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# *Commission Meeting*

of

## STATE HOUSE COMMISSION

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

**DATE:** March 22, 2004  
9:00 a.m.

**MEMBERS OF COMMISSION PRESENT:**

Daren Eppley, Chair  
Senator Bob Smith  
Senator Bernard F. Kenny Jr.  
Assemblyman Anthony Impreveduto  
Assemblyman Peter J. Biondi  
Robert L. Smartt  
(Representing John E. McCormac)  
Kathy Steepy  
(Representing Charlene M. Holzbaur)



**ALSO PRESENT:**

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

*Meeting Recorded and Transcribed by*  
The Office of Legislative Services, Public Information Office,  
Hearing Unit, State House Annex, PO 068, Trenton, New Jersey

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**DAREN EPPLEY (Chair):** Good morning, everyone.

We'll begin the meeting. This is the quarterly session of the State House Commission.

Welcome, everybody. And thank you for coming. I think we're ready to begin.

This is a meeting that has been noticed, and we are meeting in accordance with the Open Public Meetings Act.

With that being said, I'll turn it over to the executive director, Mr. McGlynn.

MR. McGLYNN: Thank you.

May I do a roll call, please?

Assistant Director Steepy.

ASSISTANT DIRECTOR STEEPY: Present.

MR. McGLYNN: Deputy Treasurer Smartt.

DEPUTY TREASURER SMARTT: Present.

MR. McGLYNN: Assemblyman Biondi.

ASSEMBLYMAN BIONDI: Here.

MR. McGLYNN: Senator Smith.

MR. EPPLEY: Yes.

MR. McGLYNN: The first item on the agenda, Mr. Chairman, is to approve the minutes of the December 15, 2003 State House Commission meeting minutes.

SENATOR SMITH: Motion approved.

MR. EPPLEY: Second.

MR. McGLYNN: Assistant Director Steepy.

ASSISTANT DIRECTOR STEEPY: I -- yes.

MR. McGLYNN: Deputy Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Assemblyman Biondi.

ASSEMBLYMAN BIONDI: Abstain.

MR. McGLYNN: Senator Smith.

SENATOR SMITH: Yes.

MR. McGLYNN: Chairman Eppley.

MR. EPPLEY: Yes.

MR. McGLYNN: Item Number 2: Route 4, Section 2, Parcels 109, 109B, UI109C, AE109D, AE109E, VX122B, and VX44B, Paramus, Bergen County. The Department of Transportation, Bureau of Right-of-Way, Property

Management Unit requests approval to sell an irregular-shaped parcel of land containing 0.831 plus or minus acres, or 35,382 square feet, as well as a building, fixtures, and improvements. The matter was approved at the December 15, 2003 State House Commission meeting and is now being resubmitted to add two parcels: VX122B and VX44B, as well as a commercial building. It will be sold at public auction with a minimum bid price of \$3.2 million.

SENATOR SMITH: Point of order, Mr. Chairman, because this raises a very interesting issue.

I don't know my role as an alternate. Am I an alternate for Senator Kenny? Am I an alternate for any Senator who may not be present? Or am I an alternate for any legislator that may not be present. I don't know whether I should participate at this point, now that Senator Kenny is here.

MR. McGLYNN: Good morning, Senator.

SENATOR KENNY: Good morning.

MR. SHAUGHNESSY (Counsel): I think your participation is appropriate and welcomed at this point.

SENATOR SMITH: Okay.

MR. McGLYNN: So we need a motion and a second.

SENATOR SMITH: So moved.

SENATOR KENNY: Second.

MR. McGLYNN: Assistant Director Steepy.

ASSISTANT DIRECTOR STEEPY: Yes.

MR. McGLYNN: Deputy Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Assemblyman Biondi.

ASSEMBLYMAN BIONDI: Yes.

MR. McGLYNN: Senator Smith.

SENATOR SMITH: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chairman Eppley.

MR. EPPLEY: Yes.

