
Commission Meeting

of

STATE HOUSE COMMISSION

LOCATION: Committee Room 4
State House Annex
Trenton, New Jersey

DATE: September 27, 2018
9:00 a.m.

MEMBERS OF COMMISSION PRESENT:

Justin Braz, Chair
Senator Bob Smith
Senator Gerald Cardinale
Assemblyman Paul D. Moriarty
Assemblyman John DiMaio
Catherine Brennan
David Ridolfino



ALSO PRESENT:

Robert J. Shaughnessy Jr.
Commission Secretary

Gary A. Kotler
Commission 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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JUSTIN BRAZ (Chair): All welcome to today's meeting for the State House Commission.

Mr. Shaughnessy, would you please take roll?

MR. SHAUGHNESSY (Commission Secretary): Yes, Chair.

And before this, I am just going to state that we're in compliance with the Open Public Meetings Act.

Notice of this meeting was given by way of notice filed with the Secretary of State, delivered to the State House Press Corps, and posted in the Office of the State House Commission.

I will note that the agenda does say *Committee Room 1* on it. There was a change in scheduling. We've put a conspicuous notice on Committee Room 1's door and, therefore, we're moving this public meeting. It's being held today in Committee Room 4.

So I just want to make that clarification to the agenda.

Okay; moving on to calling the roll.

Deputy Chief of Staff Braz.

MR. BRAZ: Here.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Here.

MR. SHAUGHNESSY: Acting Director Ridolfino.

MR. RIDOLFINO: Here.

MR. SHAUGHNESSY: Senator Cardinale. (no response)
Senator Smith.

SENATOR SMITH: Present.

Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Here.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Here.

MR. SHAUGHNESSY: Mr. Chair, we have a quorum.

Very briefly, we are interested in scheduling a December meeting. So I just want to let the members know, and members of the public as well know, that we're working hard to schedule a meeting in December and moving forward on a new agenda.

Okay, under Old Business.

We have approval of the December 7, 2017, State House Commission meeting minutes.

Are there comments, questions, amendments to those minutes?

SENATOR SMITH: So moved.

MR. SHAUGHNESSY: Okay; thank you.

ASSEMBLYMAN MORIARTY: Second.

MS. BRENNAN: Mr. Shaughnessy, I'd like to abstain on the minutes. I was not present for the meeting; and also, there's a transaction in my town of residence, so I'd like to abstain.

MR. SHAUGHNESSY: Okay; thank you, Deputy State Treasurer.

ASSEMBLYMAN DiMAIO: I'm abstaining as well. I wasn't here at that meeting.

MR. SHAUGHNESSY: Okay; I will call the roll.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Abstain.

MR. SHAUGHNESSY: Acting Director Ridolfino.

MR. RIDOLFINO: Yes.

MR. SHAUGHNESSY: Senator Cardinale. (no response)

Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Abstain.

MR. SHAUGHNESSY: Okay; thank you very much for your votes.

On to No. 2 under Old Business. This matter is at the Sea Girt Training Center, Block 106 -- and I will note for the record that the Deputy State Treasurer is abstaining from this matter, as we begin -- Sea Girt Training Center, Block 106, Lot 1, Sea Girt, Monmouth County.

Treasury, on behalf of the Department of Military and Veterans Affairs, is requesting approval to lease 16,674 +/- square feet of land at the Sea Girt Training Center, to MFS CableCo, U.S. Inc., to be used for office, warehouse, and telecommunications purposes.

MFS CableCo, U.S. Inc. is the current tenant of this space; however, the current lease and all renewal options have expired and a new lease would have to be approved.

The lease will be for a term of five years, beginning at \$51,195 per year, with three successive, five-year renewal options with a 3 percent annual rent increase during each renewal option.

Do any members have any questions or comments about this matter?

MR. BRAZ: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Thank you, Chairman.

I do have some questions about this.

Is there someone from the requesting Department here who could -- thank you -- if they could come forward and I could ask a few questions about how they arrived at the lease price?

MR. BRAZ: Please come forward.

MR. SHAUGHNESSY: Just identify yourself for the record; thank you.

M E G A N U S T: My name is Megan Ust. I am the Transaction Manager on the account with the tenant in question.

ASSEMBLYMAN MORIARTY: Thank you, Ms. Ust.

How did you arrive at the lease price, or rental price, of \$51,195? And also, could you tell me how many feet in the 16,674 +/- square feet is office space, and how much is warehouse space?

MS. UST: Yes, I can.

So I spoke with a representative from the Department of Treasury, on behalf of the Military and Veterans Affairs Department. And through some negotiations based on the rent we were paying, this was a 3 percent increase over what our last renewal rent was, which is kind of what we've historically been doing across the board. Every year we would do a-- When we would come into negotiations, we would renew about 3 percent over the historical annual rent.

And then I don't have the exact breakdown; we do have a 6,000-square foot building on this land. The warehouse component is small; this is more of a network operations center. We have 15 employees who are there, around the clock, manning the equipment and the operation that's working out of this property.

ASSEMBLYMAN MORIARTY: Okay; I'm confused. You said a 6,000-square foot building; this says that you're leasing 16,674 square feet. Is that the land--

MS. UST: That's the land; correct. So we lease the land, and we own the building on the property.

ASSEMBLYMAN MORIARTY: And can you tell me who you work for specifically?

MS. UST: Sure. I work for CBRE, which is the Transactions Account that manages the Verizon properties. So MFS Cable is a subsidiary of MCI Verizon.

ASSEMBLYMAN MORIARTY: So is most of this office space?

MS. UST: It is office that houses equipment -- technical equipment -- that supports the use out of this property. So it's a-- More specifically, it's a submarine cable landing property, and it connects the cable to Bermuda, which -- sorry, I'm just looking at my notes -- it supports the Internet and Ethernet streaming data -- that sort of thing -- to Bermuda. It also works to support several cables that run through the country, and then are off the West Coast, that support Internet data and that sort of thing to several Asian countries.

ASSEMBLYMAN MORIARTY: Well, we certainly don't want to interrupt any service to Bermuda, an island that I love and have visited frequently. (laughter)

But I do have-- My question is, in 1997, the lease price was \$43,686. And as a condition of that lease, the tenant was providing \$45,000 in improvements and a \$384,000 one-time permanent easement fee for communication cables. We're now 21 years later, and we're settling for a lease that pays only -- less than \$8,000 more per year. And there are no other additions, such as, "Oh, we have to put a new roof on for \$80,000," or "We're doing some other improvements." It just seems to me that it's not a very good deal for the State, and that we should be getting more for this.

And I'd like to hear from somebody from the State as to why they came to this arrangement.

So I think that-- Our duty is to get the most return for the State; and in this instance, I think that we might be coming up a little shy. And my recommendation would be to table this and find out more.

Thank you for your time.

MS. UST: Thank you very much.

MR. BRAZ: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Can anyone tell me what the former lease is; is it triple-net and they do all the repairs, or is it just a straight lease where we're responsible to maintain the building?

MS. UST: So what we currently lease from the State is just the land. So we do all the maintenance -- everything on the property; utilities,

taxes, that sort of thing. We just pay the rent to be able to utilize the land that houses our building on it.

ASSEMBLYMAN DiMAIO: All right; that tells me, Assemblyman, that we don't have any costs of maintenance on the building. They do everything; it's just the land that we're leasing. So having not been privy to the negotiations, I can't say whether it's fair or not as to the value of the lease; but it's a lease where they maintain the building. We don't have to do anything else but collect money.

ASSEMBLYMAN MORIARTY: I'm happy to go with the will of the panel here. I just think that we're a little light on this one. I don't have any problems with any of the other leases in this binder -- this lengthy binder. But this one I think -- 21 years later, we're collecting under \$8,000 more per month. I just think that that's -- that the lease value hasn't appreciated enough, and we're not getting enough for the State.

But I will go with the will of this panel.

SENATOR SMITH: Well, before you give up the ghost, what was-- The lady who was up here -- she was with the private sector?

ASSEMBLYMAN MORIARTY: Yes.

SENATOR SMITH: Yes; where is the State person?

MR. SHAUGHNESSY: Yes; Senator Smith, my understanding, unfortunately, is the person on the State side who had the discussion and the negotiations has retired--

SENATOR SMITH: Right.

MR. SHAUGHNESSY: --and the best research we can reveal is that here was a (indiscernible) up to 3 percent increase to come to this

point. But I can't speak -- I don't think any other State official can speak more generally about this.

SENATOR SMITH: So the easy-- I think a relatively easy solution is, adjourn it to the next meeting, which is going to be in December. And whoever is the State person who replaced the person who retired, they should come in and justify it. It's not a big deal.

But I think whenever we have the question of are we getting fair treatment, it's worth asking the question.

MR. SHAUGHNESSY: Yes; okay.

SENATOR SMITH: And that's not going to end the world, in terms of this lease or people who are there. I assume that--

MR. SHAUGHNESSY: My understanding is that the current term -- at the terms that they're at.

SENATOR SMITH: Yes; it would be just a carryover until we--

MR. SHAUGHNESSY: Correct.

Is there any member of the public who wants to be heard? (no response)

Anyone else who wants to be heard on this matter? (no response)

Okay; so as I understand it, motion by the Assemblyman to hold or table this matter.

SENATOR SMITH: Second.

MR. SHAUGHNESSY: And seconded by Senator Smith.

ASSEMBLYMAN MORIARTY: Sure.

MR. SHAUGHNESSY: I will call the roll, knowing that the Deputy State Treasurer has abstained from this matter.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Acting Director Ridolfino.

MR. RIDOLFINO: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: And welcome, Senator Cardinale.

Senator Cardinale.

Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: Okay; that matter is tabled, or held until next meeting until we get some further information.

MS. UST: Thank you for your time.

MR. SHAUGHNESSY: Thank you.

MR. BRAZ: Thank you.

