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# *Commission Meeting*

of

## STATE HOUSE COMMISSION

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**LOCATION:** Committee Room 12  
State House Annex  
Trenton, New Jersey

**DATE:** December 10, 2007  
9:00 a.m.

**MEMBERS OF COMMISSION PRESENT:**

Kenneth H. Zimmerman, Chair  
Fruqan Mouzon  
Senator Bob Smith  
Assemblyman John S. Wisniewski  
Assemblywoman Marcia A. Karrow  
Debra Bell  
Kathy A. Steepy



**ALSO PRESENT:**

Samuel Crane, *Secretary*  
Robert Shaughnessy Jr., *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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**(The State House Commission held a teleconference meeting on December 10, 2007, at 9:00 a.m. Members of the Commission present were Kenneth Zimmerman, Chair; Fruqan Mouzon; Senator Bob Smith; Assemblywoman Marcia A. Karrow; Assistant State Treasurer Debra Bell; Assistant Director Kathy A. Steepy; Samuel Crane, Secretary; and Robert Shaughnessy, Counsel. The member of the Commission via teleconference was Assemblyman John S. Wisniewski.)**

MR. KENNETH H. ZIMMERMAN (Chair): Good morning, everyone. Good morning, everyone. (audience responds)

This -- bright and early on a Monday morning, and traffic notwithstanding, I think we're ready to move forward. This is the State House Commission's quarterly meeting. We are in compliance with the Open Public Meetings Act and are ready to proceed.

Secretary Crane, will you please call the roll?

MR. CRANE (Secretary): Yes, Mr. Chairman.

Chief Counsel Zimmerman.

MR. ZIMMERMAN: Here.

MR. CRANE: Assistant State Treasurer Bell.

ASSISTANT STATE TREASURER BELL: Here.

MR. CRANE: Assistant Director of OMB Steepy.

ASSISTANT DIRECTOR STEEPY: Here.

MR. CRANE: Assemblywoman Marcia Karrow.

ASSEMBLYWOMAN KARROW: Here.

MR. CRANE: Assemblyman John Wisniewski, on the telephone.

ASSEMBLYMAN WISNIEWSKI: Hello?

MR. CRANE: Hi. Good morning, Assemblyman.

ASSEMBLYMAN WISNIEWSKI: Good morning.

Mr. Chairman, you have a quorum.

The first order of business this morning is the approval of the September 27, 2007, State House Commission minutes.

MR. ZIMMERMAN: Very good.

All in favor? (ayes respond)

MR. CRANE: Opposed? (no response)

Approved.

Mr. Chairman, this morning we're going to go a little bit out of order and we're going to start with agenda Item No. 16, since there are some interested parties here. This is the -- the requesting party is New Jersey DEP, on behalf of the Borough of Highlands, requests approval to convey approximately 0.223 acres of South Bay Avenue Park to the New Jersey Department of Transportation for the replacement of the Route 36 bridge over the Shrewsbury River.

Mr. Chairman, there are a number of people requesting an opportunity to speak on this item this morning. If it is your pleasure, I'd like to call on the gentleman who has-- On behalf of the opposition, they have designated a spokesperson this morning. Would you come up and take a seat, and give us your name, and affiliation, for the Commission?

**M I C H A E L S I N K A V I C H, ESQ.:** Sure. My name is Michael Sinkevich.

MR. CRANE: Push the red button. (referring to PA microphone)

MR. SINKEVICH: The red button.

My name is Michael Sinkevich. I work at the law firm of Lieberman and Blecher in Princeton, New Jersey, and I represent a group of

concerned citizens in the Borough of Highlands and surrounding communities, named the Citizens for Rational Coastal Development. And thank you for taking the time to hear from me. And I just wanted to bring forth a few brief points about the concern with this conveyance and the overall Highlands Bridge project, which this supports.

Basically, first off, we feel that the Green Acres swap is unfair in the sense that we're giving up-- The Borough of Highlands is trying to divert waterfront parklands for a small piece of property that's just along a highway and we feel doesn't represent the true essence of the Green Acres program, in the sense that we're giving up some parkland for a piece of property that really isn't the same sort of character. And secondly, just -- sort of generally with the bridge. The citizens love their community and are very concerned with maybe a potential dangerous condition that the bridge will create in the area. Specifically, you know, that it's not a drawbridge anymore, and that it's going to have a steeper grade than the old bridge that was flat. They're afraid that this will become a highway; their town will become sort of a highway enroute to the ocean and the beaches. And the bridge itself, as is in condition now, has an impeccable accident record. It's very safe for pedestrians and for vehicle traffic. And we're afraid that with this new bridge, one, there's going to be a lot of different problems with speeding, and less safe for pedestrians, less safe for vehicles in the Winter with a steeper grade bridge.