MR. McGLYNN: Item Number 3: RPR 03-04, Block 418A, Lot 1, Trenton City, in Mercer County. The Department of the Treasury, on behalf of the Department of Corrections, requests approval to grant sanitary sewer drainage and other easements, that may be needed for the construction of a new

school, to the New Jersey School Construction Corporation for \$1. The easements will facilitate the construction of a new school on property conveyed by the Department of Corrections for that purpose, for \$220,000, which was approved by the State House Commission at the September 19, 2002 meeting.

MR. EPPLEY: So moved.

DEPUTY TREASURER SMARTT: Second.

MR. McGLYNN: Assistant Director Steepy.

ASSISTANT DIRECTOR STEEPY: Yes.

MR. McGLYNN: Deputy Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Assemblyman Biondi.

ASSEMBLYMAN BIONDI: Yes.

MR. McGLYNN: Senator Smith.

SENATOR SMITH: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chairman Eppley.

MR. EPPLEY: Yes.

MR. McGLYNN: Item Number 4: RPR Number 03-23, Block 81, Lot 9, in Barnegat Township, Ocean County. The Department of Treasury, on behalf of the Department of Law and Public Safety, requests approval to dispose of a 1.4 acre parcel of vacant land to the adjacent property owner for fair market value, based on the property being preserved as farmland. This item was tabled at the December 15, 2003 meeting, pending clarification of an issue involving restriction of the additional 20 acres, which I believe has been clarified.

SENATOR SMITH: So moved.

MR. EPPLEY: Second.

MR. McGLYNN: Assistant Director Steepy.

ASSISTANT DIRECTOR STEEPY: Yes.

MR. McGLYNN: Deputy Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Assemblyman Biondo. (*sic*)

ASSEMBLYMAN BIONDI: Biondi, yes. (laughter)

MR. McGLYNN: I knew I was going to do it once today. I may do it again.

ASSEMBLYMAN BIONDI: That's the Congressman -- gets us confused.

MR. McGLYNN: I may do it again.

And welcome to the committee, by the way. My apologies.

ASSEMBLYMAN BIONDI: Thank you.

MR. McGLYNN: Senator Smith.

SENATOR SMITH: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chairman Eppley.

MR. EPPLEY: Yes.

MR. McGLYNN: Item Number 5: RPR Number 03-30, Block 411, Part of Lot 11, Ewing Township, in Mercer County. The Department of Treasury, on behalf of the Department of Corrections, requests approval to lease farmland to the township of Ewing on the grounds of the Knight Farm. The action recommends expanding the lease approved at the June 23, 2003 State House Commission meeting to entail three total acres, including a building, to the township of Ewing for the operation of the township's animal shelter.

The lease will be for 20 years, with one 20-year renewal option. Ewing Township will provide services in lieu of fair market value rent, the value of which is to be determined.

SENATOR SMITH: So moved.

SENATOR SMITH: Second.

MR. McGLYNN: Assistant Director Steepy.

ASSISTANT DIRECTOR STEEPY: Yes.

MR. McGLYNN: Deputy Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Assemblyman Biondi.

ASSEMBLYMAN BIONDI: Yes.

MR. McGLYNN: Senator Smith.

SENATOR SMITH: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chairman Eppley.

MR. EPPLEY: Yes.

MR. McGLYNN: Item Number 6 starts our new business. RPR Number 04-07, Block 8, Lot 11, in East Windsor Township, Mercer County.

The New Jersey Department of the Treasury, on behalf of the Department of Law and Public Safety, requests approval to dispose of a former State Police patrol station. The property is to be sold via public auction for a minimum fair market value of \$900,000, as determined by an appraisal.

DEPUTY TREASURER SMARTT: So moved.

SENATOR SMITH: Second.

MR. McGLYNN: Assistant Director Steepy.

ASSISTANT DIRECTOR STEEPY: Yes.

MR. McGLYNN: Deputy Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Assemblyman Biondi.

ASSEMBLYMAN BIONDI: Yes.

MR. McGLYNN: Senator Smith.

SENATOR SMITH: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chairman Eppley.

MR. EPPLEY: Yes.

