.

12 Subsequent to the discussion with the Cabinet
13 Committee and in fast much latex¹ when it was subsequent
14 to the Mount Laurel II decision, when it was discussed
15 by Harding Township and the attorney for Harding Township
16 inquired into its availability, it was, then, prepared,
17 I guess several, hundred copies. X don't know how many
18 all together.

19 Q How many copies of the State Development
20 Ouide Plan, May 19@§ plan were prepared?

21 A Several thousand*

22 Q The January 1981 comments, PZ-3, was that
23 distributed to local planning agencies and other
24 interested parties generally*

25 A No.

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4 Did you receive comments on it from interested parties?

A No. It was not circulated.

Q Were there hearings on it?

A No.

Q Correct me now if I'm wrong* I had the impression when you were testifying about the January 1981 comment*, P2-5, that your testimony was that that essentially encompassed the nonfrivolous* request** suggestions or recommendations of various planning agencies around the State to whom the State Development Guide Plan had been submitted?

A And/or there were some private agencies as well that chose to comment, and there may have been a few of these that were, also, equally meritorious.

Q Am I right in my understanding that essentially the function that you or your group played was in eliminating the *frivolous* comments and suggestions calling them out from everything that had been presented to you and putting the rest in the form of this January 1981 comment?

A I think that's a fair statement.

Q Then, do I understand that essentially your group or you were acting as a courier as it were of the nonfrivolous suggestions, you were taking these

1 nonfrivolous suggestions that had been presented and
2 submitting them to the Cabinet Committee for whatever
3 actions the Cabinet Committee sought to take?

4 A Probably more than courier, but courier and
5 professional advice. I wouldn't want to limit it to Just
6 courier, but it's certainly part of the function. We
7 tried not to impose too much of our own personal
8 Judgments. We tried to let the Cabinet Committee sort
9 %ai» out* '.....' ; ' ' . ' ' .

10 Q I asked that because I notice that the
11 document has a number of "recommendations.** Would you
12 consider that these are? recommendations in the sense
13 that we normally understand recommendations?

14 A Well, I'd have to say - I'd have to take the
15 responsibility as the preparer of the document that the
16 recommendation implied that it was a recommendation of
17 the Division,

18 Q Well, what I'm trying to get at, based on
19 your testimony here today, did you mean by recommendation
20 that we recommend that you consider this or that, my
21 staff recommends that this be adopted?

22 4 I wish I could draw that distinction. The conditions
23 under which this was prepared were certainly changed by
24 the *mcmkt* Laurel decision. I don't know that we
25 consciously even gave that serious thought as to Is this

1 a recommendation of the Division or is this &
2 recommendation that we gain consensus within our agencies.
3 I'm not sure we tried to make a distinction*. I think we
4 were trying to represent the voice of reason or something
5 like that, and whether that constitutes* our taking
6 responsibility for it, I don't know. I have to take that
7 responsibility since it's a document we prepared. I'm
8 not sure I answered your question*.

9 Q. Did you intend the comments to essentially
10 be a consensus securing document?

11 k I think from the beginning we were in question of
12 that, that probably unachievable goal, but that certainly
13 was what we were looking for*. In fact* I think we had -
14 it follows if we were ever to get close to consensus,
15 we probably would eliminate a lot of discussion about
16 what the spans are state* county and local.

17 Q Well* then, you said - do the comments
18 represent recommendation that acceptance of the comments
19 would improve the State Development Guide Plan or do
20 they represent recommendation that acceptance would go a
21 long way towards obtaining consensus for the State
22 Development Guide Plan without throwing it off the tracks
23 too much?

24 A I think the latter. I think we were attempting to
25 try to find the path of least resistance consistent with.

1 the overall integrity of the State, trying to have some
2 kind of control of its destiny.

3 Q As X understand the State Development Guide
4 Plan, the May 1980 Plan represents H* the abstracts
5 When I say the abstract, ignore for a moment public*
6 relations and consensus and just look at it strictly as
7 a technical document, the preferred approach of your group
8 as opposed to the recommendation and the comments which
9 tend to be more of a compromising nature in order to
10 secure a consensus*

11 A I wish it were that simple. X- fact, X think it
12 was probably much more of an evolutionary process where
13 we started with something very coarse, refined it in
14 1977* refined it again in 1980 and probably hoped for
15 another revision refinement at some point in the future*
16 We were working in that direction and we were, also,
17 straightening it with increasing commitment* from the
18 Administration, and we were at the point where we were
19 asking for a major commitment to support a plan and the
20 Administration was looking for more consensus.

21 Q So, are you telling me that after the
22 development of the May 1980 Plan & major function of your
23 group was consensus building?

24 A Yes*

25 Q Around that plan or some modification that

Qinman*- cross

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1 could be accepted?

2 A Tes*

3 MR. WARRENT No further questions*

4 CROSS EXAMINATION:

5 BY MR. BALINT:

6 Q Mr* Qiniaan, lay name is Hike Balint, I^fia
7 a partner of Bill Moran, who ia the Township Attorney
8 for Cranbury. We're both going to be asking questions.
9 So, I will try to be as concise as possible and, then,
10 let Bill piefc up anything I didn't cover*

11 You testified that you have been involved
12 in several ether State planning projects including one
13 project called a Horizon Plan* When did you specifically
14 begin work on the Stats Development Guide Plant

15 k Let me clarify that slightly* I became Director
16 after the Horizon- £ was on the staff in the Bureau of
17 Regional Planning, Director to the Chief of the Regional
18 Bureau when the Horizon Plan was underway when I Joined
19 the staff* So, I personally did not take part In it*
20 although I was aware of it and certainly knowledgeable
21 of its features.

22 After I became Director, there were a eouple of
23 factors influencing our decision to undertake a planning
24 effort* The moat obvious one of which is the
25 legislative landing which calls for the Division to

Ginman - cross

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1 continually maintain and update a comprehensive guide
2 plan. We did not want to shirk our duties* So, we felt
3 that some resurrection of the Horizon Planning effort
4 was in order*

5
6 A second factor was the fact we were federally
7 funded to the tune of, perhaps, three quarters of our
8 staff were on federal payroll, and in order to successfully
9 complete in federal funds, one must meet certain federal
10 requirements and one of the federal requirements for all
11 recipients of the federal planning assistance funds was
12 preparing a housing and land use element* What
13 constituted a housing element and what constituted a land
14 use element probably varied from State to State*

15 We concluded that the land use element in New **Jersey**
16 could best be served by our resurrecting some kind of
17 State planning effort that would result in a graphic
18 depiction of designations of some sort. We began
19 discussing that with the Administration*

20 Q At the time that you became the Director»
21 was there in fact a comprehensive State Guide Plan? Was
22 that in effect for the Departmentt

23 & - Mo* .

