
Commission Meeting

of

STATE HOUSE COMMISSION

LOCATION: Committee Room 14
State House Annex
Trenton, New Jersey

DATE: March 10, 2003
9:00 a.m.

MEMBERS OF COMMISSION PRESENT:

Paul Josephson
(Representing Governor James E. McGreevey)
Senator Walter J. Kavanaugh, Chair
Senator Bernard F. Kenny Jr.
Assemblyman Anthony Impreveduto
Assemblyman Michael J. Doherty
Charlene M. Holzbaur
Robert L. Smartt
(Representing John E. McCormac)



ALSO PRESENT:

Edward R. McGlynn, Secretary
Robert J. Shaughnessy Jr., Counsel

Meeting Recorded and Transcribed by
The Office of Legislative Services, Public Information Office,
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SENATOR WALTER J. KAVANAUGH (Chairman): Good morning. This is the State House Commission Meeting, March 10, 2003. There are agendas available on the table for anyone who cares to have one.

We'll call the roll, and I'll have one comment to make.

MR. McGLYNN (Secretary): Assistant Treasurer (*sic*) Smartt.

DEPUTY TREASURER SMARTT: Here.

MR. McGLYNN: Chief Counsel Josephson.

CHIEF JOSEPHSON: Here.

MR. McGLYNN: Director Holzbaur.

DIRECTOR HOLZBAUR: Here.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Here.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Here.

We've met the Open Public Meetings' Act. Everything has been published. But I'd also like to mention once again, for the purposes of recording, under New Business we're going to hold Nos. 2, 4, 5, 6, and 7, and also 21, as we get started.

MR. McGLYNN: We need a motion on the minutes.

SENATOR KAVANAUGH: Could we have a motion on the December 12 minutes, please?

CHIEF JOSEPHSON: So moved.

DIRECTOR HOLZBAUR: Second.

SENATOR KAVANAUGH: It's been moved and seconded.

Roll call.

MR. McGLYNN: Assistant Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Chief Counsel Josephson.

CHIEF JOSEPHSON: Yes.

MR. McGLYNN: Director Holzbaur.

DIRECTOR HOLZBAUR: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Item No. 3, under New Business, RPR No. 97-18, Block 26001, Lot 1, in Montgomery Township. The Department of the

Treasury requests approval to enter into negotiations with the Township of Montgomery to dispose of the North Princeton Developmental Center in Somerset County. The Real Property Review Clearance was completed on August 4, 1998, with three agencies expressing interest with the proposed action. If mutually satisfactory purchase terms are agreed upon, the specific terms will be brought back to the Commission for approval.

SENATOR KAVANAUGH: Anyone here in opposition? (no response)

Okay, could we--

CHIEF JOSEPHSON: I'll move that we approve the item.

DEPUTY TREASURER SMARTT: Second.

SENATOR KAVANAUGH: It's been moved and seconded.
Roll call.

MR. McGLYNN: Assistant Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Chief Counsel Josephson.

CHIEF JOSEPHSON: Yes.

MR. McGLYNN: Director Holzbaur.

DIRECTOR HOLZBAUR: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Assemblyman Impreveduto. (pause)

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: We're on Item No. 3. (laughter)
Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: We're now going to Item No. 8. RPR No. 03-11, Block 154, Lot 19, Totowa Borough, in Passaic County. The Department of the Treasury, on behalf of the Department of Human Services, requests approval to lease a house located on the grounds of the North Jersey Developmental Center to the Devereux Foundation, New Jersey Treatment Network, the lease for a five-year term, with three five-year renewals. Since the lease directly benefits the State, the annual rent will be \$1 per year.

SENATOR KAVANAUGH: Anyone here opposed? (no response)
Can we have a motion, please.

CHIEF JOSEPHSON: I'll move the item.

ASSEMBLYMAN IMPREVEDUTO: Second.

SENATOR KAVANAUGH: Moved and seconded.
Roll call.

MR. McGLYNN: Assistant Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Chief Counsel Josephson.

