
Commission Meeting

of

NEW JERSEY COMMISSION ON CAPITAL BUDGETING AND PLANNING

LOCATION: Committee Room 16
State House Annex
Trenton, New Jersey

DATE: September 10, 1999
10:00 a.m.

MEMBERS OF COMMISSION PRESENT:

B. Carol Molnar, Chair
Assemblyman Louis A. Romano
Michael R. Ferrara
Margaret M. Villane
Anthony F. Annese
E. Martin Davidoff
Robert A. Roth

ALSO PRESENT:

David Rousseau
(representing Senator Bernard F. Kenny Jr.)
Caroline Joyce
(representing Senator Robert E. Littell)
Jerry Traino
(representing Assemblyman Francis J. Blee)
Gail Alexander
(representing Acting Treasurer Roland M. Machold)

Paul Shidlowksi, Acting Executive Director
New Jersey Commission on Capital Budgeting and Planning



Meeting Recorded and Transcribed by
The Office of Legislative Services, Public Information Office,
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TABLE OF CONTENTS

	<u>Page</u>
John M. Sherry, Ed.D. Assistant Commissioner Division of Field Services New Jersey Department of Education	11
Arthur H. Spangenberg, Ed.D. Manager Management Services Division of Information and Management Services New Jersey Department of Education	16
Ray A. Long Executive Assistant Direct Services Division of Field Services New Jersey Department of Education	18
Ron Goodwin Acting Superintendent Marie H. Katzenbach School for the Deaf	21
Lauren D. Robinson-Brown Assistant Secretary of State New Jersey Department of State	32
Karl J. Niederer Director Division of Archives and Record Management New Jersey Department of State	36
Kathleen Kisko Administrative Director Division of Administration New Jersey Department of State	43

B. CAROL MOLNAR (Chair): I'd like to call the meeting to order. In accordance with the open public meetings law, the Commission has provided adequate public notice of this meeting by giving written notice of the time, date, and location. Notice of the meeting has been filed at least 48 hours in advance by mail to the Trenton *Times* and the *Star-Ledger* and filed with the Office of the Secretary of State.

Now take the roll.

MR. SHIDLOWSKI (Acting Executive Director): Mr. Davidoff.

MR. DAVIDOFF: Here.

MR. SHIDLOWSKI: Mr. Roth.

MR. ROTH: Here.

MR. SHIDLOWSKI: Mr. Annese.

MR. ANNESE: Here.

MR. SHIDLOWSKI: David Rousseau, representing Senator Kenny.

MR. ROUSSEAU: Here.

MR. SHIDLOWSKI: Caroline Joyce, representing Senator Littell.

MS. JOYCE: Here.

MR. SHIDLOWSKI: Assemblyman Romano.

ASSEMBLYMAN ROMANO: Here.

MR. SHIDLOWSKI: Jerry Traino, representing Assemblyman Blee.

MR. TRAINO: Here.

MR. SHIDLOWSKI: Gail Alexander, representing Treasurer Machold.

MS. ALEXANDER: Here.

MR. SHIDLOWSKI: Commissioner Mintz. (no response)

Mr. Ferrara.

MR. FERRARA: Here.

MR. SHIDLOWSKI: Ms. Villane. (no response)

Ms. Molnar.

MS. MOLNAR: Here.

MR. SHIDLOWSKI: Madam Chair, we have a quorum.

MS. MOLNAR: Thank you.

The next item on the agenda is the Executive Director's Report.

We'll ask for the approval of the minutes dated August 13, 1999.

ASSEMBLYMAN ROMANO: Madam Chair, I wonder if I may--
My zeal, sometimes, comes out in print almost as if in a statement. If I could
ask you to go to Page 57 -- from the bottom -- line 9.

In here it's included as that's not the providence of this particular
Commission. Actually, the word is provenance, P-R-O-V-E-N-A-N-C-E. Plus,
on the next page -- and I was reading right from our statute.

As we have in many other situations as to being necessary and
convenient, here we change the whole meaning -- that it says "and
inconvenient." I'm sure I didn't say that. So it would be, "as to being
necessary and inconvenient." I don't think anybody has a problem with that.
In the last line--

I think that had to be said, Madam Chair. I excuse myself for
being impassioned, but I felt it had to be said. Because when I said I excuse
myself when I get impassioned, I think it changes. I don't want it to come out

wrong. Other than that, I would just respectfully ask that the minutes be changed, because who knows where these minutes are going to end up.

MS. MOLNAR: Right.

MR. DAVIDOFF: Madam Chair.

MS. MOLNAR: Yes.

MR. DAVIDOFF: I have some other changes also.

MS. MOLNAR: Mr. Davidoff.