MR. McGLYNN: Item Number 7: RPR Number 04-13, Block 341, Lot 1, Ewing Township, Mercer County. The Department of Treasury, on behalf of the Department of Education, requests approval to lease three rooms in the Clock Tower Building 7, on the grounds of the Marie H. Katzenbach School for the Deaf, to the New Jersey Association for the Deaf. The lease will be for a term of three years, with one one-year renewal option, at an annual rate for \$4,800.

MR. EPPLEY: So moved.

DEPUTY TREASURER SMARTT: Second.

MR. McGLYNN: Assistant Director Steepy.

ASSISTANT DIRECTOR STEEPY: Yes.

MR. McGLYNN: Deputy Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Assemblyman Biondi.

ASSEMBLYMAN BIONDI: Yes.

MR. McGLYNN: Senator Smith.

SENATOR SMITH: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chairman Eppley.

MR. EPPLEY: Yes.

MR. McGLYNN: Item Number 8 is RPR Number 04-14, Block 601, Lot 12, in Woodland Township, Burlington County. The New Jersey Department of the Treasury, on behalf of the Department of Human Services, requests approval to lease two houses on the grounds of the New Lisbon Developmental Center to Nora G. Inc. The lease will be for one year, with five one-year renewal options. And since this action directly benefits the State, the annual rent will be \$1.

DEPUTY TREASURER SMARTT: So moved.

SENATOR SMITH: Second.

MR. McGLYNN: Assistant Director Steepy.

ASSISTANT DIRECTOR STEEPY: Yes.

MR. McGLYNN: Deputy Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Assemblyman Biondi.

ASSEMBLYMAN BIONDI: Yes.

MR. McGLYNN: Senator Smith.

SENATOR SMITH: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chairman Eppley.

MR. EPPLEY: Yes.

MR. McGLYNN: Item Number 9 -- am I correct -- yes. RPR Number 04-15, Block 21, Lot 90, Trenton City, Mercer County. The New Jersey Department of Treasury requests approval to dispose of a deteriorated building located at 14-18 Taylor Alley. The property will be sold as is, via public auction, for a minimum fair market value of \$90,000, as determined by an appraisal.

MR. EPPLEY: Is there anybody here from the public who wish to comment? (no response)

Hearing none, I'll entertain a motion.

SENATOR SMITH: So moved.

DEPUTY TREASURER SMARTT: Second.

MR. McGLYNN: Assistant Director Steepy.

ASSISTANT DIRECTOR STEEPY: Yes.

MR. McGLYNN: Deputy Treasurer Smartt.



DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Assemblyman Biondi.

ASSEMBLYMAN BIONDI: Yes.

MR. McGLYNN: Senator Smith.

SENATOR SMITH: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chairman Eppley.

MR. EPPLEY: Yes.

Good morning, Assemblyman.

ASSEMBLYMAN IMPREVEDUTO: Good morning.

MR. EPPLEY: Thanks for joining us.

MR. McGLYNN: Assemblyman, we have already moved and adopted items number one through nine. Do you wish to be recorded in the affirmative?

ASSEMBLYMAN IMPREVEDUTO: In the affirmative.

MR. McGLYNN: Thank you.

Item Number 10 is RPR Number 04-21, Block 105, Lot 12, Union Township, Union County. The New Jersey Department of the Treasury, on behalf of Kean University, requests approval to grant access, drainage, signage, and temporary construction easements to Union Township, over Block 105, Lot 12, for the fair market value of \$50,000, as determined by an appraisal; and access and drainage easements to New Jersey Transit for \$1, which are necessary for the development of the Transit Village in the adjacent Union Train Station.

MR. EPPLEY: Anybody here from the public wish to comment?  
(no response)

Hearing none, I'll entertain a motion.

ASSEMBLYMAN IMPREVEDUTO: Moved.

MR. EPPLEY: Second?

SENATOR SMITH: Second.

MR. McGLYNN: Assistant Director Steepy.

ASSISTANT DIRECTOR STEEPY: Yes.

MR. McGLYNN: Deputy Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Assemblyman Biondi.

ASSEMBLYMAN BIONDI: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Senator Smith.