CHIEF JOSEPHSON: Yes.

MR. McGLYNN: Director Holzbaur.

DIRECTOR HOLZBAUR: Yes.

MR. McGLYNN: Senator-- I'm sorry.

Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: I like that.

Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

SENATOR KAVANAUGH: Number 9.

MR. McGLYNN: RPR No. 03-12, part of Block 26001, Lot 1; Part of Block 25001, Lot 27; Block 27001, Lot 7; in Montgomery Township, Somerset County. The New Jersey Department of the Treasury requests approval to place property located on the grounds of the North Princeton Developmental Center in the Farmland Preservation Program. The first parcel is 200 acres, the second parcel is 215 acres, and the third parcel is 195 acres.

SENATOR KAVANAUGH: Anyone here in opposition? (no response)

Could we have a motion, please.

CHIEF JOSEPHSON: I'll move that item.

ASSEMBLYMAN IMPREVEDUTO: Second.

SENATOR KAVANAUGH: Roll call.

MR. McGLYNN: Assistant Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Chief Counsel Josephson.

CHIEF JOSEPHSON: Yes.

MR. McGLYNN: Director Holzbaur.

DIRECTOR HOLZBAUR: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Assemblyman Doherty.

ASSEMBLYMAN DOHERTY: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Assemblyman, would you like to be included on the first items that we passed on?

ASSEMBLYMAN DOHERTY: Yes, Mr. Chairman.

SENATOR KAVANAUGH: And also, Assemblyman Impreveduto?

ASSEMBLYMAN IMPREVEDUTO: Yes.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Congratulations. I think this is the first time that we've had a full complement here.

Item No. 10, RPR No. 03-14, Block 104, Lots 1 and 2; Block 105, Lot 2.01; in Chesterfield Township, Burlington County. The New Jersey Department of the Treasury, on behalf of the Department of Corrections, requests approval to grant a permanent easement and temporary construction easement to Transcontinental Gas Pipe Line Corporation for the installation and maintenance of a natural gas pipeline on the grounds of the Albert C. Wagner Youth Correctional Facility.

SENATOR KAVANAUGH: Anyone here in opposition? (no response)

ASSEMBLYMAN IMPREVEDUTO: Moved.

SENATOR KAVANAUGH: Moved and seconded.

MR. McGLYNN: Assistant Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Chief Counsel Josephson.

CHIEF JOSEPHSON: Yes.

MR. McGLYNN: Director Holzbaur.

DIRECTOR HOLZBAUR: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Assemblyman Doherty.

ASSEMBLYMAN DOHERTY: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Number 11.

MR. McGLYNN: RPR No. 03-15, Block 13, Lot 38, Clinton Township, in Hunterdon County. The New Jersey Department of the Treasury, on behalf of the Department of Corrections, requests approval to dispose of vacant land on the grounds of the Mountainview Correctional Facility to the Township of Clinton for the realignment of Petticoat Lane. The property has been sold, hopefully, to Clinton Township for fair market value, to be determined by an appraisal.

SENATOR KAVANAUGH: Anyone here in opposition? (no response)

Motion, please?

ASSEMBLYMAN IMPREVEDUTO: Moved.

CHIEF JOSEPHSON: Second.

MR. McGLYNN: Assistant Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Chief Counsel Josephson.

CHIEF JOSEPHSON: Yes.

MR. McGLYNN: Director Holzbaur.

DIRECTOR HOLZBAUR: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Assemblyman Doherty.

ASSEMBLYMAN DOHERTY: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Number 12, please.

MR. McGLYNN: RPR No. 03-16, Block 157, Lot 34, in Marlboro Township, Monmouth County. The New Jersey Department of the Treasury requests approval to dispose of approximately 130 acres of farmland located on the ground of the Marlboro Psychiatric Hospital. The property will be sold by auction, through the State Agricultural Development Committee, at a value to be determined. The State will sell the farming rights and retain the development rights.

SENATOR KAVANAUGH: Anyone here in opposition? (no response)

Motion.