And to move a little forward from that, this is itself a historically eligible site for a listing in the National and State Registers. And the whole area itself, as you all know, is very historic, and we feel that removing this historic bridge and putting in sort of a highway-grade,

modern bridge is going to change the view shed of the area, as well as the whole historic nature of the surrounding area.

But maybe even more importantly, we feel that there have been problems with the public participation with this diversion and the bridge project itself -- but particularly with this diversion. That we never really had a true public participation until August of 2006 -- the Historic Sites Council, where we were told up until that point that "The bridge is going in; there's no way we can oppose it." And it just -- "Do you want to add to it?" Whereas at that point, we realized that there was some opposition. And particularly with this Green Acres project that, in 2006, as you all know, the Highlands borough had initially -- were trying to go forward with this diversion; and then after the public outcry, had changed its mind and had decided to oppose this bridge project and -- because they were listening to the concerns of the citizens. And sort of inexplicably, it seems to us and our clients that the Borough of Highlands changed its mind. And without really hearing from the public at any point, they decided to go forward with this project and to sort of, respectfully, push it through the process to get to this point. And we feel there have been a number of procedural inadequacies that go against the regulations promulgated for the Green Acres program. Particularly, there's been inadequate public notice for a lot of the potentially public meetings.

It is unclear whether the public meeting, September 5, 2006 -- we were unable to get the transcripts. We requested more information on what happened at this meeting, and we requested this from the Borough of Highlands' Clerk. And she had told us, in a written letter that we have, that there was no meeting on September 5, 2006.

Sort of other issues -- I guess, just to sum it up and be as brief as possible here, we feel the whole program (*sic*) revolves around public participation, and our difficulty in finding out what really happened with this diversion application, and how we got from where we were in September of 2006 to where we are now, dealing with people in Highlands and why they changed their mind. And just the inability to really express our opinion has been frustrating to us.

And then, you know, lastly, sort of leading up to this meeting here, with all due respect, this meeting is open to the public and is supposed to be open to the public. We have been trying to figure out when this was going to occur and what was going to happen for the past few months. We only found out as early as, I believe, Thursday evening that the meeting was going to happen today, this morning. We called a number of different people, from staff members to just the Legislature public hotline, to figure out if we could get an agenda, if we could get any staff recommendation reports that would be helpful to us. And we really tried calling, and we spent hours trying to figure out what was going on, and we really were unable to. With the exception of finally getting an address, which is another story in the sense that-- I think you were given letters from the public and letters from our clients that we had tried to mail weeks ago, but we were unable to get an address as to where to send them. And hopefully you guys will take the time to look through the letters and really see the opinions of numerous members of the community -- how they feel about this diversion.

And lastly, we -- looking through the statutes that were enacted for -- to create this Commission, we were unable to find regulations or find

any rules or procedure as to how these meetings take place, when they take place, what the conduct is. And if anyone does know where they were, please feel -- we'd love to be enlightened as to how to find them. But we were just -- I think our clients and us, ourselves, were frustrated with this process. And I think the essence of the Green Acres program itself is public participation. And we feel that we really weren't able to adequately portray our concerns. And please -- we feel that because of these potential regulation violations or not following the proper procedures, we feel that -- we hope that you will take into consideration all of these matters and vote against the diversion of this Green Acres land.

And with that, thank you again very much for hearing from us.

MR. ZIMMERMAN: Thank you.

I also want to thank you and the others that are with you for agreeing to have you represent the interest of a number of folks who are here.

Are there any questions from the Committee before we dismiss the witness? (no response)

Hearing none, thank you very much.

MR. SINKEVICH: Thank you so much.

MR. ZIMMERMAN: I do believe we have testimony from others, including DEP and the Borough of Highlands. And if I might at this point in time ask representatives of DEP and the Borough itself to come and provide their comments with regard to this matter.

Also, for the record, let me greet Senator Smith, and just note that he had called to indicate traffic was as bad for him as it was for the rest of us.

SENATOR SMITH: We have to put Route 1 on the agenda.

(laughter)

MR. ZIMMERMAN: Duly noted.

**B R U C E H I L L I N G:** Hi, Mr. Chairman. I'm Bruce Hilling. I'm the Borough Administrator for the Borough of Highlands. Thank you for giving me an opportunity to speak this morning.

The Borough of Highlands is well-aware of the opposition that has been raised to this bridge. It has been an ongoing project. I've been the administrator for about six month. It's been an ongoing project for many, many years, probably 10 or 15 years. And then along came, last year -- I guess this year -- along came a bad situation in Minnesota. With those consequences, I think the Borough Council made a contentious decision to move forward, to not let this same situation happen to our bridge.

So they did, in fact, contact the DOT and move forward with the process of building a new bridge. The old bridge is in, in my opinion -- and I've heard this from many people -- pretty bad shape. And I think Mr. Kolluri will come forward and state that very elegantly.