SENATOR SMITH: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chairman Eppley.

MR. EPPLEY: Yes.

MR. McGLYNN: Item Number 11 -- are Department of Transportation requests.

If you want, Mr. Chairman, I think we can consider 11 and 12 together.

MR. EPPLEY: Please do so.

MR. McGLYNN: Item Number 11 is Property: Route 1, Section 1, Parcel VX1, in Lawrence, Mercer County. The Department of Transportation, Bureau of Right-of-Way, Property Management Unit requests approval to sell an irregular-shaped parcel of land containing 0.24 plus or minus acres, or 10,305 square feet. The property will be sold, via direct sale, at a recommended sale price of \$15,500, fair market value.

Item Number 12 is Property: Route 72, Section 7, Parcel VXL21C, in Stafford, Ocean County. The New Jersey Department of Transportation, Bureau of Right-of-Way, Property Management Unit requests approval to sell a rectangular-shaped parcel of land containing 0.70 plus or minus acres, or 30,709 square feet. The property will be sold, via direct sale, at fair market value of \$40,000.

MR. EPPLEY: Any member of the public here to comment on either one? (no response)

ASSEMBLYMAN IMPREVEDUTO: Moved.

MR. EPPLEY: Second?

SENATOR SMITH: Second.

MR. McGLYNN: Assistant Director Steepy.

ASSISTANT DIRECTOR STEEPY: Yes.

MR. McGLYNN: Deputy Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Assemblyman Biondi.

ASSEMBLYMAN BIONDI: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Senator Smith.

SENATOR SMITH: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chairman Eppley.

MR. EPPLEY: Yes.

MR. McGLYNN: Item Number 13 is a Department of Transportation, Wireless Communications request on Route 34 Northbound at Milepost 0.0, at the intersection of Route 35 and Route 70, in Wall Township, Monmouth County. The New Jersey Department of Transportation; Bureau of Traffic, Access, and Landscape; Wireless Communications Unit requests approval to license a site to erect a wireless communications facility on a 130-foot monopole tower, on State-owned property, which will generate a minimum of \$28,000 per annum for five to 20 years, depending on renewal options and co-location by other carriers on the site.

MR. EPPLEY: Any members of the public here to comment? (no response)

Hearing none, I'll entertain a motion.

ASSEMBLYMAN IMPREVEDUTO: Moved.

SENATOR SMITH: Second.

MR. McGLYNN: Assistant Director Steepy.

ASSISTANT DIRECTOR STEEPY: Yes.

MR. McGLYNN: Deputy Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Assemblyman Biondi.

ASSEMBLYMAN BIONDI: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Senator Smith.

SENATOR SMITH: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chairman Eppley.

MR. EPPLEY: Yes.

MR. McGLYNN: We now begin the Department of Environmental Protection requests.

Item Number 14 concerns the Berkshire Valley Wildlife Management Area, Block 256, part of Lot 4.2, in Jefferson Township, Morris County. The DEP, on behalf of the Division of Fish and Wildlife, requests approval to convey a 0.46 acre easement to Roxbury Township for the construction of a backup water well, as directed by the Department's Bureau of Safe Drinking Water. Compensation by Roxbury Township will include the dedication of -- conservation and recreation purposes -- a 7.22 acre municipally owned parcel. The value of the replacement land is \$327,060, and the value of the easement is \$175,000.

MR. EPPLEY: Good deal for the State.

Anybody here to comment on this? (no response)

Hearing none, I'll entertain a motion.

ASSEMBLYMAN IMPREVEDUTO: Move.

DEPUTY TREASURER SMARTT: Second.

MR. McGLYNN: Assistant Director Steepy.

ASSISTANT DIRECTOR STEEPY: Yes.

MR. McGLYNN: Deputy Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Assemblyman Biondi.

ASSEMBLYMAN BIONDI: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Senator Smith.

SENATOR SMITH: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chairman Eppley.

MR. EPPLEY: Yes.