ASSEMBLYMAN IMPREVEDUTO: Moved.

CHIEF JOSEPHSON: Second.

SENATOR KAVANAUGH: Moved and seconded.

Roll call.

MR. McGLYNN: Assistant Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Chief Counsel Josephson.

CHIEF JOSEPHSON: Yes.

MR. McGLYNN: Director Holzbaur.

DIRECTOR HOLZBAUR: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Assemblyman Doherty.

ASSEMBLYMAN DOHERTY: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Number 13, please.

MR. McGLYNN: RPR No. 03-18, Block 95, Lot 1, Woodbridge Township, in Middlesex County. The New Jersey Department of the Treasury, on behalf of the Department of Corrections, requests approval to dispose of a 0.858 acre parcel of land to the Department of Transportation for a public roadway improvement, which is a bridge improvement project. The property will be sold directly to the Department of Transportation for a fee of \$94,600.

SENATOR KAVANAUGH: Anyone here in opposition? (no response)

Motion.

ASSEMBLYMAN IMPREVEDUTO: Yes, moved.

SENATOR KAVANAUGH: And seconded.

CHIEF JOSEPHSON: Second.

SENATOR KAVANAUGH: Roll call.

MR. McGLYNN: Assistant Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Chief Counsel Josephson.

CHIEF JOSEPHSON: Yes.

MR. McGLYNN: Director Holzbaur.

DIRECTOR HOLZBAUR: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Assemblyman Doherty.

ASSEMBLYMAN DOHERTY: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Number 14.

MR. McGLYNN: RPR No. 03-19, part of Block 2, Lot C, Jersey City, in Hudson County. The New Jersey Department of the Treasury, on behalf of the Department of Military and Veterans' Affairs, requests approval to grant an easement to Jersey City for the widening of Essex Street, for a value to be determined, for a total square footage -- is approximately 6,800 square feet.

SENATOR KAVANAUGH: Anyone here in opposition? (no response)

Motion.

CHIEF JOSEPHSON: Moved.

SENATOR KAVANAUGH: Second.

Roll call.

MR. McGLYNN: Assistant Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Chief Counsel Josephson.

CHIEF JOSEPHSON: Yes.

MR. McGLYNN: Director Holzbaur.

DIRECTOR HOLZBAUR: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Assemblyman Doherty.

ASSEMBLYMAN DOHERTY: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Number 15.

MR. McGLYNN: The College of New Jersey, Block 215, Lot 136, in Ewing Township, Mercer County. The College of New Jersey requests approval to lease roof-top space on top of Travers-Wolfe Hall on the grounds of the College of New Jersey to Verizon Wireless to install a cellular phone tower. A lease for a five-year term, with two, five-year renewal options, and an annual rental of \$24,000, with 5 percent annual increase.

SENATOR KAVANAUGH: Are they going to make this look like a pine tree? (laughter)

ASSEMBLYMAN IMPREVEDUTO: I think they should get more money for that. They're paying more for cell towers. (laughter)

SENATOR KAVANAUGH: Anyone here in opposition? (no response)

Motion, please.

CHIEF JOSEPHSON: So moved.

SENATOR KAVANAUGH: Second.

ASSEMBLYMAN IMPREVEDUTO: Hopefully, it will keep my kid's tuition down. Yes.

MR. McGLYNN: Assistant Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Chief Counsel Josephson.

CHIEF JOSEPHSON: Yes.

MR. McGLYNN: Director Holzbaur.

DIRECTOR HOLZBAUR: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Assemblyman Doherty.

ASSEMBLYMAN DOHERTY: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Sixteen, please.

MR. McGLYNN: This is a Department of Transportation wireless communications' request for Route 24 eastbound, at milepost 9.8, in Springfield

Township, Union County. The Department of Transportation requests approval to license a site to erect a wireless communications' facility on a 125-foot mile pole, with antennas, on State-owned property.