24 % When was the legislative plan date that you
25 referred to? When was that legislation passed!

A 1961.

1
2 Q In the interim, there had been several
3 projects including the Horizon Plan which had never
4 reached total fruition* Is that correct?

5 A That is correct*

6 Q The State Development Guide Plan was
7 Initially - the project was initially begun - was It
8 begun strictly within the Department of Community Affairs
9 or was you directed to begin the project by the
10 **Cabinet Committee?**

11 A *Tim* Cabinet Committee was not In existence at the
12 time. I had Informal contacts with the Governor's Office
13 as we always had maintained even before the Office of
14 Policy and Planning was set up. There were Governor's
15 Counsels who were more interested in land use problems
16 that came up, and we would discuss them from time to time*
17 I'm sure that I made mention of the fact we were undertaking
18 this project, but it was a pretty much inhouse community
19 affairs effort at that tiste when It was first conceived*

20 % What was the actual purpose for the
21 development of the plan as far as DCA was concerned?

22 A We were keeping ourselves eligible* We kept
23 three-quarters of our budget* Well, I think as
24 professionals In a State Planning organisation and since
25 the title of the division was the Division of State and
Regional Planning, we felt a great responsibility that

1 we continued to try to meet the State mandate*. I would
2 have to say that was probably our overriding concern*

3 Q Was this project, Mr. Ginman* keyed into
4 any financing programs that the @CA or other agencies
5 might be involved with?

6 A Well, indirectly it was* As the Department of
7 Housing and Urban Development, the Federal Department,
8 that those were the people that were funding us» 4s they
9 progressed in their strategy of how to formulate planning
10 nationwide, they entered into what was known as
11 interagency agreements with out Federal agencies.

12 Those agreements called for consistency in plan
13 making, consistency within -- let's say transportation
14 planning and environmental planning and, also, consistency
15 between the various levels of government they were
16 funding themselves*. For example, the Tri-State Regional
17 Planning Commission was being funded by Federal DOT and
18 Federal HUD, Housing and Urban Development, and it was
19 their objective as well to coordinate that planning effort
20 with us and, of course, with any other recipients local
21 and county as well*

22 So, there was that kind of subtle coordination,
23 also which carried over into the Office of Management and
24 Budgets, circular A95 which called for us reviewing
25 certain projects that were to be funded out of the

1 budget or partly funded by Federal funds to be
2 consistent with State planning.

3 Q Now, in the course of developing the Plan,
4 you had testified earlier that you had kept a series of
5 sheets that you had marked with colored tape as to the
6 outline and extent of each of the categories?

7 A That's right*

8 Q You kept those sheets 01* those charts from
9 the inception of the pretests is that right? *

10 A Yes.

11 Q I believe you referred to them as Atlas maps.
12 I couldn't remember what you told me»

13 A Yes*

14 Q I believe there was a question asked of you
15 concerning the 1981 recommendations and the fact that the
16 Atlas map that you have with you today did not delineate
17 the areas as set forth on the 1981 recommendations* is
18 that correct?

19 A That's correct*

20 Q I believe at that time you had stated that
21 the colored lines as shown on the map were taken from the
22 most recent - were taken from the 1980 Guide Map and
23 that ultimately showed we had been accepted by the
24 Cabinet Committee; is that correct?

25 A Yes. Although* perhaps, couldn't quite put it that

1 way. I think I said I relied on policy on the map that
2 shows the State as a whole in the Guide Plan, and that
3 we had kept the precision of the line on that Atlas
4 series, I'm not sure anyone would be technically capable
5 of looking at that little S by 11 State map and making
6 those lines that we had on the other map. I think we use
7 that in our technical discussions with counties when we're
8 discussing the extent of the line, and they had
9 comparable maps at similar scale where there could at
10 least be some rough comparison*

11 Q Mr. Bisgaier had asked you about the
12 recommended changes and why they were not on the map* I
13 believe your answer to that had been had these changes
14 been officially adopted, and I have that quoted, and I
15 don't know that that is a direct quote, we would have
16 adjusted the Atlas sheet* The question I had was what
17 were the other lines representing, the earlier lines that
18 were shown on those Atlas sheets?

19 A What were they?

20 Q Tea*

21 A These were t&m lf?f) I believe*

22 Q Had any official action been taken or any
23 adoption of the 1977 plan been made that resulted in
24 placing those lines on that sheet?

25 A No. We didn't have a structure to* that at the

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time. The Cabinet Committee didn't exist at the time,

Q What was the reason for placing the lines on the

A It was their first formal lino record X guess. That's when we started.

Q Where did the Cabinet Committee come into existence?

A X would be guessing, X probably have a date, I might have that record as part of those Cabinet Committee's minutes that were requested earlier.

Q Can you give me an approximate year?

A Somehow X don't know whether it's late '75 or early '76 X would be guessing X really can't remember.

Q When did the State Development Guide Plan first come under the jurisdiction or the review anyway of the Cabinet Committee?

A Well, it was implicit in the organization of the Cabinet Committee that anything, any department that was of interest in a development sense be brought to the Cabinet Committee, and it was obvious to us that this certainly met this criteria,

So, literally it may have been at the first or second meeting that was brought to their attention and other departments had other kinds of projects that they would bring.

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1 Q At the time that the Cabinets Committee was?
2 created, you were already fairly deeply in the **project**
3 of developing this plant

4 A Yes*

5 Q **Had you already conducted some of your**
6 public meetings and meetings with County officials prior
7 to the creation of the committee?

8 A Yes.

9 Q Subsequent to the creation of the committee,
10 **did** you continue to conduct any public meetings?

11 A I'd have to say that X view that area - that
12 particular period as a continuous process of meeting
13 going and continuous consensus going* So, X don't think
14 It ever stopped and started from the moment we started
15 with the process*

16 % sees to recall Just an endless succession
17 of meetings and appearances*

18 Q X believe you, also, testified earlier in
19 the day that at the time the project was undertaken you
20 wrote to various officials at various levels, County level,
21 municipal level, private sector concerning the development
22 of the plant is that correct?