MR. DAVIDOFF: On Page 8, Mr. Mortimer says, "I think that in our sense," I believe it was "in one sense" -- the first line of his -- on Page 8, the first line of his testimony.

Down at the third Mr. Davidoff--

MS. MOLNAR: Hold on a second.

MR. DAVIDOFF: Okay.

MR. SHIDLOWSKI: I'm sorry, would you say that again?

MR. DAVIDOFF: On Mr. Mortimer-- On the first time his name is there, in the first line, it says, "I think that, in our sense." I believe he said in one sense.

MR. SHIDLOWSKI: Okay.

MR. DAVIDOFF: All right. And on that same page, at the third Mr. Davidoff, it starts "The next thing is the--" In the second line it says, "indiscernible." I believe the word was funds, so that it would read, "to an appropriation of funds."

MR. SHIDLOWSKI: Okay.

MR. DAVIDOFF: Then we turn to Page 24-- I must be mumbling at these, because there are a lot of indiscernibles. Where my

discussion starts -- third line, "This is a building-- Now, this is not." It should have said, "a building acquired from the Mercer County Improvement Authority." So the missing words are "a building acquired."

Going to Page 26, the third line from the bottom starts out, "the flexibility so that if the" and the word should be standards.

Page 39, there is a -- at the second Mr. Davidoff -- at the last line, the first word is "particular." It says, "I understand that," and then it says "indiscernible." I believe it should read "you have had hearings on this matter." So it should read, "I understand that you have had hearings on this matter. Is that correct?"

Page 56, at the third Mr. Davidoff, it reads, "but the statement made earlier that the towers are being invented"-- I don't think the word was invented that I said. I think the word was abandoned.

And finally, just the last thing for a note, and you may not be able to do it on these minutes, but in the future, on Page 60, where it says meeting concluded, I think we should have a time just for a record in the future.

My colleague here is-- I don't know what I said--

That's all for now, thank you.

MS. MOLNAR: Thank you.

Any other corrections or comments? (no response)

Do we have a motion to approve as amended?

ASSEMBLYMAN ROMANO: I make the motion as amended by Mr. Davidoff and myself.

MS. MOLNAR: Thank you.

Do I hear a second?

MR. FERRARA: Second.

MS. MOLNAR: Thank you.

Okay, take a vote.

MR. SHIDLOWSKI: Mr. Davidoff.

MR. DAVIDOFF: Yes.

MR. SHIDLOWSKI: Mr. Roth.

MR. ROTH: Yes.

MR. SHIDLOWSKI: Mr. Annese.

MR. ANNESE: Abstain.

MR. SHIDLOWSKI: Mr. Rousseau.

MR. ROUSSEAU: Abstain.

MR. SHIDLOWSKI: Ms. Joyce.

MS. JOYCE: Abstain.

MR. SHIDLOWSKI: Assemblyman Romano.

ASSEMBLYMAN ROMANO: Yes.

MR. SHIDLOWSKI: Jerry Traino.

MR. TRAINO: Yes.

MR. SHIDLOWSKI: Ms. Alexander.

MS. ALEXANDER: Yes.

MR. SHIDLOWSKI: Mr. Ferrara.

MR. FERRARA: Yes.

MR. SHIDLOWSKI: Ms. Villane.

MS. VILLANE: Yes.

MR. SHIDLOWSKI: Ms. Molnar.

MS. MOLNAR: Yes.

MR. SHIDLOWSKI: The minutes are approved as amended.

MS. MOLNAR: Thank you.

This is our reorganization meeting, so at this time we will call for the election of the Chair.

ASSEMBLYMAN ROMANO: Madam Chair, with your permission, even though I will not be here after January-- If you'll allow me, I would like to renominate you for the Chair.

MS. MOLNAR: Thank you, Assemblyman.

MS. VILLANE: I'll second that motion.

MS. MOLNAR: Thank you.

Take a roll call.

ASSEMBLYMAN ROMANO: No, wait a minute. You have to close the nominations.

MS. MOLNAR: Do I have any more nominations?

ASSEMBLYMAN ROMANO: I thought for a minute this was Hudson County. (laughter)

MS. MOLNAR: Are there any more nominations? (no response)

If not, I will close the nominations.

Take a roll call.

MR. SHIDLOWSKI: Mr. Davidoff.

MR. DAVIDOFF: I'd be pleased to say yes.

MS. MOLNAR: Thank you.

MR. SHIDLOWSKI: Mr. Roth.

MR. ROTH: Yes.

MR. SHIDLOWSKI: Mr. Annese.

MR. ANNESE: Yes.

MR. SHIDLOWSKI: Assemblyman Romano.