Consequently, as true discussions with the DOT, the Borough moved forward with the process of working with the DOT to build a new bridge. We passed two resolutions; we passed an ordinance -- all in accordance with statute, giving the public every opportunity to speak and raise their opposition. Those all passed, and consequently we're here today. We've got a great working relationship with the DOT, and ready and willing to assist them and let them assist us with the building of this bridge, with the new park on South Bay Avenue, and with meeting all requirements -- both Green Acres and safety requirements.

And we will work with the folks who just appeared before you to try to address their concerns and to move forward with the new bridge that is desperately needed. I'm willing to answer any specific questions that you have.

MR. ZIMMERMAN: Any questions from the Committee? (no response)

Hearing none, ma'am.

**J U D E T H P I C C I N I N I Y E A N Y:** I'm Judeth Yeany from the Green Acres Program. Just to echo what the Borough Administrator said, that obviously this project has been in the works for a while. And it was really our impression until very recently that most of the controversy was centered on the question of whether the bridge needed to be replaced and the historic aspects of the existing bridge. So it was actually quite a surprise to us, shortly after our Commissioner approved this item for this agenda, to start receiving letters highlighting procedural -- concerns about the procedural aspects of the application. Our sense was that this had been the topic of discussion at multiple Borough Council meetings and was the subject of a hearing in September 2006. And when we started receiving the letters, we sat down to look at them to see if there were any issues that we were unaware of. What we discovered is that the correspondence really centers on the current version of the Green Acres rules, and this is an issue you heard about with the Middletown application. And this particular application had been in the pipeline for quite a while. Partly because of the need to replace the bridge in the time frame that DOT has set, this was one of the applications that we grandfathered under our old rules. There was a

complete reapplication in our office as of the date that we had set for all of our applications, and it continued to move through our process.

So until very recently, we didn't know that any of the citizens felt that the Green Acres aspect of this had not been adequately noticed. But when we sat down and looked at each of those letters, we discovered that the notice had been adequate under the version of the rules that applied to this application. Frankly, some of the things that the citizens are highlighting here about the contents of the notice and the types of notice we give about the hearings are things that we improved in our new rules, because we knew people were concerned about not finding out about these applications until it was too late. But that was not the set of rules that applied to this application. And frankly, we knew that this project had a pretty high profile. We did not require transcripts to be kept of hearings under the previous version of our rules. We do now require that. So I don't know if a transcript exists from the hearing or not, but there should at least be a summary with the Borough.

And we have received phone calls from the law firm that's representing the citizens, but my staff person has said that they never asked us about the State House Commission process. They were asking specific questions about the application. We tried to provide that information as it was requested. But we don't recall them ever asking us about the meeting or any of that. Normally, once the summaries are signed by our Commissioner and end up on the agenda that's released, under the Open Public Meetings Act we do provide those summaries to people if they ask us. But we don't think we got the request.

So I can certainly answer specific process questions if you have them. But our position is that once we looked at the letters, we didn't find a basis to request that the application be withdrawn from the agenda. And obviously, DOT has concerns -- the project's already out to bid -- and I think you'll hear more about that.

ASSEMBLYWOMAN KARROW: I have a couple questions.

MR. ZIMMERMAN: Go ahead.

ASSEMBLYWOMAN KARROW: Okay. Judy, just a couple questions.

Mr. Sinkevich brought up four points; you addressed one of those four. One of them is currently for the Commissioner of DOT and not you. But I think two of the other points are yours, and I just would like to have you answer some questions. One of his points was that they don't feel that this is a good swap for Green Acres to Green Acres. Can you talk about what they're getting and what they're giving up?

MS. YEANY: Yes. As you can see on the summary, what they're taking from the park is a combination of uplands and riparian lands. It's a total of two-tenths of an acre, split roughly half-and-half between uplands and riparian. DOT is offering an inland parcel as replacement. It has highway frontage. It's not a waterfront parcel. And frankly, our program had concerns about how the values were going to work out for that type of exchange. But DOT has provided appraisal information. I understand they're prepared to talk about that today if you have additional questions about it. And our on-staff appraisers reviewed it and determined that the values were there. We shared some of those same concerns. But the previous version of the rules required one-to-one replacement. That is

something that we changed. Replacement would have been higher if this had been the new rules application. But under the previous version, one-to-one was acceptable.

ASSEMBLYWOMAN KARROW: And you're okay with that?

MS. YEANY: Yes. We did approve it.

ASSEMBLYWOMAN KARROW: My second question is regarding their third point, which is that this bridge is going to change the view shed and the historic nature. I've been watching the State Historical Preservation Office for more years than I care to, and I've watched them dig in like ticks over stupid stuff. Can you respond to the historic nature of the drawbridge versus a standing, permanent bridge and how that's is going to change.