23 A When we first started with the plan, we began with
24 the County Planning Directors to get their feel for it*
25 When the '77 draft came out, we then circulated it to all

I of the kinds - broadest spectrum we could think or from
2 Public Service Electric and Gas to the? Great Swamp Water
3 Association to -• I*m surer Cranbury Township and every
4 municipality lit the State, Industrial Development
5 **Committees, large organizations, small organizations.**

6 Q Wa* there any type of stasi&rt covering
7 letter or correspondence that accompanied the Plan
8 explaining what Its purpose was?

9 A The^f? draft waa prepared to tw# forma • One was
10 the? long form* which was the document we were referring
11 t# earlier•

12 MR* HERBERTS Off the record,

13 (Whereupon a discussion was held
14 off the? record*)

15 THE WITNESS: There were two forms*
16 One was this form, which was the long form*
17 ant there was a brochure that was I say
18 folded up* It was about this big folded
19 up. Much of it was said In here with some
20 graphics and statements and goals and
21 whatnot* It was a more popular form for
22 the publiG which we had literally thousands
23 of which wo would hand out at public
24 meetings, et cetera*

25 Bt HR. BALINT:

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^X~%i I :; f%•

1 Q Did any of the correspondence with the
2 municipalities or these other entities indicate precisely
3 what the DCA was planning to use t&is State Flam for?

4 A Gee, I don't recall. I don't have a copy of the
5 transmittal. I would have to look for one» X gue»»»«

6 • • • Could y@i\$ se#-->^; • • • .----

7 A X doubt that it would have very extensive
8 discussion because X thought it was pretty much
9 self-explanatory especially the one that was the brochure
10 form* The municipality would get it, both the brochure
11 fora and this one*

12 Q Can you check to see if there are any copies
13 of \$hm brochure form?

14 it There are plenty of those. There's one*

15 ME* HERBERTf Can X have it marked?

16 MR. BALIOT: Sure* Your marking or
17 you want to use mine?

18 (A brochure entitled State
19 Development Guide Plan was marked D-1 for
20 identification.)

21 Bf MH. BALINT:

22 Q D14 you have any participation in the
23 preparation of this brochure personally?

24 k Yes*

25 Q To the best of your knowledge; aside from

1 describing the project which the DCA was attempting to
2 undertake, did the brochure state with any particularity
3 what it intended to do with this Plan when it was
4 completed?

5 A I think there's a section that talks about how the
6 Plan would be implemented* It's back here on this page
7 hers.

8 Q Was this plan as presented at that stage
9 to the State at large a plan that was designed to
10 encourage compatibility in direction, in financing and
11 coordination of developmental efforts?

12 A That was a goal* I don't know whether I can say
13 honestly that that point had been reached at this point*

14 Q That was a goal, a goal of the Plan

15 A To find at least common purpose and direction with
16 the various levels of government with regard to - the major
17 expenditures* I think the difficulty was that it was
18 hard to translate very precise planning judgments at the
19 local level to the State level and there were some
20 misunderstandings, I think, between municipalities and
21 the State because they were dealing with fine zoning and
22 zoning very specific parcels, and we were talking of
23 fairly large, extensive areas. So, that became a little
24 bit of a difficulty to overcome*

25 Q Did the Cabinet Committee share that goal

1 with the DCA one# the Cabinet Committee became involved
2 in this project?

3 A Yes. Some departments probably more so than
4 others* faos« departments that were seriously impacted
5 by capital construction costs like the Department of
6 Transportation were very much concerned or very much
7 interested in a plan that would begin to prioritize how
8 the State was going to spend its ever dwindling resources,
9

10 Q To the best of your knowledge, did tilt
11 Cabinet Committee at any time during its review of the
12 Plan conduct any public hearings concerning the Plant

13 A The Cabinet Committee itself?

14 Q Yes,

15 A No.

16 Q Did the Cabinet Committee itself solicit
17 any opinions fro® any other governmental bodies at the
18 County level or the municipal level or was that all
19 channelled through your department?

20 A Mostly channelled through my division* However*
21 there were different interest groups such as various
22 Chambers of Commerce organisations and different groups
23 that are interested in economic development were certainly
24 making their interests known through Commissioner Horn
25 to labor and industry*

I would assume that because of the kinds of

I

concerns that were raised that the environmental groups were, alae, working through Commissioners. Hew quickly we forget* Anyway, the Corralaloner of Environmental Protection.

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Q Did any of the Commissioners directly attempt to influanc* the plan through the particular nature of the part of the Government that they were representing?

6

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A Yes.

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Q Was ttoat taken into account is the preparation of the 1980 Fiaaf

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A Well, I thixUc from the beginning we knew that 1\$ would be a balancing account between the interests of the Commissioner on one hand that might be anxious to preserve agriculture versus another Commissioner whose interests were in securing stable, economie base for Ceunty or Township, and there were certain trade offs that each would have to make in Its own mind of whether the plan went far enough in satisfying his objective^ and minimizing the other guy's objective. Only they could make those judgments.

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Q Let me rephrase the question, please.

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You had stated earlier that one of %im thing)* that the DCA was looking for in this project was an imprimatur from the Administration as to the Plan. Prior

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2 to the creation of the Cabinet Committee, where would the
3 DCA have looked for that imprimatur* to come from?

4 Probably the Governor, the Governor's Office, X
5 guess*.

6 Q Was there any particular form of approval
7 that you envisioned?

8 A No* We were flying by the seat of our pants* We
9 had a number of schemes, some of which suggested that I
10 be the kamikaze pilot and adopt this and take whatever
11 heat there was.

12 There was a certain persuasion to that argument,
13 although, many realized that that would not have the same
14 force as if the Governor or Governor's office or some
15 derivative of that would have taken the same steps*
16 although it would appear from the law that that was
17 certainly an alternative*

18 Q In the months preceding May of '80 when the
19 State Development Guide Plan was authorized for release,
20 what type of hearing or meetings or whatever were being
21 conducted by the Cabinet Committee in preparation of
22 authorizing this to be published?

23 A They met monthly, at least monthly* They may have
24 met more than once a month on some special item that may
25 have been pressing.

Q The Plan that was eventually released to the

1
2 public, was there to the beat of your recollection at
3 the May sooting whan this was authorised to b# published,
4 was there a vote taken for this particular plan?