MR. SHAUGHNESSY: Moving on to No. 3: This known as the Scott House, Block 875.04, Lot 1.01, Galloway Township, Atlantic County.

Treasury is requesting approval to lease the Scott House, on the grounds of Stockton University, to the Bacharach Institute. Bacharach is a nonprofit rehabilitation hospital which is accredited by the Joint Commission and the Commission on Rehabilitation Hospitals. Bacharach

has served the community for over 90 years and provides charity care to inpatients as needed. Bacharach also provides services to adults and children with diagnoses ranging from spinal cord and brain injuries to multiple trauma and other neurological injuries.

Bacharach has been a tenant in good standing since February 2, 1992. Since then, Bacharach has paid for all repairs and maintenance to the Scott House, including a total rehab of the building before the initial lease term.

The lease term will be for a term of three years, with two, five-year renewal options. In lieu of rent for the initial three-year term, Bacharach Institute will perform capital improvements that will include parking lot paving, entrance and back patio repairs, roof repairs, and internal repairs, which will total approximately \$117,800.

Rent for the first five-year renewal option will be \$43,956, with 3 percent annual increases based on the previous year's rent. Rent for the second five-year renewal will be for \$50,957.06, with 3 percent annual increases on the previous year's rent.

Do any members have any questions or comments on this matter? (no response)

Do any members of the public here want to be heard? (no response)

Hearing none, may I have a motion?

SENATOR CARDINALE: So moved.

MR. BRAZ: Second.

MR. SHAUGHNESSY: Motion and second.

I'll call the roll.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

Deputy State Treasurer Brennan.

MS. BRENNAN: Approved.

MR. SHAUGHNESSY: Acting Director Ridolfino.

MR. RIDOLFINO: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: That matter is approved.

Moving on to No. 4 under Old Business: It's the former Burlington Armory, Block 156. And there is a typo in the agenda; it says Block 156, *part* of Lot 11. It's actually Lot 11 in its *entirety* -- and there is other information, which corroborates that -- Burlington City, Burlington County.

Treasury, on behalf of the Department of Military and Veterans Affairs, recommends the sale of the former Burlington Armory via Internet auction. This property was previously approved by the Commission for a direct sale to a third party at its meeting on December 12, 2016. The agreement of sale to this party will be terminated if the closing of title does

not take place by a date certain; and that date certain is currently November 2, 2018.

So the property-- If that doesn't occur, then and only then the property will be sold via Internet auction, with a minimum bid being \$225,000.

Do any members have any questions or comments on this matter? (no response)

Hearing none, any members of the public wish to be on this? (no response)

Hearing none as well, may I have a motion?

MS. BRENNAN: Motion.

MR. BRAZ: Second.

MR. SHAUGHNESSY: Thank you; I'll call the roll.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Acting Director Ridolfino.

MR. RIDOLFINO: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: That matter is approved.

On to New Business.

The next one is the former Franklin Armory, Block 74, Lot 15, Borough of Franklin, Sussex County.

Treasury, on behalf of the Department of Military and Veterans Affairs, is requesting approval to dispose of the former Franklin Armory, located at 12 Munsonhurst Road, in the Borough of Franklin, Sussex County.

The property will be sold via Internet Auction, with the minimum bid being \$930,000, which is the appraised value.

Any members have any questions or comments on this matter?

(no response)

Any member of the public wish to be heard? (no response)

Hearing none on both occasions, may I have a motion?

SENATOR CARDINALE: So moved.

MR. BRAZ: Second.

MR. SHAUGHNESSY: Okay; motion and second.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Acting Director Ridolfino.

MR. RIDOLFINO: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: That matter is approved.

No. 6 on our agenda today is the matter of the disposal of the former Woodbridge Developmental Center; that being Block 872, Lot 4; Block 867, Lot 1.01, Woodbridge Township, Middlesex County.

Treasury is requesting approval to convey via direct sale approximately 54.44 +/- acres of land and improvements, located at the former Woodbridge Developmental Center, to the Township of Woodbridge. The State will reserve or obtain an access easement over Block 872, part of Lot 4, for ingress/egress to an existing adjacent power plant and facilities being retained by the State.

The Township is buying and accepting the land and improvements as-is. The Township and/or any redeveloper procured by the Township will assume full responsibility for all demolition to be completed. The State will receive from the Township the sale proceeds, net of certain engineering costs, advanced by the Township, regarding the determination of the condition of the property for the benefit of the State, which the State has agreed to reimburse the costs, to date totaling \$79,548.

The property will be conveyed to the Township for the negotiated price of \$5 million.

I'd like to note that full legislative approval was obtained on August 17, 2018, Pamphlet Law 2018 Chapter 102, for this transaction.

Do any members have any questions, comments, or concerns with regard to this matter? (no response)

Hearing none, any members of the public desire to be heard today on this transaction? (no response)

Hearing none as well, I'll call for a motion.

ASSEMBLYMAN DiMAIO: I'll move it.

MR. SHAUGHNESSY: Okay, motion, Assemblyman.

And second?

SENATOR CARDINALE: Second.

MR. SHAUGHNESSY: A motion and a second; thank you very much.

I'll call the role.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Acting Director Ridolfino.

MR. RIDOLFINO: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: That matter is unanimously approved.

Okay; thank you very much.

We're moving on to matter No. 7 under New Business.

Trenton Office Complex: The State of New Jersey Treasury requests approval to lease 1,400 square feet of retail space, located at the Trenton Office Complex, to Healthcare Specialty RX, LLC, to be used as a retail pharmacy.

This was actually the location of a prior retail pharmacy as well.

The lease will be for a term of three years. The annual rent for the initial three-year term will be \$29,400, at \$21 per square foot. The lessee will be responsible for all utilities supplied to the leased premises, as well as all minor maintenance.

Any members have any questions or concerns about this matter? (no response)

Hearing none, any members of the public wishing to be heard on this matter? (no response)

Hearing none as well, may I have a motion?

MS. BRENNAN: Motion.

MR. BRAZ: Second.

MR. SHAUGHNESSY: Motion and second.

I'll move forward calling the roll.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Acting Director Ridolfino.

MR. RIDOLFINO: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: That matter is approved.

No. 8: Woodbine Developmental Center, Block 110, part of Lot 1, Woodbine Borough, Cape May County.

Treasury, on behalf of the Department of Human Services and/or the Department of Health, requests approval to grant an easement consisting of 1,800 +/- square feet of land, on the grounds of the Woodbine Developmental Center, to Verizon New Jersey Inc., for the installation of an underground fiber optic communication cable to the back wing of the hospital, at no cost to the State.

Since this action directly benefits the State, the easement will be granted for \$1.

Any members have questions or concerns? (no response)

Anyone from the public wish to be heard on this matter? (no response)

Hearing none, may I have a motion?

ASSEMBLYMAN DiMAIO: So moved.

MR. BRAZ: Second.

MR. SHAUGHNESSY: Okay, motion and second; thank you.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Acting Director Ridolfino.

MR. RIDOLFINO: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: That matter is approved.

Moving on to No. 8 -- oh, pardon me; that was No. 8.

No. 9 is RPR 18-13, Block 79, part of Lot 13, in the City of Camden, Camden County.

Treasury requests approval to grant a permanent easement consisting of 0.15 +/- acres of land, and a temporary construction easement consisting of 0.17 +/- acres of land, to the City of Camden for the installation and maintenance of a pump station necessary to alleviate flooding in the area.

Since this action, again, directly benefits the residents of the State, the easement will be granted for \$1.

Any members -- this is the City of Camden's pump station project -- any members of the Commission have any questions or comments? (no response)

Hearing none, any members of the public desire to be heard? (no response)

Hearing none as well, may I have a motion?

SENATOR CARDINALE: So moved.

MR. BRAZ: Second.

MR. SHAUGHNESSY: Motion and second.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Acting Director Ridolfino.

MR. RIDOLFINO: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: That matter is approved.

We're moving on to No. 10, which is the Henry Hudson Trail Extension Project. It's Block 159, part of Lot 11, Marlboro Township, Monmouth County.

Treasury requests approval to grant a public access easement to the County of Monmouth for the proposed Henry Hudson Trail Extension Project, completing a 1.6 mile-gap on the old railroad bed to connect the northern and southern portions of the existing 24-mile trail.

The County will be responsible for all design and construction, including signalized road crossings for safety at Routes 79 and 520. The State and the County of Monmouth agree that the easement will not be effective until the State's demolition project of the remaining structures of the Marlboro Hospital are completed, so there are no hazards to the trail users.

Since this action will directly benefit the residents of the State, the easement will be granted for \$1.

I will note that there is a letter from Monmouth County Parks requesting this action and detailing the project in the members' packages.

I know, also, the State House Commission received a correspondence, dated September 20, from a David W. Rajala; that's R-A-J-A-L-A, in support of completing this segment of the trail.

Members of Monmouth County are here to support it as well.

Do any members have any questions concerning this matter?

(no response)

Hearing none, do any members of the public wish to be heard?

(no response)

Hearing none as well, is there a motion on this project?

ASSEMBLYMAN DiMAIO: Move it.

MR. SHAUGHNESSY: Motion; and second?

MR. BRAZ: Second.

MR. SHAUGHNESSY: Okay; Deputy Chief of Staff Braz.

MR. BRAZ: Abstain.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Acting Director Ridolfino.

MR. RIDOLFINO: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: That matter is approved.

Thank you very much.

Next, No. 11 on our agenda: The former Tuckerton Armory, Block 49, Lot 3, Borough of Tuckerton, Ocean County.

Treasury, on behalf of the Department of Military and Veterans Affairs, requests approval to dispose of the former Tuckerton Armory, located at 383 East Main Street, which has been declared surplus to the Department's needs.