MS. YEANY: Actually, that's not something that I'm qualified to comment on. I do know that the historic review was a long process, and that it culminated in an approval that was issued by our Assistant Commissioner. But I'm actually not familiar with the details.

ASSEMBLYWOMAN KARROW: So they did -- the State Historic Preservation Office did review all of this on the historic side?

MS. YEANY: Yes.

ASSEMBLYWOMAN KARROW: And did they have a hearing?

MS. YEANY: Somebody mentioned the Historic Sites Council, but before that I wouldn't have known that.

ASSEMBLYWOMAN KARROW: Okay. Is there anybody here who knows? Is there anybody here from the DEP who knows? Sorry, no offense.

**A L Y S S A W O L F E:** (speaking from audience) There was a hearing.

**ASSEMBLYWOMAN KARROW:** There was a hearing?

**MS. WOLFE:** Yes.

**ASSEMBLYWOMAN KARROW:** Can you come down?

**MR. ZIMMERMAN:** And if you can just identify yourself for the record, please?

**MS. WOLFE:** Hi. I'm Alyssa Wolfe, Counselor to Commissioner Lisa Jackson, for DEP.

**ASSEMBLYWOMAN KARROW:** Can you just go through the process? There was the formal hearing at SHPO, the public was invited in?

**MS. WOLFE:** Yes. There was a full airing of this application before the State Historic Sites commission. The application did -- let me just think back. There was a request for additional information that DEP had from SHPO, that SHPO had sent to the applicant, who received supplemental information from the DOT, which satisfied the SHPO criteria. And Assistant Commissioner Amy Cradic approved that application.

**ASSEMBLYWOMAN KARROW:** Were there objectors on this at the time? Do you remember?

**MS. WOLFE:** I believe that there were, but I would have to go back to the record to check for certain. But I believe that there were objectors to the application.

**ASSEMBLYWOMAN KARROW:** Okay. And at the time, do you know -- was Atlantic Highlands objecting at the time, or not?

**MS. WOLFE:** Well, I'd have to go back. I'm not-- I don't recall.

ASSEMBLYWOMAN KARROW: Do you know, Mr. Hilling, if they were, at the time, objecting?

MR. HILLING: I know Sea Bright was objecting. I am not aware about Atlantic Highlands.

ASSEMBLYWOMAN KARROW: Is Sea Bright still objecting?

MR. HILLING: As of last year, yes.

ASSEMBLYWOMAN KARROW: As of last year?

MR. HILLING: Yes. This year -- they, yes. Yes. They are still objecting.

MR. ZIMMERMAN: Are there any other questions for these witnesses? (no response) Going once, going twice, sold.

Thank you very much. I appreciate it.

MR. HILLING: Thank you, Mr. Chairman.

MR. ZIMMERMAN: I believe the Commissioner of Transportation is available to answer some additional questions that were raised by the initial witness.

Commissioner, good morning.

**COMMISSIONER KRIS KOLLURI:** Good morning.

Good morning, Mr. Chairman, members of the Committee.

I just have a very few brief statements. Let me, first, start by saying that I have a fiduciary obligation to make sure the infrastructure in the state is safe and secure. No decision we've made on this project, nor will we make on this project, is arbitrary or capricious. This is a project that is 10 years in the making. In 2001 through 2006, Sea Bright and Highlands gave five resolutions of support for this project. In 2006, I understand that both communities did withdraw their objections. The

mayors requested that I go and do a public hearing, which I did this past Summer for seven hours. And it was, I thought, an important exchange between the community members and the Department of Transportation. I want to say that this wasn't the first time the Department has engaged in public dialogue. If you look at the record, and we're happy to submit this for you, there have been up to 30 task force meetings with the communities.

I am not surprised that the elected leadership of Highlands, which is the subject of discussion today, turned around and supported the project. They understand that when 30,000 people use this bridge every single day, the safety of a bridge like this is a matter of great importance to them, as it is to me as Commissioner. So this is an important project. As Mr. Hilling just said, we got the bids; we opened them; we are ready to go to construction in January. And again, our commitment is to not do this in a vacuum. We have reached out -- I personally reached out to every member of the council, including those who voted against this transfer, to offer my personal commitment that we will work with them through the entire phase of the project to mitigate any traffic issues that might arise. And we're ready, willing, and we stand by to make sure we continue our commitment through the entire phase of the project.

Thank you.

MR. ZIMMERMAN: Mr. Commissioner, can you talk a little bit more about the safety concerns that you have with regard to the bridge, and why this bridge appears to be something of a focus for you in terms of your fiduciary duty?

COMMISSIONER KOLLURI: Yes. I think in terms of the sufficiency rating, or the structural rating, this bridge, next to the Pulaski Skyway, is the worst bridge in New Jersey, certainly in terms of moveable bridges. It is the single worst moveable bridge in the State of New Jersey. Our concern is very straightforward. We have continued to do inspections on all our bridges, just as required under Federal regulations. We typically do inspections on bridges once every two years. On this particular bridge, we inspect it four times a year. So you can see how important this bridge is to the safety of the residents. And equally important, if I may add one more thing, that the county has designated this as a coastal evacuation route. I don't think there is a moment in time that I want to take a piece of infrastructure out of service, especially during a time of crisis.