ASSEMBLYMAN ROMANO: Yes.

MR. SHIDLOWSKI: Ms. Alexander.

MS. ALEXANDER: Yes.

MR. SHIDLOWSKI: Mr. Ferrara.

MR. FERRARA: Carol has done a great job. I will say yes.

MR. SHIDLOWSKI: Ms. Villane.

MS. VILLANE: Yes.

MR. SHIDLOWSKI: Ms. Molnar.

MS. MOLNAR: Yes.

Well, thank you for your vote of confidence, but I want to thank you all, Commission members. You are always so well prepared and dedicated. This Commission wouldn't work so well unless you did your homework. It's been terrific serving with you guys and gals. So thank you very much for your time that you spend.

The next item of business is the Executive Director's Report.

MR. ROTH: Excuse me, Ms. Molnar.

MS. MOLNAR: Yes.

MR. ROTH: Shouldn't we be voting on a Vice-Chairman as well?

MS. MOLNAR: We haven't voted on the bylaws yet, so--

MR. ROTH: All right.

MS. MOLNAR: Once the bylaws pass, then we will have to elect a Vice-Chair.

The Executive Director's Report--

MR. SHIDLOWSKI: I just have a few brief remarks, Madam Chair.

I had included in the briefing packets for the Commission members, a little spreadsheet that depicts the results of last year's capital planning cycle.

Just to briefly recap, the departments have requested approximately \$1.3 billion worth of capital improvements. The Commission had recommended \$917 million of that, and the Legislature subsequently appropriated \$860 million. That final number needs to be adjusted a little bit. There was some reorganization of the budget.

MS. MOLNAR: I don't think the public members got this. Did you get it?

MR. FERRARA: It's the third page of the -- announcing when the meeting will be.

MS. MOLNAR: Oh.

MR. FERRARA: It's just a one-page document.

MR. DAVIDOFF: Behind the agenda.

MS. MOLNAR: Okay, thank you.

MR. SHIDLOWSKI: So to recap, the Legislature finally appropriated \$860 million of capital construction funds. That number needs to be reduced by approximately \$65 million, due to the fact that there was some reorganization of the budget, which added \$65 million to capital construction that had not previously been classified as capital.

This is the largest capital program ever. It represents the largest percentage of the Commission's recommendations appropriated, at least during

my tenure as Executive Director. Mr. Ferrara might be able to comment. But this is 87 percent of the Commission's recommendations with the adjusted number, which is much higher than I ever recollect in the past.

For Commission members' information, we've distributed today several items of correspondence that were related to our last hearing on the Special Treatment Unit, which was subsequently recommended by the Commission. By the way, the Building Authority had their hearing on Wednesday night. I understand that there was a spirited but orderly discussion of the location of the Special Treatment Unit.

ASSEMBLYMAN ROMANO: Did they vote on it?

MR. SHIDLOWSKI: Well, there is no vote involved. It's just a question of taking public testimony at that particular hearing.

ASSEMBLYMAN ROMANO: Oh, I see.

MS. MOLNAR: It goes to the Legislature.

MR. SHIDLOWSKI: That becomes part of the record, which is sent to the Legislature.

MR. DAVIDOFF: I take it there was no testimony in favor of it.

MR. SHIDLOWSKI: I think that's probably fair to say.

The Commission members can see from today's agenda that the schedule had been changed from what we had tentatively sent out earlier. Both the Departments of Agriculture and Health have been rescheduled. Both Secretary Brown and Commissioner Grant had wanted to make their presentations of the capital needs of their departments personally. They had schedule conflicts that wouldn't permit them to appear here today. So we've

rescheduled them for subsequent meetings, which kind of backs up our schedule next week.

MS. MOLNAR: Can we start this--

MR. SHIDLOWSKI: We can if that's what your choice is.

MS. MOLNAR: Now, some items -- departments were moved to October 1. So there are six departments on that date.

I was just asking Paul if perhaps we could start earlier. Would that be a major problem, to start at 9:30 a.m. instead of 10:00 a.m.?

MR. DAVIDOFF: Sometimes the problem-- If you get here too early, you run into the traffic. Nine-thirty is probably okay.

MS. MOLNAR: It's a long agenda, and I have a time constraint on that date.

MR. ROTH: From where I'm coming, I can leave my house a half-hour earlier, and I will still get here at the same time.

MS. VILLANE: You don't know the way to get here.

MS. MOLNAR: Can we shoot for 9:30 a.m.? Even if we have to start at 9:45 a.m., every minute helps. It's such a large agenda.

MR. DAVIDOFF: And if Paul arranges for the coffee, I will bring the bagels this time.

MS. MOLNAR: All right, all right. We'll keep everyone awake with coffee and bagels.