SENATOR KAVANAUGH: Anyone here in opposition? (no response)

ASSEMBLYMAN IMPREVEDUTO: Moved.

SENATOR KAVANAUGH: Seconded.

Roll call.

MR. McGLYNN: Assistant Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Chief Counsel Josephson.

CHIEF JOSEPHSON: Yes.

MR. McGLYNN: Director Holzbaur.

DIRECTOR HOLZBAUR: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Assemblyman Doherty.

ASSEMBLYMAN DOHERTY: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Under the Department of Environmental Protection, No. 17.

MR. McGLYNN: The park name is Stokes State Forest, Block 302, Lots 1 and 5; Block 402, Lot 1; Block 1501, Lot 1; Sandyston Township, in Sussex County. The DEP, Division of Parks and Forestry, requests approval to convey a total of 0.39-acre fee and drainage easement to the New Jersey Department of Transportation, in order to improve the entrance to Stokes State Forest from Route 206 at Coursen Road through construction of a Route 206 southbound left turn lane.

SENATOR KAVANAUGH: Anyone here in opposition? (no response)

ASSEMBLYMAN IMPREVEDUTO: Moved.

CHIEF JOSEPHSON: Second.

MR. McGLYNN: Assistant Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Chief Counsel Josephson.

CHIEF JOSEPHSON: Yes.
MR. McGLYNN: Director Holzbaur.
DIRECTOR HOLZBAUR: Yes.
MR. McGLYNN: Assemblyman Impreveduto.
ASSEMBLYMAN IMPREVEDUTO: Yes.
MR. McGLYNN: Assemblyman Doherty.
ASSEMBLYMAN DOHERTY: Yes.
MR. McGLYNN: Senator Kenny.
SENATOR KENNY: Yes.
MR. McGLYNN: Chairman Kavanaugh.
SENATOR KAVANAUGH: Yes.
Number 18.

MR. McGLYNN: The park name is Fort Lee Historic Park/Palisades Interstate Park, Block 7202, Lot 2, Fort Lee Borough, in Bergen County. The New Jersey Department of Environmental Protection, on behalf of the Division of Parks and Forestry, requests approval to convey to Port Authority of New York and New Jersey 0.006 acre, in fee simple, for a proposed connector ramp between the lower level of the George Washington Bridge and the southbound Palisades Parkway.

SENATOR KAVANAUGH: Anyone here in opposition? (no response)

Motion.
ASSEMBLYMAN IMPREVEDUTO: Moved.
SENATOR KAVANAUGH: Seconded.
CHIEF JOSEPHSON: Second.
MR. McGLYNN: Assistant Treasurer Smartt.
DEPUTY TREASURER SMARTT: Yes.
MR. McGLYNN: Chief Counsel Josephson.
CHIEF JOSEPHSON: Yes.
MR. McGLYNN: Director Holzbaur.
DIRECTOR HOLZBAUR: Yes.
MR. McGLYNN: Assemblyman Impreveduto.
ASSEMBLYMAN IMPREVEDUTO: Yes.
MR. McGLYNN: Assemblyman Doherty.
ASSEMBLYMAN DOHERTY: Yes.
MR. McGLYNN: Senator Kenny.
SENATOR KENNY: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Number 19.

MR. McGLYNN: Pennsauken Fishing Access Site, Block 1004, Lot 1, in Pennsauken Township, Camden County. The New Jersey Department of Environmental Protection, Division of Fish and Wildlife, requests approval to lease the Pennsauken Fishing Access Site to the Township of Pennsauken for development of a boat launch and parking lot on the site, and operation and maintenance of the boat launch facility during the lease term, and to place a conservation restriction on a portion of the area to be leased.

SENATOR KAVANAUGH: Anyone here in opposition? (no response)

Motion, please.

ASSEMBLYMAN IMPREVEDUTO: Moved.

SENATOR KAVANAUGH: Second.

CHIEF JOSEPHSON: Second.

SENATOR KAVANAUGH: Seconded.

MR. McGLYNN: Assistant Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Chief Counsel Josephson.