This is perhaps the single most important moveable bridge project we'll do in the next couple of years. And we take this very seriously. And if you look at the cost of construction, it goes up about 9 percent a year. The longer we wait, the more expensive it is going to be. And again, I want to assure you that we will work with the community as promised, and we will make sure that their mitigation requests, as it pertains to traffic and safety, are well taken into consideration.

MR. ZIMMERMAN: Thanks.

Questions?

ASSEMBLYWOMAN KARROW: Commissioner, good morning.

COMMISSIONER KOLLURI: Good morning.

ASSEMBLYWOMAN KARROW: One of the four points that was brought up by Mr. Sinkevich is certainly for your ears, which is that

they feel that this is going to create a less safe bridge, regarding the steep slope. And I just want to -- how do you address that? And also, did you look at replacing it as a drawbridge? Was that cost-prohibitive? Why wouldn't you consider doing that?

COMMISSIONER KOLLURI: It was -- and we did look at it, and I did address this in the public forum. It is cost-prohibitive on the safety issue. This bridge is going to be built according to AASHTO standards, which is the Federal standards that we typically use on all these bridges. And Rick Hammer, the Assistant Commissioner for Capital Construction, is with me, and I'm happy to have him answer this question. But this bridge passes muster under the AASHTO standards. I assure you, Assemblywoman, we're not going to build a less safer bridge when we're spending about -- close to \$124 million on the project.

ASSEMBLYWOMAN KARROW: I understand that, Commissioner. I don't want to be a hard-nosed--

COMMISSIONER KOLLURI: You're talking about the grade?

ASSEMBLYWOMAN KARROW: I'm talking about the grade. And AASHTO's guidelines are not standards. I've been having hang-ups with the DOT about this for years and years and years -- they're guidelines and not standards.

COMMISSIONER KOLLURI: But that doesn't mean it's unsafe.

ASSEMBLYWOMAN KARROW: No. I understand that. But they're not a standard that the Federal Government requires to be followed to get money, or whatever, and I just want to make that clear. Because it's a hang-up I've got in government, that everybody wants to -- everybody in

engineering and in traffic wants to call them standards, and they're guidelines. And the DOT took a position -- they did a 180 a couple of years ago, regarding: if you build it, they will come. These people are afraid about faster traffic. When you build wider, bigger, faster, straighter bridges and roads, people will drive them faster and straighter and more people will come. And I understand their fears about this and I certainly understand your fears, as you and I have spoken. I mean, I'm an advocate to shut down anything that's not safe. And if this thing isn't safe, shut it down.

I just want to clarify. You talked about the drawbridge. You talked about how cost-prohibitive it was; that this is a coastal evacuation route, so having a drawbridge is, I guess, impractical.

COMMISSIONER KOLLURI: Yes, but there is a cost issue as well.

Rich, do you want to--

**RICK HAMMER:** Yes. Good morning.

My name is Rick Hammer, from the Department of Transportation.

Building a brand new drawbridge also results in severe -- additional environmental impacts, because you would need to build it completely off-line from the existing bridge, unless you were willing to take the existing bridge out of service first and then build the moveable bridge in its place. Moveable bridges are typically built off-line. So that would present additional impacts on the project we have before you today. But it was looked at, and it was prohibitive from many angles -- that's the point I'm trying to make. Cost-prohibitive and also prohibitive from other factors as well.

ASSEMBLYWOMAN KARROW: Okay.

MR. ZIMMERMAN: Any other questions?

SENATOR SMITH: One more for the Commissioner. Is the money in place for this bridge?

COMMISSIONER KOLLURI: Yes, sir, it is.

SENATOR SMITH: Okay. Is it State, Federal, combination?

COMMISSIONER KOLLURI: It's Federal, mostly.

MR. ZIMMERMAN: Very good.

Any other questions for these witnesses? (no response)

Thank you very much.

ASSEMBLYWOMAN KARROW: Can I just make one statement? I've had conversations with the Commissioner about this bridge, and about the public input and the public hearing. Having served in county government, where county governments are in charge of local bridges; and having arguments with the DOT, with the public on both sides of this-- I mean, I have been against the DOT, I have been against the public on these issues on various occasions, based on safety. I just really, for the record, want to note the criticality of this bridge and the sincerity of the Commissioner. I don't think that you're happy about having to spend this kind of money and do a project like this, and really aggravate so many members of the public. I know how concerned you are about the public safety on this bridge. And I didn't realize this was a coastal evacuation route, so thank you for making that clear.