5 A To be truthful, I don't know that there was ever
6 a vot« taken by the Cabinet Committee. If usually tried
7 to operate b\$ consensus. If there was a w even if
8 there was a lone dissenting voice, it was my sense
9 that the Chairman, the Director of the Office of Policy
10 and Planning would attempt to try to find an
11 accommodation rather than force tilings to a vote where
12 there would be the - let¹a say the majority forcing the
13 will on the minority,

14 Q Can you recall how many meetings preceded
15 May of 1930 that resulted in the authorisation for this
16 publication?

17 4 Well, I'm trying to reconstruct this now. Well,
18 at several meetings previous, the membership of the
19 committee had been alerted to the fact that there would
20 be & decision made at some point to release this and that
21 they had better have all of their comments in, and we
22 made every effort to try to get all of that sorted out
23 and straightened out*

24 So, at this May meeting, I assume from the fast
25 that there was no dissension that the Director assumed
then, that I% was okay to go ahead and nobody would be

1 unduly upset if the Plan found itself out in the public,
2 and I think everyone there agreed that it would not be a
3 major problem for them. Let's do it and Xt was done*

4 Q 30, actually to the best of your recollection,
5 the way the authorization was obtained was through the
& lack of strong dissent of having it released to the
7 public?

8 A I think that's probably the reason.

9 Q What did the release of the Plan to the
10 public mean to you and to the Department of Community
11 Affairs in May of 1980?

12 A Other than the authority to publish it?

13 Q Yes,

14 A Well, it meant one more step towards achieving the
15 objective of getting a plan formalized in the State
16 Government process*

17 Q Now, following the publication of this
18 Plan, what did your office do with the actual copies of
19 the document? Were they circulated?

20 A Par and wide.

21 Q that was when the comments began to come
22 in that you testified to earlier, which resulted in the
23 1981 comment report?

24 A Yes.

25 Q Mr* Ginman, one of the sections of this

Girman -

1 report - the comments report I'm referring to which,
2 I think it's been @ar!ce4 as PZ-S* Seetioa IX- 1*11
3 give you the marked copy to help you in the event that
4 some of it is not readily ate your fingertips.

5 One of the problems that appear to be raise4
6 in Section II-3 concerns the actual adoption of the Plan
7 and amendment thereto^ is that correct?

8 A I don't have it here, but I seem to recall it,

9 Q Roman numeral lit

10 A I can't find the numbers* What are we dealing with?

11 Q Section Roman numeral II-3?

12 A Okay. Yes*

13 Q Would you read that first paragraph into
14 the record, please?

15 A "Alternative procedures for Plan adoption and
16 amendment, numerous comments relate to the question of a
17 Flam adoption procedure in provision for revision and
18 amendment. While there is provision in the statutes for
19 preparation and maintenance of the Plan, statutes do not
20 address how such a Flan is to be adopted, amended or
21 revised. Probabilities are numerous and include the
22 following."

23 Q Then, it proceeds to list three alternatives
24 is that correct?

- 25 A Tes*

•^•rf.-c*

Ginman - cross

Q At that time, Mr. Ginman, in your mind is there some question as to whether this Plan had been adopted by any agency whether it be the Cabinet Committee or any other governmental authority?

A I think that question crossed our mind*

Q I'd ask you to skip down If you would now to the large paragraph at the bottom of the page* I'd ask you to read that paragraph if you would into the record.

A "A procedure for bringing proposed amendments to the attention of the adopting agency is, also, worth consideration. If the CDC is the adopting agency, then, any member of the committee would have the authority to propose amendments which it had formulated or which had been brought to its attention by constituent groups* Amendments might, also, be generated by staff assigned to maintain the Plan based on new leagues, evident changes in State and/or Federal priorities or on requests received from other levels of government••

Q Tom don't have to read beyond that*

So, the 1981 comments report that you were providing to the Cabinet Committee were part of that ongoing procedure which you had discussed before that; correct?

A I think we were starting to feel the need to start

1 to formalia* thia, an4 that certainly warn evident of
2 thia document la evidence of what we were including.

3 The Cabinet Committee started to address itself to look
4 at this in a formal way*

5 .^.. Q ' . At that point» Mr* Ginman, wa» your agency
6 still looking for aome direction as to where ultimately
7 tl# State Guide flam wouI4 g® f@r **administrative**
8 **endorsement?**

9 **MR. HERBERT:** I'm going to object to
10 the nature of the question* I think it's
11 argumentative and there was an
12 administrative endorsement* I think it's
13 just the same kind of objection that Mr*
14 Moran made to my comment about "Official
15 Status*" I think you're going to have to
16 clarify what you mean by an endorsement*

17 **BY MR. BALINT:**

18 Q I^t me rephrase the question*

19 Based upon the section or the eommenta
20 report, which I just drew your attention to, Mr* Ginman,
21 did you know how this Plan was to be adopted?

22 A Based on the report that we prepared?

23 Q Right.

24 A No* I think that was still under discussion.

25 Q As you testified earlier, but at the same

* NCAD S... BALINT E. N. I. 07002 . 103 2046

1 time were never not adopted. is that correct?

2 4 Yeah. There was *nm* action taken to deal with the
3 comments.

4 Q You* also, testified there had been some
5 discussion at least on approximately six occasions
6 concerning the changes that you had brought to the
7 attention of the Cabinet Committee; is that Correct?

8 A I hope I can verify that. It's that number, but
9 that was a guess* On several occasions at least*

10 Q 014 you at any time make any inquiry to
11 the Cabinet Committee or to any other member of the
12 Governor^ staff personally as to what the status of the
13 State Guide Plan was after January of 1981?

14 k I think it was a concern and an issue to be dealt
15 with by the Byrne administration for the duration of its
16 administration. It was not a question that I thought was
17 ever dropped! it was not in my mind.

18 Q But at the same time -

19 A But there was no action. X was never told to
20; cease and desist*

21 Q Do you recall the last time you actually
22 reported to the Cabinet Committee concerning the proposed
23 changes or procedure for adoption of the State Guide
24 Plant

25 A I can't recall, no* I assume m\$ answer to that

Qinxaan -> cross

10:11

1 would be forthcoming* If I review these minutes, 1% may
2 be to there*

3 Q What did the designation of an area of the
4 State as an agricultural area - what did that designation
5 mean in the State Development Guide Plan report?