CHIEF JOSEPHSON: Yes.

MR. McGLYNN: Director Holzbaur.

DIRECTOR HOLZBAUR: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Assemblyman Doherty.

ASSEMBLYMAN DOHERTY: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Number 20.

MR. McGLYNN: Number 20 is Miller Lane recreation area, Block 36, Lot 19, Bedminster Township, New Jersey. The New Jersey Department of Environmental Protection requests approval to allow the Township of Bedminster to divert 1.54 acres of Miller Lane Park for the construction of a firehouse.

Mr. Chairman, there has been an amendment to the dollar figure, which should reflect -- and all of you were copied on this change -- the last page of the fact sheet should be changed from 75 acres to 72.74, and from \$182,500 to \$176,986. Also, the 1,270,000 should be 1,264,486, and the 182,500 should be 176,986, I think. And also, 10.78 to 10.45. I think I've covered those changes. If not, the record will reflect that, plus I will include the memorandum that was sent from the Office of Real Property Management on March 7, as an exhibit to the minutes.

SENATOR KAVANAUGH: All right. As you know, I normally don't slow down in these meetings, but we do have some mayors, former mayors here, from the area. Is there any comment from-- (no response)

If not, we'll continue on.

Joe, do you have anything to say?

MAYOR JOSEPH H. METELSKI: Well, as you know, it's a--

SENATOR KAVANAUGH: Would you identify yourself for the--

MR. McGLYNN: Just identify yourself for the record?

MAYOR METELSKI: Joe Metelski, Mayor of Bedminster Township. I didn't want to say anything. You've encouraged me to speak.

SENATOR KAVANAUGH: This is not a campaign speech, now.
(laughter)

MAYOR METELSKI: But there's a need for a firehouse that's jointly shared between our Township and the Borough of Far Hills. And as you know, the Mayor of Far Hills, Carl Torsilieri, is also here. There's 1.54 acres that we require to build this firehouse on. And the diversion is 10-plus acres. So there's a substantial benefit, if you will, to the State, the public, and to the fire company.

SENATOR KAVANAUGH: You're happy with the prices, okay?

MAYOR METELSKI: Yes.

SENATOR KAVANAUGH: All right. Thank you.

Could we have a motion?

ASSEMBLYMAN IMPREVEDUTO: Moved.

CHIEF JOSEPHSON: Second.

MR. McGLYNN: Assistant Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Chief Counsel Josephson.

CHIEF JOSEPHSON: Yes.

MR. McGLYNN: Director Holzbaur.

DIRECTOR HOLZBAUR: Yes.
MR. McGLYNN: Assemblyman Impreveduto.
ASSEMBLYMAN IMPREVEDUTO: Yes.
MR. McGLYNN: Assemblyman Doherty.
ASSEMBLYMAN DOHERTY: Yes.
MR. McGLYNN: Senator Kenny.
SENATOR KENNY: Yes.
MR. McGLYNN: Chairman Kavanaugh.
SENATOR KAVANAUGH: Yes.

Twenty-one.

MR. McGLYNN: The park name is Washington Township Park, Block 28, Lot 3, Washington Township, Mercer County. The DEP, on behalf of the Township of Washington, requests approval to divert 3.34 acres of Washington Township Park for the construction of the Robbinsville bypass. As compensation, the Township plans to acquire a 1.14 acre parcel adjacent to the park and municipal complex where the Route 30 pedestrian overpass would terminate, and an additional 6.41 acres adjacent to the park.

SENATOR KAVANAUGH: Anyone here in opposition? (no response)

A motion, please?

CHIEF JOSEPHSON: Moved.

ASSEMBLYMAN IMPREVEDUTO: Second.

SENATOR KAVANAUGH: Moved, and seconded by Assemblyman Impreveduto.

MR. McGLYNN: Assistant Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Chief Counsel Josephson.

CHIEF JOSEPHSON: Yes.

MR. McGLYNN: Director Holzbaur.