A direct sale to the Borough of Tuckerton is being negotiated at or above the minimum bid price of \$800,000. If the Borough is no longer interested at any time in purchasing it, the property will then be sold via Internet auction with a minimum bid of \$800,000, which is the appraised value.

Do any members have any questions in this matter? (no response)

Do any members of the public desire to be heard? (no response)

Hearing none on both accounts, may I have a motion?

SENATOR CARDINALE: So moved.

MR. BRAZ: Second.

MR. SHAUGHNESSY: Motion and second; thank you very much.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Acting Director Ridolfino.

MR. RIDOLFINO: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: That matter is approved.

We are now moving to the Department of Transportation requests on the agenda, beginning with No. 12.

Route 295, Section 8, Parcel VX15B3B, Block 1674, adjoining Lot 1, Township of Hamilton, Mercer County.

DOT is requesting approval to convey a vacant piece of excess surplus land adjacent to Block 1674, Lot 1 in Hamilton, Mercer County, having an approximate area of 4,107 square feet, to the only interested adjoining property owners, Gregg and Melissa Berhhardt, to be used as assemblage to their adjoining residential property.

The property will be conveyed via a direct sale to them for the purchase price of \$5,000, which is the administrative determination of value.

Any members have any questions or comments concerning this matter?

MR. RIDOLFINO: I'll abstain from this matter since I live in the Township.

MR. SHAUGHNESSY: Okay; your abstention has been noted.

Thank you, Mr. Ridolfino.

Any other questions or comments from the members? (no response)

Anyone from the public wish to be heard? (no response)

Hearing none, and noting the abstention, may I have a motion?

MS. BRENNAN: Motion.

MR. BRAZ: Second.

MR. SHAUGHNESSY: Okay; we have a motion and a second.
Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Acting Director Ridolfino has
abstained from the matter.

Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: That matter is approved.

Moving on to No. 13: Route 21, Section 6, Parcels VX26A1,
VXU26B1, VX26D1, VX26B2, VXU26B2, VX26D2, VX165, Block 1052,
Lot 1, City of Passaic, Passaic County.

DOT is requesting approval to auction the above-noted
property. The parcels contain approximately 0.258 acres. The property is
an irregular-shaped lot of vacant land in the City of Passaic, Passaic County,
and known as Lot 1 of Block 1052.

The property is considered buildable, and will be sold via public auction to the highest bidder. The minimum starting bid is \$100,000, which is the appraised value of the property.

Any members have any questions or concerns?

SENATOR CARDINALE: Yes; I have a question.

MR. SHAUGHNESSY: Yes, Senator Cardinale.

SENATOR CARDINALE: The prior ones were Internet auctions. Why is this different? Why would this not be an Internet auction? Is there some--

MR. SHAUGHNESSY: Well, I think at least Treasury tends to use a public Internet auction. Maybe there's a similar thing for DOT here. I don't know. But if-- Is there a representative of DOT who could answer the Senator's question?

DAVID KOOK: (off mike) Yes.

MR. SHAUGHNESSY: Come on up, please, and identify yourself.

Thank you.

MR. KOOK: All right; my name is David Kook. I'm the Manager of the Bureau of Technical Support for the Division of Right-of-Way, Department of Transportation.

At present, we don't use an Internet auction; Treasury does have one. It operates with a percentage.

As I have talked with Treasury, they're pretty satisfied with the results. But we have not explored whether or not we're authorized to do so at this time.

Treasury may have gone through, I guess, Procurement, or something to make sure that was right. We would have to backtrack through Treasury, I imagine, to see if that's an acceptable methodology.

SENATOR CARDINALE: Well, how would you advertise this?

MR. KOOK: The statutory provisions are that we put it in at least one local paper, and a paper that covers that area; that we post it, I believe, with the local police department, the clerk; and we also post the property as well.

We can put it on our Internet site; and I'm looking to explore whether Treasury can, sort of, provide us a little advertisement space on their property website, because I think people think the Treasury would be the more likely place to look for property, rather than just DOT.

SENATOR CARDINALE: So there will be an actual presence of a notice of this property being up for auction on the Internet.

MR. KOOK: Yes; we can put that on our Internet. But I'd like to--

SENATOR CARDINALE: It will go on your site.

MR. KOOK: --link it through Treasury, too.

SENATOR CARDINALE: So that the information is available to everyone, even if they didn't happen to read that newspaper.

MR. KOOK: Right. And I'm really hoping that at some point we can either piggyback off of what Treasury is doing, or do it independently ourselves -- as far as having an actual Internet presence.

SENATOR CARDINALE: Thank you; thank you very much. That satisfies my question.

MR. SHAUGHNESSY: Thank you for the question, Senator; thank you for the answer, Mr. Kook.

Any other questions from any member?

SENATOR SMITH: No, but a comment.

The Internet is where it's at if we want the highest and best price. This agency should have that ability. So maybe we can ask Mr. Braz to bring that back to the Administration, and help facilitate the agency to get to an Internet auction so that we can get more money for the State of New Jersey.

MR. BRAZ: And duly noted. And I will follow up with discussions with the agency and Treasury as well.

SENATOR SMITH: Great.

MR. BRAZ: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes, thank you.

May I ask you a question, sir?

I have an overhead photograph of this location. It seems to depict all the different lots. One looks like it's empty -- maybe that's the buildable lot -- but there were two that looked like they have multiple buildings on them that look like warehouses; some kind of commercial -- and then also some look like it could be residential. I didn't see that in any of the descriptive paragraphs about this property.

Could you shed some light on that?

MR. KOOK: We don't normally -- unless we're looking for an assemblage to an adjoining lot-- Once the property is determined to be buildable, it goes to auction. Whether somebody beside it wants to buy it at the auction for a higher value because it's more beneficial or otherwise,

we have to auction it. So it's kind of a moot point to us whether or not there's a potential assemblage adjoining to it, so we don't discuss it.

ASSEMBLYMAN MORIARTY: Perhaps I didn't phrase my question appropriately.

What I'm looking at is a picture of three different areas that are on this map, and two of them show buildings on the property. The lots that you're selling -- do any of them have any structures on them?

MR. KOOK: The lot that we're selling is -- put forth for you is vacant. And sometimes the lot lines on these Internet things move around a little bit; they're not necessarily accurate as to what's on the ground. But this isn't being sold with structures.

ASSEMBLYMAN MORIARTY: Do you have this picture (indicates)?

MR. KOOK: Available to me at the moment? No.

ASSEMBLYMAN MORIARTY: Could I give it to you to look at?

MR. KOOK: Sure.

(Assemblyman Moriarty and Mr. Kook confer off-mike)

The property that we're dealing with here is an assemblage of lots, where we would have taken out the properties and demolished the buildings. So what I see on this is that this is a vacant piece. If we were doing this with buildings, it would be a lot more complicated because this is, at least what's shown here, three different lots. And my understanding is, we're dealing with just that big, rectangular piece.

ASSEMBLYMAN MORIARTY: Okay. It's just a little confusing because this was the information that was submitted to us; and it

looks clearly as if there are lots that have structures on them. So I'm a little bit confused, and not clear on this.

SENATOR SMITH: So I think the picture is misleading. It has three lots in pink. But if you look at the descriptions of the item, it says that this is for a parcel of 0.258 acres, 11,238 square feet; and it refers only to one lot, number Lot 1 in Block 1052. So I have to believe, based-- And the description sounds like it's focused on what we're conveying; the picture shows the three lots in pink; and a picture is missing. That may be the issue. But, you know, maybe you can confirm that.

MR. KOOK: As I said, I don't have this particular folder--

SENATOR CARDINALE: I think that if you took all three lots, it would be a little more than 11,000 square feet.

If you took the vacant portion, plus the portion with the buildings, I don't think it would conform. But I think our resolution should be clarified to indicate that it is only the vacant land that is being sold.

ASSEMBLYMAN MORIARTY: So this is another item that I would say, "What's the rush? Can we do it in December?" and clarify this; and maybe we might also have some more information on the ability to put this to an Internet sale.

But again, I will cede to the will of the panel.

MR. BRAZ: Deputy Treasurer.

MS. BRENNAN: I would just note that there's an appraisal form in here that notes that the improvements to the land include only asphalt paving, and that otherwise the land is vacant; and identifies the parcels of the land -- the specific parcels that Mr. Shaughnessy read off and identified.

ASSEMBLYMAN DiMAIO: Maybe it's highlighted incorrectly.

MR. BRAZ: Yes.

And to your understanding, the picture that's represented in our binders, and that is in front of you, is not representative of the resolution in terms of the property that would be potentially for public auction?

MR. KOOK: No. This might have been done to look at the overall area to try and provide what a unit rate might be out there. But clearly, these-- Well, they would be different blocks and lots, because they're across the street; and they would also be way too large of what we're actually saying we're selling here.

MR. BRAZ: Okay.

And Mr. Shaughnessy, is that your understanding through your reading of the resolution as well?

MR. SHAUGHNESSY: Yes, it is.

MR. BRAZ: All right.

Assemblyman, with that clarity, do you still request it to be tabled; or are you comfortable moving forward?

ASSEMBLYMAN MORIARTY: I will do -- I will abstain on this, if we want to vote on it today; because I think there's -- I'm still unclear. And I'm looking at other maps and charts here that are also conflicting.

But if you want to vote, that's fine; I will just abstain. If not, I would ask that we hold it.

SENATOR SMITH: So, again, the question is, what's the harm?

ASSEMBLYMAN MORIARTY: I would make a motion that we table this until December and get more information on it, if I can find a second.

ASSEMBLYMAN DiMAIO: Second.

MR. SHAUGHNESSY: Okay.

So from DOT's perspective, is there any known harm if this--

MR. KOOK: No; in fact, if it's possible to push forward using the same Internet system that Treasury uses now, I think we're likely to get more potential value because more people will know about it.

ASSEMBLYMAN MORIARTY: Sounds good.