MR. McGLYNN: Item Number 15 is the Sussex Branch Trail Park, Block 214, part of Lot 3; and Block 331, part of Lot 2-X, in Byram Township, Sussex County. The New Jersey Department of Environmental Protection, on behalf of the Division of Parks and Forestry, requests approval to convey approximately 0.04 acre of State parkland to the Department of Transportation for the construction of a drainage easement from Route 206 to Cranberry Lake. In addition, approximately 0.31 acre of temporary construction easement is required to relocate utilities within the Route 206 right-of-way.

MR. EPPLEY: Anybody here from the -- comment -- public wish to comment? (no response)

Hearing none--

ASSEMBLYMAN IMPREVEDUTO: Move.

DEPUTY TREASURER SMARTT: Second.

MR. McGLYNN: Assistant Director Steepy.

ASSISTANT DIRECTOR STEEPY: Yes.

MR. McGLYNN: Deputy Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Assemblyman Biondi.

ASSEMBLYMAN BIONDI: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Senator Smith.

SENATOR SMITH: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chairman Eppley.

MR. EPPLEY: Yes.

MR. McGLYNN: Item Number 16 is Boyd Park and unnamed county open space, Block 103.01, part of Lot 1; Block 103.02, part of Lot 1; Block 103.03, part of Lot 1; Block 703, part of Lot 16, in the city of New Brunswick, Middlesex County. The New Jersey Department of Environmental Protection, on behalf of the city of New Brunswick and the county of Middlesex, requests approval to convey to the Department of Transportation, 1.09 acres of Boyd Park and 0.13 acres of unnamed county open space for the widening and reconstruction of Route 18, from north of the Route 1 interchange to the Amtrak Northeast Corridor Bridge, north of the Route 27 interchange.

MR. EPPLEY: Anybody here from the public wish to comment? (no response)

Hearing none.

ASSEMBLYMAN IMPREVEDUTO: Move.

DEPUTY TREASURER SMARTT: Second.

MR. McGLYNN: Assistant Director Steepy.

ASSISTANT DIRECTOR STEEPY: Yes.

MR. McGLYNN: Deputy Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Assemblyman Biondi.  
ASSEMBLYMAN BIONDI: Yes.  
MR. McGLYNN: Assemblyman Impreveduto.  
ASSEMBLYMAN IMPREVEDUTO: Yes.  
MR. McGLYNN: Senator Smith.  
SENATOR SMITH: Yes.  
MR. McGLYNN: Senator Kenny.  
SENATOR KENNY: Yes.  
MR. McGLYNN: Chairman Eppley.  
MR. EPPLEY: Yes.

MR. McGLYNN: Item Number 17 is the Middlesex Greenway, Block 815, part of Lot 2-A, in Edison Township, Middlesex County. The New Jersey Department of Environmental Protection, on behalf of the county of Middlesex, requests approval to divert approximately 0.45 acre of the Middlesex Greenway to allow Transcontinental Gas Pipeline Corporation, Transco, to relocate its 30-inch gas pipeline in connection with the New Jersey DOT's proposed widening of Route 1 in Edison and Woodbridge townships. As compensation, Transco will pay Middlesex County twice the appraised value of the new 0.45 acre permanent easement across the Middlesex Greenway.

MR. EPPLEY: Anybody here from the public wish to comment?  
(no response)

Hearing none.  
ASSEMBLYMAN IMPREVEDUTO: Move.  
SENATOR SMITH: Second.  
MR. McGLYNN: Assistant Director Steepy.  
ASSISTANT DIRECTOR STEEPY: Yes.  
MR. McGLYNN: Deputy Treasurer Smartt.  
DEPUTY TREASURER SMARTT: Yes.  
MR. McGLYNN: Assemblyman Biondi.  
ASSEMBLYMAN BIONDI: Yes.  
MR. McGLYNN: Assemblyman Impreveduto.  
ASSEMBLYMAN IMPREVEDUTO: Yes.  
MR. McGLYNN: Senator Smith.  
SENATOR SMITH: Yes.  
MR. McGLYNN: Senator Kenny.  
SENATOR KENNY: Yes.  
MR. McGLYNN: Chairman Eppley.