DIRECTOR HOLZBAUR: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Assemblyman Doherty.

ASSEMBLYMAN DOHERTY: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Next, we go to Arts Inclusion Projects.

MR. McGLYNN: Do you want to move these all together?

SENATOR KAVANAUGH: All together.

This is to do with construction, in areas that the Legislature had passed, that a certain percentage has to be put into art. We have eight items. The agendas are available for anyone who wanted to read.

Number 1 has been held, so we go from Nos. 2 to 8. They are in amounts anywhere -- 60,000, 16,000, 26, 26, 45, 16,000, 22,000.

CHIEF JOSEPHSON: I'll move the items, Chairman.

ASSEMBLYMAN IMPREVEDUTO: Second.

SENATOR KAVANAUGH: Moved and seconded.

Anyone here in opposition to those? (no response)

Okay.

MR. McGLYNN: Assistant Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Chief Counsel Josephson.

CHIEF JOSEPHSON: Yes.

MR. McGLYNN: Director Holzbaur.

DIRECTOR HOLZBAUR: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Assemblyman Doherty.

ASSEMBLYMAN DOHERTY: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

We now move to Division of Pension Requests. We also sit as a judicial retirement system. So we'll go into that portion at--

MR. McGLYNN: I need a motion to approve the minutes of the meeting held on December 12 of 2002, please?

CHIEF JOSEPHSON: So moved.

SENATOR KAVANAUGH: It's been moved and seconded.

Roll call.

MR. McGLYNN: Assistant Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Chief Counsel Josephson.

CHIEF JOSEPHSON: Yes.

MR. McGLYNN: Director Holzbaur.

DIRECTOR HOLZBAUR: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: I'll abstain, since I wasn't

here.

MR. McGLYNN: Assemblyman Doherty.

ASSEMBLYMAN DOHERTY: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Number 2, please?

MR. McGLYNN: A motion for the confirmation of death claims, retirements, survivor benefits and terminations.

SENATOR KAVANAUGH: Motion.

ASSEMBLYMAN IMPREVEDUTO: Moved.

CHIEF JOSEPHSON: Second.

SENATOR KAVANAUGH: Moved and seconded.

Roll call.

MR. McGLYNN: Assistant Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Chief Counsel Josephson.

CHIEF JOSEPHSON: Yes.

MR. McGLYNN: Director Holzbaur.

DIRECTOR HOLZBAUR: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Assemblyman Doherty.

ASSEMBLYMAN DOHERTY: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Number 3, please.

MR. McGLYNN: Approval of the financial statements of December 31 of 2002.

CHIEF JOSEPHSON: So moved.

ASSEMBLYMAN IMPREVEDUTO: I'll second.

SENATOR KAVANAUGH: Moved and seconded.

Roll call.

MR. McGLYNN: Assistant Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Chief Counsel Josephson.

CHIEF JOSEPHSON: (pause) Yes. I'm sorry.

MR. McGLYNN: That's no problem.

Director Holzbaur.

DIRECTOR HOLZBAUR: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Assemblyman Doherty.

ASSEMBLYMAN DOHERTY: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

The next is No. 4, which has been an ongoing review. Would you bring us up to date?

MR. McGLYNN: There has been a report prepared by our Counsel to the Commission, Mr. Shaughnessy, in a letter to be sent to the judge, which-- Robert, would you like to comment?

MR. SHAUGHNESSY JR. (Counsel): I don't know if the Counsel -- Commission, if you will, is seeking any sort of legal advice. It may be recommended that it be done in Executive Session.

Thank you, Mr. Secretary.

But, as I mentioned, if the Counsel is seeking legal advice, it may be recommended that it be done in Executive Session, and a motion would be required for that.

CHIEF JOSEPHSON: I'd like to move that we, briefly, enter Executive Session to obtain advice of Counsel.

ASSEMBLYMAN IMPREVEDUTO: Second.

SENATOR KAVANAUGH: It's been moved and seconded.

Roll call.

MR. McGLYNN: Assistant Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Chief Counsel Josephson.