COMMISSIONER KOLLURI: Yes.

MR. ZIMMERMAN: Thank you very much.

COMMISSIONER KOLLURI: Thank you.

MR. ZIMMERMAN: Let me ask for discussion among Commission members with regard to this issue.

J I M W H I T E: (speaking from audience) Excuse me, sir. I put my name down, but I didn't agree for anybody to speak on my behalf.

MR. ZIMMERMAN: Mr. Secretary?

MR. WHITE: Jim White.

MR. ZIMMERMAN: Mr. White, let me just check with the Secretary, but certainly the purpose is to allow individuals to be heard.

Mr. White, please come forward.

For the record, it was our understanding that there was going to be a single witness, but again, look forward to hearing your testimony. Please press the button.

MR. WHITE: Good morning. My name is Jim White. I live in the Borough of Keyport, which is a community close by to Highlands Borough.

I'd like to thank you for giving me the opportunity to speak to you today, but I can tell you that I really resent being here. I'd rather be in front of my seventh graders right now. But I'm here because of the park, not the bridge. I was given the understanding that this hearing was about the diversion of a very special park to the people of the community. I am the one who advanced the OPRA request to the Borough about getting access to an application, which doesn't seem to exist. I was the one who advanced the OPRA request to the Borough of Highlands for the minutes of the meeting that seems to not exist. And the point that I'd like to make today is that the Borough of Highlands did not follow the administration code. I know that the representative from the DEP came here and talked

about grandfathering, but I read that code as of January 2006, and that hearing was supposed to be held six or seven months later. So I'm not sure how grandfathering would impact upon a hearing that was held well after the new regulations came out. The fact of the matter is that the Borough did not give the people of Highlands an opportunity to participate in the diversion of that park. That application is incomplete and it should have never been brought before this Commission today in an incomplete state.

All I'm asking from this Commission is to simply render it back to the Borough, direct them to hold those hearings, let the people have their say. And at your next quarterly meeting, they can report that part of the application. They did not give proper notice when they went to hold the first meeting. They're supposed to give 30 days notice. It was a 14 day notice. They've admitted that they didn't publish certain advertisements. And for the Borough Administrator of Highlands to come before you and say they have followed the rules, they absolutely did not. And I think the people of Highlands, and the people of the bay shore, and the people of this state deserve to have whatever say is appropriate on this matter.

I can't even come before you today, because there's no application available to the public. So they've obstructed my right even to sit before you today and talk to you about the application. They can't produce it. Nobody seems to have it. And I've asked for it under OPRA. And may the Lord help them if they're just, like, lying to me, because I'll have them sitting in front of that government Records Council and let them ask where those government records are.

MR. ZIMMERMAN: Any questions for this witness? (no response)

Thank you, sir.

Let me go back to my interest-- Is there any discussion among Committee members?

SENATOR SMITH: One more question for the Commissioner. What's the time frame on the construction of the bridge?

MR. ZIMMERMAN: Please come to the table.

COMMISSIONER KOLLURI: It's three years from start to finish, and we're going to keep the existing bridge in operation and not impact traffic any more than we actually have to.

SENATOR SMITH: When does the construction start, proposed?

COMMISSIONER KOLLURI: It will be March, April?

MR. HAMMER: The construction contract will be awarded in January; construction will start soon thereafter, probably February.

ASSEMBLYWOMAN KARROW: Can you explain the construction on how you replace this bridge and try to keep it open?

MR. HAMMER: Yes. The structure is going to be replaced with a slight shift in alignment to the south of the existing bridge. So in essence, you build half the new bridge first, lengthwise half; you move the traffic from the existing bridge onto the new bridge in the same configuration that it's used to today; and then you demolish the old bridge and build the second half of the new structure. So, basically, roughly 18 months upon commencement of construction we would be able to move traffic off of the structurally deficient bridge and onto the new bridge.

ASSEMBLYWOMAN KARROW: And Commissioner, you probably are not the right person to ask this, and it might be Judy or

somebody else from the DEP, but I just-- For the record, DEP, DOT are completely satisfied that the public process was legal at the time of this application?

COMMISSIONER KOLLURI: I will say this, Assemblywoman. From our perspective, we've followed every single requirement as set forth. And again I want to reiterate, none of the things we've done was arbitrary or capricious. We've followed the process.

ASSEMBLYWOMAN KARROW: That I understand. I want to know for the record if when all the reviews were done-- I mean, I've had applications in Hunterdon County thrown back because a display ad didn't follow the Federal guideline. Okay? I want to know that from the DEP and DOT's perspective, from your review of the records and the documentation, the Borough of Atlantic Highlands properly followed the procedure at the time.

MS. YEANY: Yes, we're satisfied that it did. I mean, we fully expect with this level of comment that litigation could result from what we're hearing. So when we reviewed the letters, we went point by point, and we feel the application is defensible under the rules that applied at the time.