6 A One of the things that we had observed at the
7 beginning of the Plan was that there was a very persistent
8 effort on the part of the Department of Agriculture to
9 identify areas of the State where agricultural activities
10 could be expected to proceed unhampered by the
11 intrusion of suburban development* I think this is a
12 philosophy that has persisted all the way down to the
13 present day, which includes the Right to Farm Act and
14 the setting up of the State Agricultural Development
15 Committee and the move on different counties« parts now
16 to set up agricultural development districts.

17 To say that we were clairvoyant would be a little
18 presumptuous. I think we sensed there was a driving force
19 here that was distinguishable from the conservation and
20 what we called the limited growth, and that it was not
21 the same as those other two areas*.

22 We're talking about what is creating an atmosphere
23 or a viable farm economy* So, hence, our attempt at
24 least to designate some fairly broad generalized areas
25 in the State where we thought this could still be

1 sustained*

2 Q In designating an area of the State as being
3 an agricultural area, did your department conduct any
4 extensive testing of soil characteristics? and similar
5 types of data concerning the quality of the land itself?

6 A This was one criteria*. We relied on the report
7 and Blueprint Commission Report that evaluate Class One
8 and Class Two farmland and special categories. So, we
9 had maps of that. There were other criterias as well.
10 Some of them were abstract criteria*, such as the
11 likelihood of an area to be able to resist development
12 in the near future*

13 Q Was that one of the criteria that resulted
14 in Granbury being placed in the limited growth and growth
15 areas opposed to any designation as agricultural in 1980?

16 A It certainly entered into the discussion* Whether
17 it was a factor that was presumed as we began the
18 conversation, I can't say, but I know we discussed it
19 and it was raised with Middlesex County on several
20 occasions* Their opinion, of course, was that it was
21 possible to sustain agriculture, and the division opinion
22 was more skeptical#

23 Q The earlier map that you have been questioned
24 about and I don't know if it was marked -

25 MR* HERBERT: Off the record*

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(Whereupon a discussion was hold
off th» record.)

BY MH. BALINT:

Q 3S*e draft State Development Plan, which has
been marked for identification as MMF* there *e a
concept map on page two, which you already testified to,
ftp* (Human*

A Yes.

Q That map X believe designated the area of
Cranbury to be in a development area* is that correct?

A Yeah. Again, X caution you. X guess X want to be
sure X use the correct phrase or the phrase I^fm most
comfortable with*

Cranbury - it resulted in Cranbury being in a
development and/or growth area designation, but we had
looked really at this eorridor oblivious to the fact that
Cranbury was thare..

Q Your part of the reason for creating the
corridor was the feeling that the - as you said before,
the inevitably - the difficulty in which the standing
development connaittee had! Is that part of the basis the
eorridor was selectedt

4 X think if you compared this map to the '7? draft*
you will find that all of the areas here have rather
generalised and they took on much more specific

1 designation* than this map with much more provision as to
2 the outline. This is the input that we got from the
3 counties and accounted for the deletion of certain area*
4 in Middlesex County*
5

6 Q It would be fair to say from the time that
7 this report was prepared and the draft report was prepared
8 Jit 1977 to the present there has been a considerable
9 amount of additional input received by the department?

10 A Yes.

11 Q That input continued even after the
12 preparation of the final report?

13 A Yes*

14 MR. BALIKT: I have no further
15 questions.

16 CROSS EXAMINATION

17 BY MR. KORAN:

18 Q Mr. Ginman, I'm a little confused as to
19 what happened at the May 1985 meeting of the Cabinet
20 Committee. As I understand it from your previous testimony,
21 the members of the committee knew for some time prior to
22 the meeting that they were going to be requested to
23 authorize the release of what is now known as the 1980
24 State Development Guide Plan, and that at that meeting
25 while no vote was taken since there was no substantial
negative reaction to that question, your department

*GA... WAZONNE, N.J. 07002 FORM 2048

1 considered that it had authorisation to release the Plant
2 is that correct?

3 MK+- HERBERTS Could I Just object to
4 Mr* Koran** comment there was no
5 substantial disagreement* The testimony
6 is, I believe, there was no disagreement*

7 MB. MORAN: X don't know whether the
8 qualifier substantial was used, but I
9 recall a qualifier being used* Ferhaps^ r.
10 we can ask Mr* ainman. }

11 U
12 Q Was there any kind of disagreement at that
13 meeting to the release of the Plant

14 MS. LA BELLA: Lack of strong dissent
15 was the phrase used.

16 ~~MS. MORAN:~~

17 Q Was there) any kind of dissent

18 A X don't recall. X don't recall that*

19 Q Now* you say it was authorised for release*
20 Warn that in anticipation of receiving comments on itf

21 A I'm not quite sure X understand the question,

22 Q Many State agencies have the policy frost
23 time to time of releasing documents for comment before
24 they are formally adopted or before they're finally
25 adopted or before they¹re put in finaX fona« Was that

1 your understanding of the action taken at the May 1980
2 **meeting?**

3 A I think that^{f3} how we reviewed the *?7 draft, and
4 the *St draft was now an attempt t# coma pretty elos%to*
5 what consensus was. If not actually consensus -I think
6 that in reality on© never quit© reaches that*.

7 Q Did you consider the action that was taken
8 at the May 1\$3\$ meeting in any way so be an adoption of
9 the substance of the report by the committee?

10 k Well, X Interpreted the release*. It was written in
11 the minutes directing the Division to release the Plan,
12 that the Cabinet Committee embrace the findings* Maybe
13 I read more into it than others, but that was my
14 interpretation*.

15 Q Was it embraced in your understanding as a
16 final State Development Guide Plan that this was now
17 going to be the State Development fluids Plan for New
18 **Jersey?**

19 A She word final has a very common sound to planners,
20 Always like to vacillate on these points and tend to
21 suggest things that are always up for refinement* I
22 think we, also* made this same representation to the
23 Cabinet Committee that this was not going to be chiseled
24 In stone* but that we had subsequently brought forth
25 additional comments*

(Unman - cross

111

1
2 So, I think we thought periodically there would be
3 something said and there would be some document that
4 people could get their hands &n and review, and that
5 would be a policy guide, and we anticipated this becoming
6 stronger to the point, perhaps, at one point where the
7 Governor actually made the statements about the adoption.
8 We were building this process upward and outward at the
9 same time. This waa a point in time in Mar '80.