MR. EPPLEY: Yes.

MR. McGLYNN: Item Number 18 is the American Legion Drive Waterfront, Block 21.01, Lot 49, in Keyport Borough, Monmouth County. The Department of Environmental Protection, on behalf of the borough of Keyport, requests approval to lease Green Acres encumbered riparian lands for non-exclusive use by a commuter ferry service. Under Green Acres rules, extension of the lease agreement constitutes a diversion of parkland requiring DEP Commissioner and State House Commission approval.

MR. EPPLEY: Anybody here from the public wish to comment?  
(no response)

ASSEMBLYMAN IMPREVEDUTO: Move.

SENATOR SMITH: Second.

MR. McGLYNN: Assistant Director Steepy.

ASSISTANT DIRECTOR STEEPY: Yes.

MR. McGLYNN: Deputy Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Assemblyman Biondi.

ASSEMBLYMAN BIONDI: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Senator Smith.

SENATOR SMITH: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chairman Eppley.

MR. EPPLEY: Yes.

MR. McGLYNN: Item Number 19 is the Sayreville Recreation Area, Block 17, part of Lot 2; Block 24, part of Lot 1, in Sayreville Borough, Middlesex County. The DEP, on behalf of Sayreville Borough, requests approval to divert approximately 1.0 acre of parkland to allow the construction by the borough of an 18-inch gravity sewer line within a 10-foot wide subsurface easement corridor. As compensation, the borough of Sayreville will acquire a 25-foot surface easement on private property adjacent to the Sayreville Recreation Area for the construction of a future trail, which will provide a connection between the existing recreation area and Laurel Acres Park.

MR. EPPLEY: Anybody from the public wish to comment? (no response)

Hearing none.

ASSEMBLYMAN IMPREVEDUTO: Move.

SENATOR SMITH: Second.

MR. McGLYNN: Assistant Director Steepy.

ASSISTANT DIRECTOR STEEPY: Yes.

MR. McGLYNN: Deputy Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Assemblyman Biondi.

ASSEMBLYMAN BIONDI: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Senator Smith.

SENATOR SMITH: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chairman Eppley.

MR. EPPLEY: Yes.

MR. McGLYNN: We now move and sit as the trustees of the Judicial Retirement System.

Mr. Gorman is here. He may want to come forward in case there are any questions, and there may be, on Item Number 4.

We need to, first, move to approve the minutes of the meeting held on December 15, 2003.

MR. EPPLEY: So moved.

ASSEMBLYMAN IMPREVEDUTO: Second.

MR. McGLYNN: Assistant Director Steepy.

ASSISTANT DIRECTOR STEEPY: Yes.

MR. McGLYNN: Deputy Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Assemblyman Biondi.

ASSEMBLYMAN BIONDI: Abstain.

MR. McGLYNN: I'm sorry?

ASSEMBLYMAN BIONDI: I wasn't present.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Senator Smith.

SENATOR SMITH: Yes.



MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chairman Eppley.

MR. EPPLEY: Yes.

MR. McGLYNN: You also have in your packet a document which will show a confirmation of death claims, retirements, survivor benefits, and terminations. And we need to approve those, not that we can do much about the death claims.

SENATOR SMITH: So moved.

MR. EPPLEY: Second.

MR. McGLYNN: Assistant Director Steepy.

ASSISTANT DIRECTOR STEEPY: Yes.

MR. McGLYNN: Deputy Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Assemblyman Biondi.

ASSEMBLYMAN BIONDI: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Senator Smith.

SENATOR SMITH: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chairman Eppley.

MR. EPPLEY: Yes.

MR. McGLYNN: There are also financial statements, as of December 31, 2003. And, if appropriate, we need a motion to approve those financial statements.

ASSEMBLYMAN IMPREVEDUTO: Move.

SENATOR SMITH: Second.

MR. McGLYNN: Assistant Director Steepy.

ASSISTANT DIRECTOR STEEPY: Yes.

MR. McGLYNN: Deputy Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Assemblyman Biondi.

ASSEMBLYMAN BIONDI: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Senator Smith.