ASSEMBLYWOMAN KARROW: Okay. Thank you.

SENATOR SMITH: Let's get the same warm and fuzzy from our attorney. (laughter) Are we on solid ground if we move forward today?

MR. SHAUGHNESSY: We would have to go into Executive Session, I think, to receive legal advice, I think, Senator. We could make a motion.

ASSEMBLYWOMAN KARROW: Just one other point, in case -- whatever we do. To the DEP, a simple, simple little thing that could be done on the other side of the bridge, before the entrance to Sandy Hook, is to move that sign that says, "Sandy Hook Closed," before the traffic light on the Atlantic Highlands' side of the bridge, so that traffic can turn around there -- instead of having to stop traffic and block up--

MS. YEANY: I think we'd probably have to talk to the Feds about that, but we could ask our parks people to do that.

ASSEMBLYWOMAN KARROW: It would be real easy to not have a Federal park ranger there stopping traffic; to have people turn around because the park is full.

MS. YEANY: Okay.

MR. ZIMMERMAN: Very good.

Thank you.

COMMISSIONER KOLLURI: Thank you.

MR. ZIMMERMAN: Any interest in doing anything other than asking for a motion at this point in time, Senator?

In that case, let me ask if there's--

SENATOR SMITH: Move the application.

MR. ZIMMERMAN: Motion to move the application, Senator.

A second?

ASSEMBLYWOMAN KARROW: Second.

MR. CRANE: All in favor? (Ayes respond)

Opposed? (no response) None

The motion carries.

Mr. Chairman, returning to the agenda, going back to the beginning, Item No. 2: These are requests by the Department of Treasury.

This room is about ready to be occupied by another Committee, so we will move with some dispatch.

The Department of Treasury requests approval to lease the DEP residential property located at 4165 Atlantic Avenue to Robin Ennis for \$860 per month.

Is there a motion?

SENATOR SMITH: So moved.

ASSEMBLYWOMAN KARROW: Second.

MR. CRANE: All in favor? (ayes respond)

Opposed? (no response)

Carried.

Item No. 3, Department of Treasury, a lease of a DEP residential property to Robert Acosta for \$1,122 per month.

Is there a motion?

SENATOR SMITH: So moved.

MR. CRANE: Second?

ASSEMBLYWOMAN KARROW: Second.

MR. CRANE: All in favor? (ayes respond)

Opposed? (no response)

Approved.

The next item is Items No. 4 and 5 -- we will take them together. These are items involved about Stafford Township and the relocation and building of a new DMV facility there. There are two actions before you today: one is to grant the temporary easement, that is No. 4,

which will facilitate this project; and No. 5 is a dispose of five acres of land in order to develop a DMV station on another spot located within the complex. You have before you a memorandum of agreement for the State House Commission and legislative approval between the State and Stafford. This has been negotiated over an exceedingly long period of time and is prepared for your action today. So, Items No. 4 and 5.

SENATOR SMITH: Motion.

ASSEMBLYWOMAN KARROW: Second.

MR. CRANE: All in favor? (ayes respond)

Opposed? (no response)

The Chief Counsel just asked me to announce -- this is the State House Commission. We will be here for another five minutes. Some of you are here for business other than ours, I am told.

No. 6 is the Department of Treasury, requesting on the part of Law and Public Safety to grant an easement to the City of Bordentown for the installation of a new water pipeline.

ASSEMBLYWOMAN KARROW: Moved.

ASSEMBLYMAN WISNIEWSKI: Second.

MR. CRANE: All in favor? (ayes respond)

Opposed? (no response)

It's approved.

Department of Treasury and Department of Law and Public Safety, to dispose of a residential property located at 26 Tyler Street. This is in Trenton City, Mercer County.

ASSEMBLYWOMAN KARROW: Moved.

ASSEMBLYMAN WISNIEWSKI: Second.

MR. CRANE: All in favor? (ayes respond)

No. 8 is being held.

No. 9, DOT, Bureau of Major Access permits, Wireless Communications Unit, requests approval to license a site for the purpose of erecting a 120-foot-high wireless communication's antenna.

ASSEMBLYWOMAN KARROW: Moved.

SENATOR SMITH: Second.

MR. CRANE: All in favor? (ayes respond)

Opposed? (no response)

Approved.

Department of Transportation -- these are the following Department of Transportation, No. 10 and No. 11 -- requests approval to sell 165,000-square feet of vacant land to the office park adjoining the property. This is in Glassboro Borough, Gloucester County.

ASSEMBLYWOMAN KARROW: Moved.

ASSEMBLYMAN WISNIEWSKI: Second.

MR. CRANE: All in favor? (ayes respond)

Opposed? (no response)

Approved.

On Route 22, Watchung Borough in Somerset County, request to lease a lot consisting of 0.074 acres to the adjacent property owner.