10 Q I believe you testified before that you saw
11 it as one step in the process of the finaliaation of
12 the State Development Guide Plan?

13 A As I would have probably seen a document that if I
14 had adopted today, X probably would have said the same
15 thing.

16 Q Have any changes been made in the Flan since
17 May 1980?

18 A When you say changes, there is no other document
19 inheritable to the document,

20 Q Now, I'm not asking whether a new document
21 has been adopted* I'm asking whether any changes have
22 been made in the document since May 1980?

23 A There were recommendations which we -

24 Q Referring to the January 1981 comments?

25 h Tee*

Q Let me call your attention specifically

Ginman - cross

lit

1 in the January 1981 comment*. Do you have a copy there
2 left front of you*

3 A Yeah,

4 f Toward* the back and, again, the problem is
5 the# pages area¹* already numbered, but I believe up at
6 the top it's Section 111-23.

7 k Ocean County?

8 Q Ocean County. There's a heading on that
9 page saying specific map text changes. You see that?

10 A Yes.

11 Q It says, ^HThe Ocean County Planning Board
12 calling the sewerage service area map does not reflect
13 additional information supplied by the Ocean County staff*
14 Response, the map will be revised, Section f-§** Was
15 that a commitment on the part of your staff to revise
16 that map?

17 A I'm sure that's what we represented to the person
18 who made the comment*

19 Q That the map would be revised?

20 A We had assumed we would be able to deliver on that.
21 yes.

22 f Let me call your attention specifically if
23 X may again to Section III-5.

24 A III-5» page -*

25 Q Page III-5• X^fa sorry•

dimazi ** cross

W^A^,^A^,^A^ %%-

A Okay,

Q The last sentence of that page says, "On the other hand, numerous comments from rural counties and others suggest that specific changes be made and in fact, some have."

A He must be on two different pages*

Q I¹ it referring to the last sentence on that page, and this by the way, this section refers to changes in agricultural designations* It says, "On the other hand, numerous comments from w&mt counties and others suggest that specific changes be made and in fact, some have"¹¹ I assume that means that some changes have been made? Would that be your assumption?

A I don't know what to make of that* As I mentioned earlier* X didn't read every line and that one escaped me.

Q There's apparent *mt%v*mm to portions of Section I of this report and Section X, I believe, is recommended changes in the report; is that correct?

A It's possible that there were series of recommended changes that we had not undertaken yet and that the section, the first section which are in fact the recommended changes that would be made, were the ones assumed by the staff person writing it that they had [^]men made*

Q That they had already been made?

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A That's probably an assumption, yta* That's my interpretation of it* I can't verify it*

Q One of those recommended changes is change one-two, is that correct, which is the one pertaining to the designation of the agricultural area in Cranbury and Plainsboro?

A Yes. It would include all of Section I, I believe*

Q That was one of the only agricultural suggested changes in Section I, X believe?

A I'll have to take your word for it* I don't recall all of them.

Q But the change that is referred to as having been made in Section II-6 pertains to designation of agricultural areas is that right?

A I believe so, yes,

Q Was there any order or any reason for the order of the listing of the recommended changes in Section I?

A X don't believe so*

Q Cause I've tried to figure out whether they're done in alphabetical order or in geographical order and X can't find any basis for any order*

A It's certainly not in order of priority because I can't imagine that this problem in Cape {fay County was all

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1 Iliaf Impoircant, although ---

2 Q They were listed as number on*.

3 A ;-* iflayba ife was ta th*a* I don't think there's
4 aaty particular or&w %<* It.

6 Q Vtaa th«r* any diacussion at ths aub8«qu«nt
7 cabinet committee meetings of specific recommendationa
8 contained in Section I of thia report?

9 4 I don't recall. I don't recall any specific
10 discussion* about Section I. Let me just glane* through
11 tha text to see if there¹a anything that reminds mm*

12 I seem to recall that we spent most of our time
13 discussing the section dealing with recommendation X~4
14 which really gets into wording about what State flan Is
15 intended to do, but you can't honestly aay that the
16 other information was neglected. I just recall spending
17 a lot more time on thia, perhaps, because it was a more
18 sensitive issue*

19 Q All of the members of the Cabinet Committee
20 had copies of this report?

21 A Yes*

22 Q Did any of them to your knowledge either at
23 any of the meetings or to you privately dissent from
24 recommendation 1-27

25 A I recall none*

Q When is the last time the Cabinet Committee

1 met?

2 A It would have been some time in the Byrne
3 Administration, probably very late Byrne.

4 Q Is there any State body whether in the
5 Executive Branch or in the Legislative Branch which
6 presently has jurisdiction to supervise amendments or
7 changes to the 1980 State Development Guide Plan?

8 A Well, technically the legislation authorizing the
9 division of State and Regional Planning has not been
10 repealed even though the Department has seen fit to repeal
11 that agency. So, in theory, the authority for doing that
12 still rests with the Department of Community Affairs and
13 the Commissioner. So, one could probably construct a
14 logical conclusion that John Keener (phonetic) would be
15 responsible for any amendments.

16 Q To your knowledge, is there any ongoing
17 process for the study and recommendation of amendments
18 to the SDGP in 1980?

19 A Not to my knowledge,

20 Q To your knowledge, what was the last effort
21 of the Department of Community Affairs directed towards?
22 The amendment or making recommendations for the
23 amendments of the 1980 SDGP?

24 A Probably the January 1981 report.

25 Q I believe you said that*

Olnman - oroas

Hf

1 k Thsr* vmmv oth« efforts of the> Dlviiiom in this
2 direction, but none culminating in any kind of report*
3 It was mostly technical efforts* X can give you air
4 illustration. We did a lot of work on verifying status
5 of various sewer districts around th« Sfcats** lots* of ^
6 elaborate: research, but It didn*t culminate in a report*

7 Q Was anything of that directed with amending
8 the SDGP?

9 A It would have been had it ever been finalized,

10 Q I take It from what you said before that the
11 January 1981 report died before the Cabinet Committee of
12 deliberate inattention?