SENATOR SMITH: Yes.

MR. McGLYNN: Senator Kenny.

SENATOR KENNY: Yes.

MR. McGLYNN: Chairman Eppley.

MR. EPPLEY: Yes.

MR. McGLYNN: And there is an issue that is-- There is a letter that is in our documents concerning the forced retirement -- what is believed to be a forced retirement-- And I just-- My question is, is that letter accurate in what is stated by the judge who wrote to us?

**PETER J. GORMAN:** Yes, it was--

MR. McGLYNN: I'm sorry.

MR. EPPLEY: Please come forward and introduce yourself.

MR. GORMAN: I'm Pete Gorman, with the Division of Pensions.

Judge Delehey -- Delehey (indicating pronunciation) is 65, and he's eligible for retirement in June or July. And his concern was, up until a year ago, judges then had the possibility of selecting various options that the Public Employees' Retirement System have, and the teachers. Namely, upon his death, his wife could get anywhere from 25 to 100 percent.

What he's claiming is, more judges would stay on if, once they become eligible -- like he is in June -- to pick their retirement option then. And even though they're sitting on the bench, upon their death -- well they have to retire at 70 -- once, upon their death, they revert back to the selections that were made in June.

The problem with this is, none of the other systems have it. And it really could play havoc. If you do it for a judicial system, we really have to do it for everybody.

He asked me. I turned-- I told him, "Well, you're right." Everything he says in his letter-- If he continues to sit on the bench, and he dies as an active judge, the spouse will not get those options. She'll get the equivalent of 50 percent of his final salary.

As he points out, under Option A, which means 100 percent of what he's getting, she'll probably get close to \$80,000. And women are stronger than us. They outlive us. Statistically, this could mean close -- several hundred thousand.

But, again, no other system has it. I don't think the Legislature-- I think you'd have to have a change in the legislation. And this is what I told

him. But he asked me, "Well, who has the final administrative control decision?" And I said, "The Commission, but I don't think they have the power to do this for you."

MR. McGLYNN: I don't think we can change legislation. There are four members -- four legislators who sit on this Commission. My suggestion would be, maybe, to tell the judge to contact those four members and at least explain the problem to them directly. And there's a letter now in the file. And if the legislators, collectively, think that this is the right thing to do, then someone will introduce the legislation, and it will take its normal process.

MR. GORMAN: In effect, that's what, basically, I did say. But he said, "Okay. I'd like to at least bring it up for the Commission to consider."

SENATOR SMITH: Well, we have come to the conclusion that that would require a legislative change to the (indiscernible), correct?

MR. McGLYNN: That's correct.

MR. GORMAN: This possibility-- We can't do it, currently, with the laws. You're only effective when you actually retire. That's when your choices come in.

ASSEMBLYMAN IMPREVEDUTO: How does it work in municipal?

MR. GORMAN: The same way. I'm eligible to retire right now.

ASSEMBLYMAN IMPREVEDUTO: Right.

MR. GORMAN: But even though I file an application, it doesn't become effective until I actually retire.

ASSEMBLYMAN IMPREVEDUTO: I'm getting confused as to what's happening with him.

MR. GORMAN: He wants to file it now.

ASSEMBLYMAN IMPREVEDUTO: He's going to retire?

MR. GORMAN: Pick Option A and name his wife, but still sit and not retire -- continue to sit as a judge.

ASSEMBLYMAN IMPREVEDUTO: (indiscernible) can do that now.

MR. GORMAN: No. In fact, if you come back-- If I retire and come back to the same system, I'd lose my pension. I'd just get my salary. It's kind of tough to find a position as a judge in the outside world. If he comes back, he has to come back as a judge.

MR. McGLYNN: Okay.

MR. EPPLEY: Thank you.

MR. McGLYNN: Thank you all for -- particularly the two Assembly people who don't have an Assembly session today. We appreciate your coming all the way from far away to make this meeting.

MR. EPPLEY: Any other business at this time? (no response)

I'll entertain a motion to adjourn.

We're done.

Thank you.

**(MEETING CONCLUDED)**