ASSEMBLYMAN WISNIEWSKI: Moved.

ASSEMBLYWOMAN KARROW: Second.

MR. CRANE: All in favor? (ayes respond)

Opposed? (no response)

Ordered.

Under the Department of Human Services, there are two items -- No. 12 and No. 13. These are, in effect, separate items but they work together. These are requests by the Department of Human Services for, first of all, to set rates for counties paying for residents in State facilities, and State rates for State patients in county facilities -- which is No. 13. These are consistent, I am told, with the State budget enacted in June, and we are responsible for approving these rates for beginning January 1, 2008, if I remember correctly.

So you could move No. 12 and 13 together.

SENATOR SMITH: So moved.

ASSEMBLYWOMAN KARROW: Second.

MR. CRANE: All in favor? (ayes respond)

Opposed? (no response)

No. 14, Department of Environmental Protection, Allamuchy Township, Warren County, requests approval to quitclaim its interest, if any, in approximately 0.042 acres of vacant property, for no consideration, in order to settle a title action brought by an adjacent property owner.

ASSEMBLYMAN WISNIEWSKI: Moved.

ASSEMBLYWOMAN KARROW: Second.

MR. CRANE: All in favor? (ayes respond)

Opposed? (no response)

Approved.

No. 15--

SENATOR SMITH: Stop there if you might. I ask that the record reflect that I did not participate in No. 15, and I'm recusing myself from it for a possible conflict of interest.

MR. CRANE: Yes, so noted for the record.

No. 15, New Jersey DEP, Division of Parks and Forestry, requests approval to convey two easements to PSE&G as a dam parcel, which is part of the Delaware & Raritan Canal State Park.

ASSEMBLYWOMAN KARROW: Moved.

ASSEMBLYMAN WISNIEWSKI: Second.

MR. CRANE: All in favor? (ayes respond)

Senator Smith is abstaining and recusing himself from that action.

No. 16 has already been taken.

No. 17, South Brunswick Township, Middlesex County, approval to convey 0.25 acres of Pigeon Swamp State Park to the Township of South Brunswick for additional right-of-way in connection with improvement of a road.

ASSEMBLYWOMAN KARROW: Moved.

ASSEMBLYMAN WISNIEWSKI: Second.

MR. CRANE: All in favor? (ayes respond)

Opposed? (no response)

Approved.

Division of Parks and Forestry, DEP, requests approval to lease a portion of Coyle Field to the U.S. Department of the Air Force.

ASSEMBLYMAN WISNIEWSKI: Moved.

ASSEMBLYWOMAN KARROW: Second.

MR. CRANE: All in favor? (ayes respond)

Opposed? (no response)

Approved.

No. 19, in Estell Manor City in Atlantic County: DEP, on behalf of the County of Atlantic, requests approval to allow a diversion of 20.5 acres of Atlantic County Park, at Estell Manor, to accommodate the expansion of the County's Veterans' Cemetery.

SENATOR SMITH: So moved.

ASSEMBLYWOMAN KARROW: Second.

MR. CRANE: All in favor? (ayes respond)

Opposed? (no response)

Approved.

No. 20, DEP, on behalf of the Division of Parks and Forestry, requests approval to exchange a 0.983 acre portion for another lot.

SENATOR SMITH: So moved.

ASSEMBLYWOMAN KARROW: Second.

MR. CRANE: All in favor? (ayes respond)

Opposed? (no response)

Mr. Chairman, if you could entertain a motion to have the State House Commission sit as the Board of Trustees for the Judicial Retirement System.

MR. MOUZON: Yes.

ASSEMBLYWOMAN KARROW: Moved.

ASSEMBLYMAN WISNIEWSKI: Second.

MR. CRANE: All in favor? (ayes respond)

You have two items on the agenda before you -- approval of the minutes of the meeting held on September 27, 2007.

ASSEMBLYWOMAN KARROW: So moved.

ASSEMBLYMAN WISNIEWSKI: Second.

MR. CRANE: All in favor? (ayes respond)

Opposed? (no response)

Second, is confirmation of death claims, retirements, and survivor benefits.

ASSEMBLYWOMAN KARROW: So moved.

ASSEMBLYMAN WISNIEWSKI: Second.

MR. CRANE: All in favor? (ayes respond)

Opposed? (no response)

A motion to adjourn as the Board of Trustees of the Judicial Retirement System?

ASSEMBLYWOMAN KARROW: Moved.

ASSEMBLYMAN WISNIEWSKI: Second.

MR. CRANE: All in favor? (ayes respond)

A motion to adjourn as the State House Commission?

ASSEMBLYWOMAN KARROW: Moved.

ASSEMBLYMAN WISNIEWSKI: Second.

MR. CRANE: All in favor? (ayes respond)

Opposed? (no response)

Happy holidays.

**(MEETING CONCLUDED)**