13 MR, HERBERT: I^fa\$ sorry, Counsel -

14 THE WITNESS; Deliberate Is too
15 strong a word, I think the Cabinet
16 Committee wae interested, but the Cabinet
17 Committee as I recall was attempting to get
18 guidance from the Governor as to what the
19 Best move should be*

20 Bf MR. MOHAN:

21 Q To your knowledge, It did not receive that
22 guidance?

23 k It did not receive that guidance.

24 Q Now, the recommendations contained la the
25 January 1981 report - you seemed to, have some trouble

1
2 when you were questioned by Mr, Warren a« to wb*th«r or
3 not a recommendation was indeed a recommendation. I»a
4 not asking you wh^tner or not this was a recommendation
5 from you is your poaition a« the Sirector of thm Bureau,
6 but I boli^ve in two or threa places or at least two or
7 thr«« placea in htre they are r*tam&& to as staff
8 recommendations* <

9 Were the reoomaendationa contained in
10 Section I of the January 1980 report, the directions,
11 the reoommendationa rather of the staff, Qf turn Division
12 of Regional Planning?

13 & At that point, m were using staff and division
14 interchangeably. We were viewing ourselves as staffed
15 with the Cabinet Development Committee. So, the use of
16 the term staff quite conceivably could have been
17 referring to recommendations that the Division was making
18 since It was a report that we had prepared*

19 Q The staff did not recommend the adoption of
20 all of the requests for change that it received; did itf

21 k No.

22 Q In fact, it did not recommend the adoption
23 of the change that was requested by the Township
24 Committee of Cranbury Township X believe?

25 A I remember rather an elaborate letter that we
received.

1 A I couldn't say that precisely. I know there was a
2 lot of staff discussion, but X couldn't say precisely*

3 Q I call your attention to the document, and
4 X don't have the number on it« It's the statement
5 adopted by the Middlesex County Planning Board on the
6 MftT 1980 draft, See the statement under limited growth
7 areas In the bottom paragraph is underlined? Can you
8 read that?

9 & Okay. ^Mm would fee> -* *!Elia%¹s a satisfactory
10 policy for most of these areas In Middlesex County with
11 the exception of the principal block of prime
12 agricultural land located in Plainsboro and Cranbury
13 between the Amtrak main line! and the present western
14 border of Cranbury Village*"

15 4 Putting that in context, would you take
16 that as a recommendation that the geographical area
17 described there> be reclassified as agricultural areasf

18 A Yeah* ' I don't think there was ever any doubt
19 of that* I think that was a fairly consistent request of
20 the counties*

21 Q I*» about to ask you would it be your
22 interpretation of the recommendation that was made in
23 January 1981 that the land that was reclassified ran
24 between the Amtrak main line ant the western border of
25 the Cranbury Village?

Ginman - cross

188fJbtJ¹ - 121"

1 A The language is a little bit broad* That*s a
2 fairly extensive area, all the way from the Amtrak main
3 line to the village*

4 ' r/v It appears in our ^f81 version that there was some
5 comproraiae struck at least as far as the map that we drew
6 which showed a portion closer to Cranbury to
7 agriculture, and this area was still a limited growth area
8 over here* So, I think even there we were still -- the
9 town recommendation -

10 Q Do you know whether or not the
11 recommendation did include the land running to the
12 western border of the Cranbury Village?

13 A I don't know for sure* I think we were more
14 influenced by what was going on in Plainsboro,

15 Q Let me ask you if you would for a moment to
16 compare the 1936 map for Middlesex County and the change
17 recommended by the 1931 comments which are both contained
18 ia the 1981 comments, with specific regard to the
19 eastern or southern boundary of the limited growth zone
20 on the 1980 map and the southeasterly boundary of the
21 agricultural zone as shown on the 1931 comments and ask
22 you whether or not that appears to be the same line?

23 A They appear to be different.

24 Q Would it be fair to say that the line* the
25 boundary line of the agricultural zone to the east is

Ginman

1 further to the east than the boundary line of the limited
2 growth zone shown on the 1983 map?

3 A It appears to be* I couldn't say precisely by how
4 much.

5 Q Now, I believe you testified that when the
6 1931 comments came out they were not for publication;
7 is that correct? At least they were not intended for
8 publication?

9 te-- \$ON> They weren't.

10 Q Do you know how representatives of the
11 Middlesex County Planning Board obtained copies of the
12 recommended map for Middlesex County in 1901?

13 A I think probably through the negotiation process
14 we were conducting with all of the counties. Probably
15 had work maps and it was probably the work map we used*
16 We kept it and used it in the report*

17 Q Would it be possible somebody from your
18 office, maybe even yourself said these are the changes
19 we intend to make?

20 A I think that¹» a very logical conclusion,

21 MR* MORAN: I don't have any more

22 questions*

23 REDIRECT EXAMINATION

24 BY MR. HERBERT:

25 Q just on the questions just asked you by Mr.

Moras*

Mr. Moran cited page ~ X aa sorry,

Section III--

MR. HSBEBVr Off th# record.

(Whereupon a discussion was held

off th*...>##>.....

3Y MR. HERBERT:

Q Referring BOW to Section III-5* the section that went - la that section VI, Mr* Moran cited a section which among other things - portions of which reads, "On the other hand, numerous comments from rural counties and others suggest that specific changes he made and la fact, some have (portions of Section I of this report},* Would you consider Middlesex County a rural county?

A Well, not in the straight aenae of the word, but it has rural parts*

Q Now, Mr. Moran asked you the question, did anyone on the Cabinet Committee dissent recommendation 1*2 which is the recommendation concerning certain changes in the comment of May 1931 dealing with Middlesex County Planning Board, and your answer I believe was lit the negative that you didn't recall any; would that be correct?

A that's right* I don't recall any,-- ; -

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Q Now, did anybody affirmatively state that that recommendation ought to be adopted by the cabinet?

A I don't recall that either.

Q Whatever the commenta are as contained in the January 1981 comment* or recommendations of DCA identified aa PZ-5, would it be fair to say that the map adopted in May 1980, as promulgated in May 1980 remains as you previously testified to earlier with the demarcation* of limited growth and growth as you specified them on the Cranbury mapt

A Well, the maps that we use and refer to are keyed off the 1980 map*

Q So, the commenta in the May 1981 recommendation or comments have not affected that map, that is the May 1980 map that your department or your agency still utilizest Would that be a correct statement!

A- ' It's true*

MR. HERBERT: Me further questions,

REGROSS EXAMINATION

BY MR. WARREN

Q Does the Cabinet Committee still exist?