SENATOR SMITH: Case closed.

MR. SHAUGHNESSY: Fair enough, fair enough; okay.

So we have a motion and second.

Any member of the public want to be heard on this matter before we take a vote? (no response)

Hearing none, may I have a motion? We have a motion.

I'll call the roll; thank you.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: And this is, by the way, a motion to hold or table.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes. And I'll just note that I will take this back to Treasury to investigate the Internet posting.

MR. SHAUGHNESSY: Thank you.

Acting Director Ridolfino.

MR. RIDOLFINO: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: Okay; that matter is held or tabled until the next meeting.

Thank you very much.

On to No. 14: Route 6, Section 8, Parcel VX5B, Block 2.07, Lot 5B, City of Clifton, Passaic County.

DOT is requesting approval to auction property identified as Parcel VX5B. The property is an irregular-shaped lot consisting of approximately 25,885 square feet, and is considered buildable.

The property is being proposed to be sold at public auction to the highest bidder, with a minimum starting bid of \$360,000, the appraised value.

Any members have any questions or comments on this matter?

(no response)

Hearing none, any members of the public want to be heard?

(no response)

Hearing none, may I have a motion?

MR. BRAZ: Motion.

MR. SHAUGHNESSY: Motion.

SENATOR CARDINALE: Second.

MR. SHAUGHNESSY: Second; thank you very much.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Acting Director Ridolfino.

MR. RIDOLFINO: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: That matter is approved.

SENATOR SMITH: Before you go forward with the next
matter--

MR. SHAUGHNESSY: Yes, Senator Smith.

SENATOR SMITH: --it's 9:52, and I'm required to attend a
Senate Environment and Energy Committee meeting at 10 a.m.

I've reviewed the agenda and the supporting documents, and I'd like to be recorded in the affirmative for the remaining items on the State House Commission agenda.

I have also reviewed the materials pertinent to the retirement -- the Judicial Retirement System, and ask that I be recorded in the affirmative on those matters as well.

MR. SHAUGHNESSY: Thank you, Senator Smith. We appreciate your participation.

MR. BRAZ: Thank you, Senator.

SENATOR SMITH: Thank you.

MR. SHAUGHNESSY: Okay, we'll be moving on -- we're going to continue moving on now.

No. 15, I believe: It's Route 9, Section 21, Parcels VX243C1, VX243C2, and VX246B, Block 132, Lots 1, 3, and 4, Howell, Monmouth County.

DOT requests approval to convey approximately 0.452 acres of excess surplus land to the only interested adjoining owner, Advantage Properties, LLC, for assemblage to their adjoining property.

The sale price is \$199,600, which is the appraised value.

Do any members have any questions or comments about that?

(no response)

Hearing none, any members of the public desire to be heard?

(no response)

Hearing none, I'm going to ask for a motion, please.

SENATOR CARDINALE: So moved.

MR. SHAUGHNESSY: Thank you, Senator.

Second?

MR. RIDOLFINO: Second.

MR. SHAUGHNESSY: Motion and second.

Deputy Chief of Staff Braz has indicated he's in the affirmative on that.

Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Acting Director Ridolfino.

MR. RIDOLFINO: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith; oh, pardon. Senator Smith is marked in the affirmative.

Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: And Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: That matter is approved.

We're on to No. 16. This is Route 17, Section 2, Parcel VXR107B2, Block 125, Lot 3, Maywood Borough, Bergen County.

DOT is requesting approval to sell the property identified above. The parcel contains an area of approximately 0.0713 acres. The property is a triangle-shaped lot that is vacant, and is adjacent to the requestor's property of Lot 3 of Block 125 of Maywood Borough in the County of Bergen.

The requestor and only adjoining owner, 200 Route 17, LLC, has expressed an interest to acquire the property for assemblage to their adjacent business property to allow them to have additional parking space for their clients.

The property will be sold by direct sale for \$20,000, which is the appraised value.

Any members have any questions or comments concerning this matter? (no response)

Hearing none, any members of the public wish to be heard? (no response)

Hearing none, may I ask for a motion, please?

ASSEMBLYMAN DiMAIO: So moved.

MR. BRAZ: Second.

MR. SHAUGHNESSY: Motion and second.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Acting Director Ridolfino.

MR. RIDOLFINO: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith is marked in the affirmative.

Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: And Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: That matter is approved.

Moving on to No. 17 under the Transportation requests, or DOT requests.

Route 287, Section 21, Parcel VX156B, Block 1606.02, Lot 1, Franklin Lakes, Bergen County.

DOT is requesting approval to convey a vacant piece of land, identified above, having an approximate area of 14,593 square feet, to the only interested adjoining property owner -- I should say *owners* -- Anthony and Patricia Burgos, for assemblage to their adjoining residential property, subject to DOT placing and retaining a conservation easement on the parcel.

The sale price is \$23,000, which is the appraised value.

Do any members have any questions or comments about that?

(no response)

Any members of the public desire to be heard? (no response)

Hearing none on both accounts, may I have a motion?

SENATOR CARDINALE: So moved.

MR. BRAZ: Second.

MR. SHAUGHNESSY: Thank you; thank you.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Acting Director Ridolfino.

MR. RIDOLFINO: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith is in the affirmative.
Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: That matter is approved.

No. 17 on our agenda today-- Oh, I'm on No. 18; pardon me.

No. 18: Route 37, Section 1 and 2, Parcel 8E, Block 21, Lot 19, Borough of Mantoloking, Ocean County.

DOT is requesting approval to extinguish the drainage easement located on the property that is no longer needed. The drainage pipe, which was located under a residential housing structure on Block 21, Lot 19, has been removed. Accordingly, the Department no longer needs the drainage easement for highway purposes.

The current owner of Block 21, Lot 19, Susan Lucas, has requested to have the drainage easement extinguished or removed. The cost to extinguish the drainage easement is \$500, which is the appraised value, and which Susan Lucas has agreed to pay the Department that sum.

Any members have any questions or concerns? (no response)

Any members of the public wishing to be heard? (no response)

Hearing none, motion?

SENATOR CARDINALE: So moved.

MR. BRAZ: Second.

MR. SHAUGHNESSY: Okay; motion and second.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Acting Director Ridolfino.

MR. RIDOLFINO: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith is in the affirmative.

Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: That matter is approved.

Okay; No. 19: This is the last matter on the DOT requests.

It's approval of an outdoor advertising waiver, Block 144, Lot 1; Block 865, Lot 9; Block 165, Lot 1.03, City of Newark, Essex County.

The Commissioner of Transportation has determined that it is in the public interest to waive a certain outdoor advertising regulation in order to issue an outdoor advertising permit on Block 144, Lot 1; Block 865, Lot 9; and Block 165, Lot 1.03.

The property owner is the City of Newark; the permits would be issued to the City of Newark. And as a note, the issuance of an outdoor advertising waiver requires the approval of the State House Commission, as determined and recommended by the Commissioner of Transportation.

The dimension of each sign face here is 2.25 feet in width and 4 feet in height, totaling 18 feet for each side. The height of the sign supports would be 4.33 feet.

The regulation which would be waived is as follows: N.J.A.C. 16:41C-11.1(a)(5), which requires that a minimum spacing between multiple message signs shall be 3,000 feet.

Do any members have any questions or concerns about this matter? (no response)

Hearing none, any member of the public wish to be heard before we consider the matter? (no response)

Hearing none as well, is there a motion?

MS. BRENNAN: Motion.

ASSEMBLYMAN MORIARTY: Second.

MR. SHAUGHNESSY: Okay; Deputy State Treasurer, thank you.

And who seconded that? Assemblyman Moriarty; thank you.

I'll call the roll.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Acting Director Ridolfino.

MR. RIDOLFINO: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith has reviewed and is in the affirmative.

Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: And Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: Okay; that matter is approved.

Now, finally, we're moving on to the Department of Environmental Protection requests.

No. 20: Delaware & Raritan Canal State Park, Block 99, Lots 3.111 and 3.113, Township of South Brunswick, Middlesex County.

DEP is requesting approval to convey a non-exclusive access easement on less than 0.25 acres to John K. Clarke, owner of a residential property known as the *Shennard House*. The easement is needed to legalize vehicular access to the privately owned property along an existing driveway.

Since this use predates State ownership of the adjacent property by more than 50 years, and access to this residence should have been formalized as part of the acquisition of this section of the State Park in 2004, no compensation is being proposed.

Any members have any questions or concerns about this matter? (no response)

Any member of the public needing to be heard in this matter? (no response)

Hearing and seeing none, motion please.

ASSEMBLYMAN MORIARTY: Motion.

MR. BRAZ: Second.

MR. SHAUGHNESSY: Motion and second; thank you.
Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Acting Director Ridolfino.

MR. RIDOLFINO: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith is in the affirmative.
Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: That matter is approved.

On to No. 21: Manasquan River Greenway, Block 80.10, part of Lot 11, part of Lot 12, Township of Freehold, Monmouth County.

NJDEP, on behalf of the County of Monmouth, requests approval to allow the diversion of 0.484 +/- acre within the Manasquan River Greenway in connection with Monmouth County's Halls Mill Road and Elton-Adelphia Road Improvement Project in the Township of Freehold, Monmouth County.

To compensate for the proposed diversion, the County proposes to dedicate, for recreation and conservation purposes, a total of 0.739 acres of land located along the Halls Mills Road to be added to the Manasquan River Greenway.

Any members have any questions or comments on this matter?

(no response)

Hearing none, any member from the public wish to be heard?

(no response)

Hearing none, motion, please.

MS. BRENNAN: Motion.

MR. BRAZ: Second.

MR. SHAUGHNESSY: Motion and second; thank you.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Acting Director Ridolfino.

MR. RIDOLFINO: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith in the affirmative.

Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: That matter is approved.

Moving on to No. 22: Raritan Greenway, Block 300, part of Lot 13, Bridgewater, Somerset County.