CHIEF JOSEPHSON: Yes.

MR. McGLYNN: Director Holzbaur.

DIRECTOR HOLZBAUR: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Assemblyman Doherty.

ASSEMBLYMAN DOHERTY: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

For the audience present, we're going to go -- so there's nothing else. Is there anyone here who would like to comment, before you leave, on another matter that you may have come to -- that we haven't heard? (no response)

If not, adios. We'll see you. We're multilingual here.

EXECUTIVE SESSION

AFTER EXECUTIVE SESSION:

SENATOR KAVANAUGH: Motion to return to regular session.

ASSEMBLYMAN IMPREVEDUTO: Moved.

CHIEF JOSEPHSON: Second.

SENATOR KAVANAUGH: Moved and seconded.

Roll call.

MR. McGLYNN: Assistant Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Chief Counsel Josephson.

CHIEF JOSEPHSON: Yes.

MR. McGLYNN: Director Holzbaur.

DIRECTOR HOLZBAUR: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Assemblyman Doherty.

ASSEMBLYMAN DOHERTY: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

I failed to mention, before we started, that Senator Bob Smith is here as the designated alternate. He's kind of like Joe Torres, the manager for a substitute. (laughter) Thank you.

Welcome, Bob.

MR. McGLYNN: We're on Item No. 4, Mr. Chairman, which is a consideration of the appeal from Judge Glenn Berman, regarding initial administrative decisions that he must contribute to the judicial retirement system at the rate of 3 percent of his full judicial salary.

SENATOR KAVANAUGH: Yes, I'd like to recognize Mr. Josephson.

CHIEF JOSEPHSON: Thank you, Mr. Chairman.

After reviewing the materials that have been submitted, both by the Division as well as Judge Berman, it is my view that the judge makes an argument that he is not initially enrolling in the judicial retirement system at this time, inasmuch as he was previously enrolled prior to 1996. Accordingly, I'd like to make a motion to reverse the decision of the Division of Pension and Benefits, and that the judge be so advised by Counsel to the Commission.

SENATOR KAVANAUGH: For the motion, is there a second?

ASSEMBLYMAN IMPREVEDUTO: Second.

SENATOR KAVANAUGH: Anyone here that is opposed in the audience? (no response)

Roll call, please.

MR. McGLYNN: Assistant Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Chief Counsel Josephson.

CHIEF JOSEPHSON: Yes.

MR. McGLYNN: Director Holzbaur.

DIRECTOR HOLZBAUR: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Assemblyman Doherty.

ASSEMBLYMAN DOHERTY: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Can I make one comment before we all go?

SENATOR KAVANAUGH: Yes. And I have a comment to make, also.

MR. McGLYNN: You do.

I want to thank Mr. Josephson, who is leaving us after today -- who actually held off going over to the -- as the Director of the Division of Law -- for all of the good work and the generosity he showed to me, as a secretary, since he assumed his position in the McGreevey administration. And I wish you the best of luck in your new position.

CHIEF JOSEPHSON: Thank you very much. (applause)

SENATOR KAVANAUGH: Mine is just in keeping with your proposal, as far as--

ASSEMBLYMAN IMPREVEDUTO: I, for one, preferred that you had stayed, but-- (laughter)

SENATOR KAVANAUGH: As far as Paul, presently with the chief counsel to the Governor, now moving over to the AG's office, it's a shame you made the *New York Times* -- the picture -- months after you got married. But he's been a very good member, a very punctual member. (laughter)

SENATOR KENNY: He was late once, I remember. (laughter)

SENATOR KAVANAUGH: Congratulations. Good luck.

CHIEF JOSEPHSON: Thank you very much.

I want to thank all the members. It's been a pleasure serving with all of you. I'll look forward to continue working with you, at least indirectly through Bob, as Counsel to the Commission.

Thank you very much. (unanimous thank-yous)

SENATOR KAVANAUGH: Okay.

We're adjourned.

(MEETING CONCLUDED)