A Not to my knowledge*

Q Do you know when it went out of existence?

A When the Governor left office.

Q Do you recall when that was?

1 A X can't keep track of these gubernatorial years*
2 I have no idea. I can't remember* It's -

3 HE* MORAKs It would have been
4 January 1982* Election year would have been
5 '81.

6 MR* WARREN; Can we stipulate it would
7 have been January '82?

8 THE WITNESSj I'll buy that,

9 BY MR. WARRENi

10 Q So, that from January 1981 to January 1982
11 these; comments PZ-5, were before the Cabinet Committee
12 and no action was taken; is that correctt

13 & Yes.

14 Q I note that PZ-a the document entitled
15 State Development auld% Plan revised draft, May 19\$0 ~

16 k Yes.

17 Q Is that correctt Now, I also, note that
18 we have here a blue covered document entitled State
19 Development Guide Flan* Hew Jersey Department of
20 Community Affairs, Hay I960.

21 MR* HERBERT: Off the record.

22 (Whereupon & discussion was held
23 off the record.)

24 THE WITNESS: The question 1st

25 BY MR. WARRENi

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Q Do you know what the difference is between these two documentst

A One's & later printing*

Q d--- J* - 3f**\$ m-later-printing?

A Yes

% The later printing is that the blue?

A Yes.

Q Is there any indication on the cover or anywhere as far as you know that that's a draft or it's preliminary in some way?

A I think la the infinite wisdom of the person that ordered It printed, I assumed since the Supreme Court has also, ordered that it no longer needed the title revised draft*

% This was printed as a -•

A It was not my decision to make*

Q I understand* This was printed as a "Final Document*¹* is that eorreetf

A That I cannot say. It speaks for Itself. That was -«

% It was not printed as a draftf >

A It was printed subsequent to the Supreme Court decision.

Hit* WABREgf 8e more questions*

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1 Bf MR* MORAHi

2 Q Did you or your staff ever intend the
3 State Development Guide Plan to perform the function it
4 was assigned to perform, the Supreme Court?

5 A Am you may recall, we were charged with a
6 responsibility by Executive order to look into the
7 possibility of a housing allocation plan* During the
8 production of that plan, we had numerous staff discussions
9 between the two staffs* There were two different staffs
10 working on this* the state-wide planning people were
11 doing this and the Bureau of Urban Planning were doing
12 the housing allocation plan, and this subject came up
13 from time to time because of the criteria set forth in
14 the Mount Laurel I* does not the concept of developing
15 community in effect direct us to do something in the
16 Guide Plan that deals with the housing question, and
17 while the conversations and the discussions were
18 innumerable* we came to no consensus among the staff as
19 to how to deal with that*

20 So, we continued to look at it both at the two
21 different items as separate and achieving different goals,
22 one trying to deal with land use and the other one trying
23 to deal with social issues* So, it's a long way of
24 answering the question* We considered it and never
25 resolved it, and we focused this primarily on state

Investments.

Q Hot oa housing?

A There la probably discussion of housing In the text that there's an obligation within communities and so fsrtit* but if do#sn*% deal with specific* about it*

MR. MORANI I don't have any more question*•

RE CROSS EXAMINATION

Bf MR, BkUMt

Q Just to clarify one thing, when this was authorized to b« published by the Cabinet Committee, was It published as a revised draft?

A Yes,

MR. HERBERT: So we are dear on the record -

MR. BALIOT: PZ-2 I^fm referring to*

MR. HERBERT* The State Development Guide Plan of May 1930?

MR, BALIHT: Right*

BY MR. BALINT;

Q The question was was it published entitled as a revised draft?

A It was published that way. That was the way it was published after the release by the Cabinet*

Q The other question I have is the report

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1 that was dated May 1981 - was this draft presented to
2 the Cabinet Committee by you? department?

3 MR. WASHES* Off the record.

4
5 .-4, -... • :-r-r. ^i >./:. r. (Wh«yewpoa- a discussion was held
6 off the record.)

7 BY MR. BALINT:

8 Q The State Development Guide Flan dated May
9 of 1980, when was that document as printed submitted to
10 the Cabinet Committee by your departmentt

11 A Probably at the very next meeting.

12 Q Meaning ^tunef

13 A Well, the draft version or - let's aay the
14 version that we typed up. It aay have been one in the
15 same* X can't recall exactly» but it looked like - but
16 their would have all had copies as well*

17 MFU BALINT; Okay, thank you*

18 MR. HERBERT: Mr. Oinman, I thint

19 that the record should reflect it's 6:45
20 and you've been deposed now for about five
21 hours, and X think that all Counsel are
22 very appreciative of the time you have
23 taken. X de want to indicate that you
24 have two documents that have been
25 identified which X know you must take
with you* One is P2-3, which 1*, the

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Middlesex County area map and the other document is Pfc-6 the original ~ off the record,

(Whereupon a discussion was held off the record,)

MR, HERBERT: PZ-6, the original Middlesex County Atlas sheet* and I'd ask you for the sake of maintaining a record that you keep those designations, the markings on those two exhibits in the event that you have to testify in these proceedings*

The other thing I wanted to ask you, fir* Ginman, is that you look through your files and if you find any minutes dealing with the SDGF from the Governor's Counsel » Cabinet, that you wnik me a copy, and I will take it upon myself to reproduce it and furnish it to all Counsel* Thank you very much,

(Whereupon the deposition was adjourned.)

SUPERIOR COURT 07 NBV JERSEY
CHANCERY DIVISION-MIDDLESEX COUNTY
DOCKET NO. C-4122-83

URBAN LEAGUE OP GREATER
NEW BRUNSWICK, et al*_f

Plaintiffs*

-vs-

CERTIFICATE

CARTERET, et al.,

Defendants*

I, KAREN H« AHERN, the officer before whom
the foregoing deposition was taken, do hereby certify that
the witness whose testimony appears in the foregoing
deposition was duly sworn by me, and that said deposition
is a true record of the testimony given by said witness
that I am neither attorney nor counsel for nor related to
or employed by any of the parties to the action in which
the deposition is taken; and further that I am not a
relative or employee of any attorney or counsel employed
by the parties hereto, or financially interested in the
action*

Karen M. Aherne
~~CERTIFIED~~ SHOHTHANS REPORTER i NOTARY PUBLIC
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Bated* WOXILJ 23, 1984

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