DEP, on behalf of the County of Somerset, requests approval to allow the disposal/diversion of a total of 2.56 acres of the Raritan Greenway

to the Somerset Raritan Valley Sewerage Authority in connection with its Storm Control Treatment Facility Project.

The proposed disposal involves the conveyance of 2.09 acres of parkland in fee to allow the construction of a stormwater treatment facility. The proposed diversion involves the conveyance of two subsurface utility easements on the 0.47 acre of parkland to support the proposed treatment facility.

To compensate for this project, including the associated tree removal, the County proposes to acquire, for recreation/conservation purposes, a 20.024-acre parcel of land in the Township of Hillsborough to be added to the Sourland Mountain Preserve; and a conservation easement on 2.012 acres of land in the Township of Bridgewater for the addition to the North Branch Greenway.

Any members -- questions or comments concerning this matter?

(no response)

Any member of the public want to be heard? (no response)

Hearing none, may I have a motion?

ASSEMBLYMAN DiMAIO: Move it.

MR. BRAZ: Second.

MR. SHAUGHNESSY: Motion and second; thank you.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Acting Director Ridolfino.

MR. RIDOLFINO: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith is in the affirmative.

Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: That matter is approved.

No. 23 is the Chambres Park matter, Block 300, part of Lot 12, Bridgewater, Somerset County.

DEP, on behalf of the Borough of Somerville, requests approval to allow the conveyance of a subsurface utility easement on 0.089 acres of Chambres Park to the Somerset Raritan Valley Sewerage Authority. The proposed diversion is needed to allow for the construction and maintenance of a below-grade flow control chamber and underground utilities, to service the proposed storm control treatment facility which will be located adjacent to Chambres Park.

To compensate for the proposed minor diversion, the Borough proposes to accept \$2,500 in monetary compensation to be used for parkland improvements at Chambres Park.

Any members have any questions or comments about this? (no response)

Hearing none, any members of the public wishing to be heard? (no response)

Hearing none, may I have a motion?

ASSEMBLYMAN DiMAIO: Move it.

MR. SHAUGHNESSY: Second?

SENATOR CARDINALE: Second.

MR. SHAUGHNESSY: Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Acting Director Ridolfino.

MR. RIDOLFINO: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith in the affirmative.

Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: That matter is approved.

Moving on to No. 24: It's the North Park project, Block 98.01, part of Lot 1, the Borough of Bound Brook, Somerset County.

DEP, on behalf of the Borough of Bound Brook, requests approval to allow the disposal of 0.054 +/- acres of parkland within the Park to resolve a pre-existing private driveway encroachment.

To compensate for the proposed disposal, the Borough will use the \$14,112.19 monetary compensation it receives from the adjacent private property owner for parkland improvements.

Any members have any questions or comments about this matter? (no response)

Hearing none, any members of the public desire to be heard?

(no response)

Hearing none, may I have a motion?

MS. BRENNAN: Motion.

MR. BRAZ: Second.

MR. SHAUGHNESSY: Motion and second; thank you.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Acting Director Ridolfino.

MR. RIDOLFINO: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: And Senator Smith, again, in the affirmative.

Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: And Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: That matter is approved.

On to No. 25, the Dock Road Pavilion Area project, Block 1, part of Lot 1, Eagleswood, Ocean County.

DEP, on behalf of the Township of Eagleswood, requests approval to allow the diversion of 0.02 +/- acres of Green Acres-encumbered parkland at the Dock Road Pavilion Area, in connection with

the New Jersey Natural Gas Reinvestment in System Enhancement Program.

The project consists of the construction of a 12-inch steel distribution main.

To compensate for the diversion of this underground utility easement, New Jersey Natural Gas proposes to offer \$70,000 cash compensation, to be deposited into a dedicated account for land acquisition purposes by the Township of Eagleswood.

Any members have any questions or concerns about this transaction? (no response)

Any members of the public wishing to be heard? (no response)

Hearing none, may I have a motion?

MR. BRAZ: So moved.

MR. SHAUGHNESSY: Second? May I have--

ASSEMBLYMAN DiMAIO: Second.

MR. SHAUGHNESSY: Motion and second; thank you.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Acting Director Ridolfino.

MR. RIDOLFINO: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Again, Senator Smith in the affirmative.

Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: That matter is approved.

On to No. 26: Crawfords Corner Road, Block 22, part of Lot 20.06, Holmdel, Monmouth County.

DEP, on behalf of the Township of Holmdel, requests approval to allow the disposal of 0.014 +/- acre of parkland to resolve a pre-existing private driveway encroachment.

To compensate for the proposed disposal, the Township will use the \$5,575 monetary compensation it receives from the adjacent private property owner for parkland improvements.

Any members have any questions or concerns? (no response)

Hearing none, any member of the public here wishing to be heard? (no response)

Hearing none as well, may I have a motion?

SENATOR CARDINALE: So moved.

MR. BRAZ: Second.

MR. SHAUGHNESSY: Motion and second.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Acting Director Ridolfino.

MR. RIDOLFINO: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith in the affirmative.

Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: That matter is approved.

We are now on No. 27: SJ Industries property, Block 6, part of Lot 28, City of Linwood, Atlantic County.

DEP, on behalf of the City of Linwood, requests approval to allow the disposal of 0.517 acres of the South Jersey Industries property, held by the City for recreation purposes, to the Linwood Board of Education to legalize the unauthorized construction of a school driveway and parking lot on the parkland located in the City of Linwood, Atlantic County.

To compensate for the proposed disposal, the City of Linwood will acquire, from the Linwood Board of Education, 5.518 acres of land as an addition to the South Jersey Industries property.

Any members have any questions or comments?

Assemblyman Moriarty; thank you.

ASSEMBLYMAN MORIARTY: I don't have any problem with this item, or the next one. But in both of them they talk about *unauthorized construction* and *unauthorized land conveyance*.

My question, perhaps for the DEP, is how does that happen; and is there ever any follow-up by DCA to find out how these government agencies have mistakenly given up property, or allowed construction?

MR. SHAUGHNESSY: Thank you for your question, Assemblyman.

Is there someone from the DEP who may be able to answer the Assemblyman's question?

ASSEMBLYMAN MORIARTY: Because in these situations, it's a driveway; who knows the next time we build something on property that wasn't supposed to be built on. I mean, there are supposed to be safeguards to stop these potential issues.

JUDETH PICCININI YEANY, Esq.: Judeth Yeany, from the DEP Green Acres Program.

As far as the notion of things being unauthorized or coming to us after the fact -- I think you're probably aware that we have two categories of parkland: some that receive direct State assistance, and some that become restricted as a condition of our funding. So we call those properties *unfunded parkland*; and those other ones that are listed on the Recreation and Open Space inventories.

We inspect funded parkland on a three-year basis; but we don't inspect unfunded parkland. We respond to complaints; and when we become aware of issues, we address them. But both as a matter of, kind of, the independence of municipalities and staffing constraints, we can't inspect everything.

So, you know, we rely on municipalities not to act without our authorization; but we sometimes find out to the contrary.

ASSEMBLYMAN MORIARTY: Yes, I wasn't suggesting that there was any deficiency by your Department. But that when you find a school board, or a township, or a government agency has done something on land that is supposed to be inventoried as *Green Acres*, what is the correction? Is there some meeting of the minds to remind the municipality, school boards of what their obligations are; to understand whether *they* understand what is on the registry or not; and how does that slip through planning and zoning? I guess that would be my question. Whether there's a remedial action, or more training, or a referral to DCA so that they can go out and find out who didn't know that this was supposed to be Green Acres' land.

MS. YEANY: So we can certainly explore the DCA angle; that's not a discussion we've had before. Since 2005, under our rules, since we lack direct penalty authority, we impose higher replacement ratios for legalizing something that was unauthorized. And the ratios are quite substantial. So we hope that the message has gotten out that you shouldn't shoot first and ask questions later, because the consequences are -- can be pretty dire.

We also, as part of our inspection of the funded properties, give everybody a handout; and on the back we have a lot of things that we want to remind them about. And one of them is, contact us before you build anything, even on properties you think might not be parkland. Whether they take that advice to heart, we can't really control; but we try, when we can, to remind them to stay in communication with us.

ASSEMBLYMAN MORIARTY: Thank you.

My suggestion would be that you do explore the DCA angle, going forward; and perhaps the next time we meet you might be able to tell me an update on that.

I would think that when somebody does something -- builds on property that was supposed to be Green Acres, that they should have some remedial action; or at least some additional training. And someone should investigate whether it was inadvertent, or whether someone did it on purpose and just figured, "We'll pay the price, because we want this to happen," which would be unfortunate.

MS. YEANY: It's very hard to divine intent in these things. So actually, when we increase the replacement ratios for after-the-fact, we do allow the applicants to plead mitigating circumstances; if there was an emergency or there really was a mistake on somebody's inventory. But when you get into the question of intent, it's really hard to figure out sometimes. And we try not to have to make that judgement ourselves. But you know we--

The other remedy that we have is -- we can withhold future Green Acres funding until issues are resolved, once we find out about them. And that's usually pretty effective. As long as the municipality is planning on taking more money from us, it's usually a pretty effective tool.

ASSEMBLYMAN MORIARTY: Thank you very much for your insight.

MS. YEANY: You're welcome.

MR. BRAZ: Yes, thank you very much.

Do you find the remedial authority is sufficient?

MS. YEANY: It's certainly something we've talked about, whether we should have penalty authority. Particularly because not all municipalities plan on taking additional Green Acres funding, so they don't have the same incentive to comply.

MR. BRAZ: And you had that authority prior to 2005?

MS. YEANY: No; we've never had statutory authority for penalties--

MR. BRAZ: Okay.

MS. YEANY: --which we understand is required. In 2005, we changed our rule to -- as part of our diversion application process, require higher replacement ratios for what you would call *after-the-fact diversions*. Although, technically, a diversion that doesn't receive the approval of our Commissioner and the State House Commission is void. When people transfer property without approval, we tell them that we have case law saying that that's legally void. And so in a lot of cases where there's a building, we're trying to prevent them from having bad title for that building.

MR. BRAZ: Thank you.

MR. SHAUGHNESSY: Okay.

We're on No. 27; thank you for the discussion.

Any further questions from the members on item No. 27? (no response)

And any members from the public here who want to be heard on No. 27? (no response)

Okay; hearing none, may I have a motion?

MR. BRAZ: Motion.

MR. SHAUGHNESSY: Thank you; second?

MR. RIDOLFINO: Second.

MR. SHAUGHNESSY: Motion and second.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Acting Director Ridolfino.

MR. RIDOLFINO: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith is in the affirmative.

Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: No. 27 is approved.

On to No. 28: Bethel Field Park, Block 2218, part of Lot 1, Township of Pennsauken, Camden County.

DEP, on behalf of the Township of Pennsauken, requests approval to legalize the unauthorized conveyance of a 0.171 acres subsurface easement within Bethel Field Park to Public Service Electric and Gas.

To compensate for the unauthorized diversion, the Township will dedicate, for recreation and conservation purposes, a 3.51 acre parcel of forested land located elsewhere in the Township.

Any members have any questions or concerns about this matter? (no response)

Hearing none, any members from the public here to discuss this matter? (no response)

Hearing none, may I have a motion?

MR. BRAZ: Motion.

MR. SHAUGHNESSY: Second?

ASSEMBLYMAN DiMAIO: Second.

MR. SHAUGHNESSY: Motion and second.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Acting Director Ridolfino.

MR. RIDOLFINO: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Again, Senator Smith in the affirmative.

Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: That matter is approved.

No. 29 is Cooper River Park, Block 18, part of Lot 43, Collingswood, Camden County.

DEP, on behalf of the County of Camden, requests approval to allow the conveyance of a utility easement on 0.222 acres of Cooper River Park to the Borough of Collingswood in connection with the Borough's Well House No. 8 and Transmission Main Project.

To compensate for the proposed minor diversion, the County proposes to accept \$86,700 in monetary compensation from the Borough to be used for parkland improvements at Cooper River Park.

Any members have any questions or comments about this matter? (no response)

Any members of the public wishing to be heard? (no response)

Hearing none, may I have a motion?

MS. BRENNAN: Motion.

MR. BRAZ: Second.

MR. SHAUGHNESSY: Motion and second; thank you.
Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Acting Director Ridolfino.

MR. RIDOLFINO: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith is in the affirmative.
Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: Okay; that matter is approved.

We're on to No. 30, I believe. Raritan River Greenway, Block 114, part of Lot 1, Block 115, part of Lot 1, Raritan, Somerset County.

DEP, on behalf of the County of Somerset, requests approval to dispose of 0.6892 acres to the Borough of Raritan to legalize the unauthorized construction of Orlando Drive, located in the Borough of Raritan, Somerset County.

To compensate for the proposed disposal, the County will dedicate \$68,920 in monetary compensation for a future acquisition of at least 1.38 acres of land for recreation/conservation purposes, to be located within the County, within two years.

Any members have any questions or comments on this? (no response)

Hearing none, any members of the public want to be heard? (no response)

Hearing none as well, may I have a motion?

ASSEMBLYMAN DiMAIO: So moved.

MR. BRAZ: Second.

MR. SHAUGHNESSY: Motion and second.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Acting Director Ridolfino.

MR. RIDOLFINO: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith in the affirmative.

Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: That matter is approved.

On to No. 31: High Point State Park, Block 165, parts of Lots 23, 26.01, and 34, Township of Wantage, Sussex County.

DEP requests approval to allow the Borough of Sussex to relocate a water line easement. This relocation of the easement is necessary as part of the Borough's Lake Rutherford Transmission Project.

Since this application involves the relocation of an existing permanent water line easement, and the partial extinguishment of the existing easement, no additional compensation is proposed.

Any members have any questions or concerns about this project? (no response)

Any members of the public here want to be heard? (no response)

Hearing none -- Ms. Yeany, do you wish to say something?

This is on No. 31, High Point State Park project.

MS. YEANY: Yes, thank you.

DEP wanted to let the members know that late in the day yesterday we received some additional comments on this matter from the New Jersey Conservation Foundation, a nonprofit environmental group.

At first, the Foundation was questioning that we were not requiring compensation for the relocation of this easement; but I think they didn't realize from the description that it was the relocation of the easement, and to an entirely new easement. Once we explained that to them, they said their concerns had been addressed.

But they've also expressed concern about potential impacts of this project on endangered species, particularly plants, and on the soil and other resources in that area. What-- Our Assistant Commissioner's Office wanted to make the Commission aware that, as part of either issuing a right of entry or the easement that we negotiate if this transaction is approved, that we believe we can address the concerns that the Foundation has expressed.

We also didn't highlight this in the summary, but the No Net Loss Reforestation Act would apply to this project. We haven't made a determination about whether that is triggered for this project; but that would address tree replacement.

So as far as endangered plants, invasive species, restoration of the project site -- we are committed to addressing that in our negotiations with the Borough.

MR. SHAUGHNESSY: Thank you for your disclosure from yesterday; we appreciate that.

Any members have any further comments or questions?

Yes, Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: I just want to add, for the record, it's disturbing again that we have unauthorized construction of a road on Green Acres land. And I'm not sure that we shouldn't wait and see,

and put this off until December to hear more about the concerns of this environmental group

But again, I will cede to the will of this panel. But it is upsetting that people are building roads on things that they're not supposed to build roads on.

MS. YEANY: Assemblyman, I think you might be talking about agenda item No. 30; and my comments are addressed to 31, which is a new water line.

ASSEMBLYMAN MORIARTY: I'm so sorry.

MS. YEANY: It's okay.

MR. SHAUGHNESSY: Same concern; different item.

ASSEMBLYMAN MORIARTY: I had those concerns from the previous one.

MR. BRAZ: And Ms. Yeany, you're in communication with stakeholders concerned -- who have expressed concern yesterday, correct?

MS. YEANY: Yes, we are.

MR. BRAZ: And you think there's a course to move forward to ameliorate some of their concerns?

MS. YEANY: We do.

MR. BRAZ: Great; thank you.

MR. SHAUGHNESSY: Okay; hearing-- Are there any members' questions or comments in this matter? (no response)

Any member from the public wish to be heard on this matter?
(no response)

Okay; hearing none, may I have a motion?

SENATOR CARDINALE: So moved.

MR. BRAZ: Second.

MR. SHAUGHNESSY: Motion and second; thank you.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Acting Director Ridolfino.

MR. RIDOLFINO: Yes.

MR. SHAUGHNESSY: Senator Smith is in the affirmative.

Oh, I forgot Senator Cardinale.

Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Thank you; Senator Smith is in the affirmative.

Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: That matter is approved, based upon the discussions.

I think this is the final DEP request.

No. 32 on the agenda: Bass River State Forest, Block 45, Lot 1; Block 51, Lot 4.01; Block 52, Lot 6.05, Barnegat, Ocean County.

DEP seeks approval to convey approximately 193 acres, owned by DEP in Barnegat Township as part of the Bass River State Forest, to Ocean County. In exchange, Ocean County will transfer approximately 269

acres of land in Barnegat and Stafford Townships to the DEP. The proposed land exchange will allow the County to expand its holdings around the historic Cedar Bridge Tavern Site in Barnegat Township; while allowing the DEP to fill gaps in State ownership in Barnegat and Stafford Townships, and create a larger contiguous parcel for administration as part of the State Park system. All lands involved in the proposed exchange will remain permanently restricted for recreation and conservation -- Open Space -- purposes.

I will note for the record -- as indicated in the members' materials of May 31, 2018 -- a joint DEP-State House Commission public hearing was held here in Trenton. I appeared on behalf of the State House Commission, and I can report that no members of the public appeared and there was no public comment at that public hearing.

Based upon that, are there any questions or concerns from the members? (no response)

Hearing none, any member of the public at this public hearing wish to be heard on this? (no response)

Hearing none, may I have a motion on this matter?

SENATOR CARDINALE: So moved.

MR. BRAZ: Second.

MR. SHAUGHNESSY: Motion and second; thank you.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Acting Director Ridolfino.

MR. RIDOLFINO: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith is in the affirmative.
Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: That matter is approved.

And I just-- There's one clarification. I believe the Chair had mentioned that, with regard to the vote on the minutes from the last meeting--

MR. BRAZ: Yes, Mr. Shaughnessy, I would like to abstain on the minutes, as I was not present at the last meeting.

MR. SHAUGHNESSY: So just with that clarification; we'll be moving on.

Now may I call for a motion to adjourn as the State House Commission, and sit as the Judicial Retirement System Board of Trustees?

May I have a motion?

MR. BRAZ: So moved.

MR. SHAUGHNESSY: Motion; and second?

ASSEMBLYMAN DiMAIO: Second.

MR. SHAUGHNESSY: I'll call the roll.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Acting Director Ridolfino.

MR. RIDOLFINO: Yes.

MR. SHAUGHNESSY: Senator Smith is in the affirmative.
Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: And Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: Okay; we are sitting as the Judicial
Retirement System Board of Trustees.

We have a number of matters to proceed.

First on the agenda is approval of the minutes of the meeting
held on December 7, 2017.

I'll just quickly take a voice vote on that.

All in favor of that? (affirmative responses)

Any opposed? (no response)

Now, are there any abstentions?

ASSEMBLYMAN MORIARTY: I'm going to abstain, only
because I have not had an opportunity, because I've been travelling for two
weeks, to actually read the minutes.

MR. SHAUGHNESSY: Similar to the minutes for the State
House Commission.

ASSEMBLYMAN DiMAIO: Abstain.

MR. SHAUGHNESSY: Okay.

MR. BRAZ: Abstain as well.

MR. SHAUGHNESSY: So we have three abstentions; noted.

Thank you.

Moving on to--

MS. BRENNAN: Abstain.

MR. BRAZ: We have four abstentions.

MS. BRENNAN: Abstain.

MR. SHAUGHNESSY: Four abstentions; thank you.

Next, we are moving on to -- in the members' packets from Pensions -- Confirmation of those Death Claims, Retirements, and Survivor Benefits, with regard to the Judicial Retirement System.

Any questions or comments there? (no response)

If not, may I have a motion to confirm those?

ASSEMBLYMAN MORIARTY: Motion.

MR. BRAZ: Second.

MR. SHAUGHNESSY: Motion and second.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Acting Director Ridolfino.

MR. RIDOLFINO: Yes.

MR. SHAUGHNESSY: Senator Smith.

Oh, pardon me; Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith is marked in the affirmative.

Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: Okay; that confirmation is approved.

Now, No. 3 on the agenda is to receive -- or just receipt of the financial statements for August 2017 through November 2017.

May I have a motion on that?

SENATOR CARDINALE: So moved.

MR. SHAUGHNESSY: Second?

MS. BRENNAN: Second.

MR. SHAUGHNESSY: Motion and second.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Acting Director Ridolfino.

MR. RIDOLFINO: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith has indicated his affirmance.

Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: That matter is approved.

Next for consideration, we have the appeal of Superior Court Judge Christine A. Farrington, M/S#6-1151, regarding the Division's decision to deny retirement under N.J.S.A. 43:6A-9(b).

I understand that we have Counsel here from the Attorney General's Office, and Counsel for the Judge as well.

So I guess -- why don't you come and introduce yourselves, at least, now; and just put your identities on the record, so we'll know.

DANIELLE P. SCHIMMEL, Esq.: Danielle Schimmel, Deputy Attorney General.

DAVID RUSSO, Esq.: Dave Russo, for Judge Farrington.

MR. SHAUGHNESSY: Thank you very much.

And it's my understanding that there is inclination to receive advice from the Attorney General's Office in this matter. So I think the first thing, if the Commission is so inclined--

(confers with Commission Counsel)

Okay, so according to advice of Counsel, we're going to hear from Judge Farrington's Counsel first, to be heard on this matter.

Please, Mr. Russo; please step up.

MR. RUSSO: Sure.

SENATOR CARDINALE: Mr. Chairman, before you do that.

MR. SHAUGHNESSY: Yes, sir.

SENATOR CARDINALE: I want it on the record that I'm acquainted with Dave Russo and also with Christine Farrington, Judge Farrington -- that Judge Farrington, before being a judge, was a supporter of mine, from time to time, in political matters. I do not believe that creates

any kind of conflict; but I do want that for full disclosure to be on the record.

MR. SHAUGHNESSY: Thank you, Senator.

Yes, please, Mr. Russo.

Before we begin, is there anyone from JRS, the Judicial Retirement System, here as well who may at least introduce the matter to us, or at least give us a brief background before we begin?

S H I R L E N E S C O T T: Hello; my name is Shirlene Scott. I am the Administrator of the Judicial Retirement System.

Judge Farrington is requesting to retire under an early retirement. The qualifications for an early retirement is to be under age 60, have five years of judicial service, and an aggregate of 20 years of service.

She currently has 7 years of service in the Judicial Retirement System; she has a prior count in the Public Employees Retirement System, with 22 years and 9 months of service. Those two accounts are separate.

At the time of her enrollment, she was advised that she was not eligible to interfund transfer her PERS account into JRS. That was because the last contribution to the PERS account was in June of 2007; she did not enroll into JRS until 2011. You have to have an active account in order to interfund transfer from another State fund into the Judicial Retirement System.

So since her last contribution in the PERS account was in 2007, she was not eligible to interfund transfer the PERS account into the JRS account.

She was also advised -- there was a letter, an enrollment letter issued that the only other way to have the service counted in the JRS fund

would be to withdraw the pension contributions from the PERS account and purchase it in the JRS account.

Since the PERS account is held separate, we do not count that service in the JRS account to have it qualify for the early retirement, which she is not eligible for because she's over the age of 60. She would be eligible for a regular service retirement, which does require a minimum of 5 years in JRS service, and an aggregate of 20 years of service. But since the PERS account, again, is separate, it's not counted under the JRS system, so we can't include that service in the calculation under the Judicial Retirement System.

MR. SHAUGHNESSY: Thank you, Ms. Scott.

Any members have any questions of Ms. Scott from Pensions?

ASSEMBLYMAN MORIARTY: Not at the moment, but if she can stand by.

MR. SHAUGHNESSY: Okay; please stand by, though.

MS. SCOTT: Okay. (laughter)

MR. SHAUGHNESSY: Thank you very much.

MS. SCOTT: You're welcome.

MR. SHAUGHNESSY: Okay, Mr. Russo.

MR. RUSSO: I was able to meet and speak to the Deputy Attorney General, and also Ms. Scott, before; so I wanted to thank them for their help.

And I do understand the issues.

It's basically a technical issue. Judge Farrington became a Superior Court Judge, June 21, 2011. So she is now there for seven years. Even though I can't believe this, because I know her for about 35 years, it

says she's 65 years old; so I'm going to believe that, but I know she's probably looking daggers at me.

So she's been a judge for seven years. This issue came up before, and it's sort of technical. I'm not going to say *we*, but the Legislature passed a law a number of years ago. And this is sort of *not* a slippery slope issue, because I know many times when boards, commissions, and Legislatures made decisions, you have to look not only at what we're doing, but you have to look at down the road so that we're not opening flood gates and things like that. This is sort of an anomalous situation, I would think.

She, under the statute -- or the rules; excuse me -- doesn't have the required service time, ironically, even though she has, consecutively, over 30 years of public service. And Ms. Scott correctly stated that under a technical reading, the 22 years, 9 months is not counted because it wasn't transferred. And ironically, she couldn't transfer it. She tried to transfer it back in 2011 when she became a judge. The Legislature in New Jersey had passed a statute that was going to allow Port Authority people to make that kind of transfer. But it went into effect, but it was contingent on New York passing the resolution to do it. And for whatever reason, New York never did it. So that's the technical reason. And I don't think there are a hundred people like this; I don't think there's anybody else like this. She was appointed by Governor McGreevey in 2002; and she served as a Counsel at the Port until 2011, and she immediately became, in June of that year, a Superior Court Judge. So that's the technical reason.

But reading the decisions -- and it is sort of like a technical argument all the way -- but what comes up is, well, she has the service,

obviously, and the requirements. But because its two different systems, PERS and JRS, and they weren't melded -- through no fault of her own -- we can't count nearly 23 years of service. So if you get ill and you would like to retire early, you don't qualify, ironically, because you don't have enough service.

Now, it's sort of where we're asking for a variation of a variance, I would say, on this. And I would tell you that, in this case-- And I know you'll say, "Well, every case is one case." True. I think the instances of this recurring are very, very, very slight. You'd probably have to have a situation where people would be employed, as she was, in New York, or-- I don't know if the same problem exists, for example, with Pennsylvania. But it's a rare situation; but we have a situation where we have somebody with over 30 years of public service, consecutive, where technically -- a technical reading is we don't count nearly 23 years of it. Not that she loses it; but we just don't count it, because it wasn't--

And the definition here is public service is only public service if it's pensionable. I know that is sort of a horrible thing to say to us, or hear, because we don't think that way. But that's the way the -- that's what it says. And because it's two different systems, you don't qualify.

It doesn't seem-- I didn't argue this case before, but it doesn't make any sense to me, and I don't think it would have made any sense to the Legislature. Because if you look at the legislative intent of what the Legislature did when it passed the law a few years ago, waiting for New York, you can see the intent was there to let folks like this do this. That's the reason it was done.

Again, I didn't mean to confuse anyone here, but that's really what this is about. And I don't think there's a whole lot of argument here about how many years she has. The argument is, it's two different systems. We can't give you, technically, the credit, even though it's there. And they think there was a break of two years, but there really wasn't. It was continuous, okay?

If there are any questions, I'll try to answer them. And again, I'm not trying to have your eyes glaze over, but that's the argument; that's what this has been.

I should also mention -- and the Deputy Attorney General mentioned this to me also; Ms. Scott -- this probably should have first come here, because I wondered why it went to the Court. And the answer, I think, was this Commission has the jurisdiction to do this, or to rectify this. It shouldn't have gone the other way. But I think there were two issues. And because there were two different systems, it went the other way; and it was denied. But it was basically punted, where the decision says, "No, no" the Appellate Division says, "Go to the State House Commission; they really should be dealing with this," okay?

Thank you.

MR. SHAUGHNESSY: Thank you, Mr. Russo.

Any members have any questions of Mr. Russo?

MS. BRENNAN: Can you just address the two-year gap -- the two years that were contentious -- the two-year period?

MR. RUSSO: Yes; do you--

MS. BRENNAN: Could you just explain that?

MR. RUSSO: Yes. And do you mind if I ask the Judge-- Is that okay? I don't want to-- Is it okay? Because she's here; is it okay?

I just want to make sure I understand this properly, because some of this I had to-- There was an issue--

Judge, can I ask you a question?

I know that your service -- I know this -- was always continuous.

J U D G E C H R I S T I N E A . F A R R I N G T O N: (off mike)
Correct.

MR. RUSSO: And seamless; from Governor McGreevey, 2002 to 2011; and then in June 2011, you were appointed a Superior Court Judge.

JUDGE FARRINGTON: (off mike) Directly from the Port Authority.

MR. RUSSO: Directly from the Port Authority.

And the argument, I think, is that there was a two-year gap because-- If you could just tell me again. What was the reason-- Their argument about the gap was what?

MR. KOTLER (Commission Counsel): Mr. Russo?

MR. RUSSO: Yes.

MR. KOTLER: If you are going to question the Judge, why don't we have her come up--

MR. RUSSO: Okay; why don't you come up?

MR. KOTLER: --and state her name, for the record, please.

MR. RUSSO: This is Judge Christine Farrington.

JUDGE FARRINGTON: Good morning, everyone.

ALL: Good morning.

MR. RUSSO: Judge, would you just do me a favor. Just explain the two-year gap. Because I know there really is no gap; but I know the decision was based on two systems, and then they said you were ineligible because there was a two-year break of service.

JUDGE FARRINGTON: I was an Adjunct Professor at Rutgers, teaching. And that ended in 2008.

MR. RUSSO: Right.

JUDGE FARRINGTON: But my employment at the Port Authority continued during that time.

MR. RUSSO: Right.

And they, technically, said because the employment at Rutgers University ended, that was a gap, even though you continued as Counsel at the Port Authority.

JUDGE FARRINGTON: I was Deputy General Counsel for Claims at the Port Authority.

MR. RUSSO: Right.

And I should also mention -- if I'm not mistaken, this issue came up, I think, right when you were being appointed Superior Court Judge.

JUDGE FARRINGTON: It did.

MR. RUSSO: If I remember -- because some of the folks who have retired and were here at that time -- but if I remember, this issue came up; and I think the answer you got was -- when you tried to do the interfund transfer, they said you couldn't do it because of the New York issue, right?

JUDGE FARRINGTON: They denied me the ability to do it because they said with the gap I was ineligible to make the transfer.

MR. RUSSO: Right.

JUDGE FARRINGTON: And the money is still in the fund. I have not withdrawn money, and they have not returned it to me.

MR. BRAZ: Assemblyman.

ASSEMBLYMAN MORIARTY: Thank you.

I have a question.

Ms. Scott mentioned that there was a time back in, I think she said 2008, when a letter was sent; and the Judge was informed that she may take her money out of the one system and buy credits in the Judicial System. And that would have gotten to where she wanted to be. Is that accurate; and why did you not avail yourself of that?

JUDGE FARRINGTON: I don't recall receiving that letter. But in any event, the cost of purchasing the credits would be in excess of \$200,000.

MR. RUSSO: I actually-- I didn't have the letter, but I brought that up to Ms. Scott, because I didn't have the pleasure of meeting her until this morning. And it was one of the things I asked because, as we all know, one of the things you try to be is practical. And I said, you know, we're trying to come to a solution that's equitable; and we discussed that. And Judge Farrington's a judge, now, for seven years; she'd technically need 20. And that's a difference of about 12 or 13 years. So I happened to ask the same thing you did, where-- And the estimate-- We're not holding anybody to this, but the number was something like, "Yes, anything's possible; but if you did a buy-back, it would be over -- it would be -- it

might not be financially practical or feasible. You'd be better off--" And I hate to say it this way, but, "maybe even if you're not ill, even if you are ill, I guess, try to stay on for five more years and you'll be 70 and that will resolve it." But financially, it wasn't real practical.

But that's the answer.

ASSEMBLYMAN MORIARTY: Thank you.

MR. RUSSO: Thank you.

ASSEMBLYMAN MORIARTY: I have a question for Mr. Kotler; and also, I hope we're going to get to hear from the Attorney General's Office.

So I'm a Trustee of the Judicial Retirement System. So my fiduciary duty is to the System. So if there were to be some leeway here, are we saying that we would be paying the full pension based on her final salary, based on all those years; and the other pension system would be paying nothing?

MR. KOTLER: Assemblyman, if we could, let's defer that until we speak to our Counsel for advice, which will happen in Executive Session. And she will be able to address that.

ASSEMBLYMAN MORIARTY: Good idea; thanks.

MR. RIDOLFINO: Can I ask a quick question?

MR. SHAUGHNESSY: Mr. Ridolfino.

MR. RIDOLFINO: The two years where you went to teach at Rutgers -- were you on leave from your Port Authority position during that period?

JUDGE FARRINGTON: No; I was doing that during the time I was at the Port Authority.

MR. RIDOLFINO: So you were working at the Port Authority *and* at Rutgers?

JUDGE FARRINGTON: Not full-time at Rutgers; adjunct.

MR. RIDOLFINO: As an Adjunct at Rutgers?

JUDGE FARRINGTON: Yes.

MR. RIDOLFINO: So you were drawing a-- So basically you were getting paid from both Rutgers and the Port Authority during that two-year period?

JUDGE FARRINGTON: Yes.

MR. RIDOLFINO: Okay; thank you.

MR. SHAUGHNESSY: Any other members have any questions?

MS. BRENNAN: And were there pension contributions being made during that two-year period?

JUDGE FARRINGTON: Yes. I'm sorry -- after I left Rutgers? No. I did, while I was employed by Rutgers, make pension contributions.

MR. RIDOLFINO: To what system?

JUDGE FARRINGTON: Both.

MR. RIDOLFINO: So you were making contributions to PERS as a Port Authority employee, and also to--

JUDGE FARRINGTON: To PERS as a Rutgers' employee.

MR. RIDOLFINO: As a Rutgers employee. Based on your salary at Rutgers, or based on your combined salary between Rutgers and the Port Authority?

JUDGE FARRINGTON: Just based on Rutgers.

MR. RIDOLFINO: So then, were you drawing a paycheck from the Port Authority?

JUDGE FARRINGTON: Yes.

MR. RIDOLFINO: But not making any pension contributions during that period.

JUDGE FARRINGTON: To the New York Pension System.

MR. RIDOLFINO: To the New York Pension System.

And are you eligible for a PERS benefit upon retirement?

JUDGE FARRINGTON: Yes, I guess.

MR. RIDOLFINO: Based on what years of service?

JUDGE FARRINGTON: I don't think so, at this point; because they say I was terminated, even though I was vested. So I think all I'm entitled to is whatever contributions are still being held by PERS.

MR. RIDOLFINO: Just a return of contributions.

JUDGE FARRINGTON: Correct.

MR. RIDOLFINO: Okay.

MR. RUSSO: I know I was told -- and if I'm wrong, I know I'll be corrected -- the Judge is vested, and that money is still there.

JUDGE FARRINGTON: It is.

MR. RUSSO: It's still there because you were vested. That's what I was told. If I'm wrong,--

MR. RIDOLFINO: Right, right. But when you say *vested*, that means you're going to get a defined benefit upon retirement, not just a return of your contributions. So I guess it's one or the other.

JUDGE FARRINGTON: I was told since I did not retire from PERS -- which I didn't want to do, because I was anticipating possibly being

appointed as a Judge, and I was anticipating the interfund transfer -- that since I did not retire, all I'm entitled to is my contributions.

MS. SCHIMMEL: Acting Director, I believe I can explain that in Executive Session. I'm prepared to address that question to the System.

MR. RIDOLFINO: Okay, thank you.

MR. SHAUGHNESSY: If there are no other members' questions or comments at this point, it sounds as though the Commission is inclined to move into Executive Session.

So I guess -- may I have a motion to move into Executive Session to receive legal advice from the Attorney General's Office--

MS. BRENNAN: Motion.

MR. SHAUGHNESSY: --concerning this matter?

Thank you; second?

MR. RIDOLFINO: Second.

MR. SHAUGHNESSY: Motion and second.

I'll take the roll call.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Acting Director Ridolfino.

MR. RIDOLFINO: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith, yes.

Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: Okay, the matter is approved.

MR. KOTLER: Okay, this discussion will remain confidential in Executive Session until the need for confidentiality ends.

So we ask everyone to leave the room, please, other than the Deputy Attorney General.

MR. SHAUGHNESSY: Thank you, Counsel.

MR. RUSSO: Thank you.

(Executive session begins 10:50 a.m.)

(Executive session ends 11:27 a.m.)

MR. BRAZ: Thank you very much.

Mr. Shaughnessy.

MR. SHAUGHNESSY: Yes; we have concluded an Executive Session, and we are now sitting again as the Judicial Retirement System Board of Trustees.

Do I have a motion with regard to this matter?

MR. BRAZ: Motion.

MR. KOTLER: You need to be a little more specific -- the motion is for-- I would posit, then, a motion to deny the appeal of Judge Farrington.

MR. BRAZ: Motion to deny the appeal of Judge Farrington.

MR. RIDOLFINO: Second.

MR. SHAUGHNESSY: Motion and second.

I will call the roll.

Is there any further discussion by Commission members? (no response)

I will call the roll, then.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Acting Director Ridolfino.

MR. RIDOLFINO: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Abstain.

MR. SHAUGHNESSY: Senator Smith is in the affirmative.

Assemblyman Moriarty has indicated that he is in the affirmative as well.

Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: Are there any members of the public here wishing to be heard further on this matter, or at all? (no response)

Hearing none, then, the motion is approved.

Thank you, Counsel.

The last one -- I would just mention there was an update with regard to the Judge Thompson matter. And that matter is just to conclude that the Administrative Law Judge's decision affirming the State House

Commission's action is final and binding; and the Judge has appealed to the Appellate Division.

So I think that concludes the matter before the Commission.

Is there no other new business or anything that anyone wants to--

May I have a motion to sit and move back into the State House Commission?

MR. BRAZ: Motion.

ASSEMBLYMAN DiMAIO: Second.

MR. SHAUGHNESSY: Okay; all in favor? (affirmative responses)

Okay; we're sitting as the State House Commission.

May I have a motion to adjourn today's meeting?

ASSEMBLYMAN DiMAIO: So moved.

MR. BRAZ: Second.

MR. SHAUGHNESSY: All in favor? (affirmative responses)

We are adjourned; thank you very much for your investment of time.

(MEETING CONCLUDED)