Okay.

MR. DAVIDOFF: I have a question for the Executive Director.

MS. MOLNAR: Sure.

MR. DAVIDOFF: I don't see here the Treasury's debt report in our schedule -- tentative schedules.

MS. MOLNAR: November 12.

MR. DAVIDOFF: November 12.

Oh, okay, debt report presentation.

MR. SHIDLOWSKI: It's being worked on as we speak.

MS. MOLNAR: Any other questions or comments on that? (no response) If not--

Okay, we'll start with our first capital request presentation. The first department is the Department of Education.

Dr. Sherry, I would like to welcome you.

ASSISTANT COMMISSIONER JOHN M. SHERRY, Ed.D:
Good morning.

Madam Chair and members of the Commission, good morning and thank you for the opportunity to testify about the Department of Education's Fiscal Year 2001 capital budget request. My name is John Sherry, and I'm Assistant Commissioner of the Division of Field Services.

Our Department's funding requests are in two areas, the Marie H. Katzenbach School for the Deaf and the Regional Day Schools for Children With Disabilities.

At the outset, I would like to publicly thank Mr. Paul Shidlowski and Mr. Ted Kukowski of the Commission Staff for their assistance and advice in preparing this budget request. Their continued support has been greatly appreciated.

I would also like to introduce my colleagues from the Department of Education. To my left, Dr. Arthur Spangenberg from the Office of Administration; to my far right, Mr. Ron Goodwin, Acting Superintendent of the Katzenbach School for the Deaf; and Mr. Al Long, from my division, who serves as liaison to the Katzenbach School and the Regional Day Schools.

The capital projects that you approved last year and which were appropriated in the State's Fiscal Year 2000 budget are scheduled for completion this year. Your support of the priority projects we have identified for Fiscal Year 2001 is especially crucial if we are to fulfill our responsibilities, under State law, to provide a healthy and safe environment for the students with disabilities who attend these State schools.

We have carefully reviewed the requests submitted by the schools and have included in our package nine priority projects that we consider critical to the maintenance of the buildings and to the health, safety, and well-being of the students who use them.

Our total request, \$3.199 million, is based on a thorough review of all the requests submitted by the Marie H. Katzenbach School for the Deaf and the Regional Day Schools.

We have carefully reviewed all requests and have included only the most essential projects for your consideration. Although I am aware of the constraints on funding for capital projects, I can say that each of the projects I am proposing is essential and merits your serious consideration and full support.

The Katzenbach School for the Deaf provides facilities for educational, vocational, and residential programs for deaf and hard of hearing

students. Many of the students have additional disabilities which further compound their needs. The campus is composed of 31 State-owned buildings. The Department is requesting funding for five projects at the school, totaling \$1.309 million. Priorities 4, 5, 7, 8, and 9 reflect the current capital construction needs at Katzenbach.

Priority 4 requests \$560,000 to replace the air conditioning units at the vocational high school. The current units are 24 years old and are frequently in need of costly repairs. The replacement of these antiquated units will achieve a significant reduction of maintenance and utility costs.

Priority 5 is a request for \$186,000 to upgrade the overall campus lighting. Lighting in various areas of the campus is limited and presents a significant safety concern for the students and staff members who are involved in evening activities.

Priority 7 addresses the need to replace the water and sewer lines in Building 29 at a cost of \$225,000. The domestic water and sewer pipes, along with their fittings, are worn, clogged, and leaking due to age. This portion of the system has reached the end of its service life. There exists a high potential for breakage and leaks, which underline the need for this project.

Priority 8 is a request for \$138,000 to install control valves at the building level in the existing steam and water distribution system. Currently, a system-wide steam or water shutdown is necessary to work on the respective lines. A series of control valves will facilitate the control of the system and necessary repairs.

Priority 9 involves the expenditure of \$200,000 to upgrade the electrical wiring in Building 7. The existing system has experienced repeated

shutdowns due to the increased electrical load demands of a modern school operation.

The Regional Day Schools: The Department of Education is required by law to operate 11 Regional Day Schools located in 10 counties throughout the state. At this time, all of the schools are operated by local education agencies under contract with the Department. Operating expenses are generated entirely through tuition charged to local districts which send students to the Regional Day Schools. Most of our buildings are 15 years old or more, and we are beginning to see a pattern of need for replacement of key structural building units.

The Department is requesting funds for four projects at the Regional Day Schools at a cost of \$1.89 million.

Priority 1 is for \$350,000 to replace the roof at the Jersey City Regional Day School. The roof is over 15 years old and leaks frequently. This roof replacement is consistent with roof replacement needs at other similar and like-aged Regional Day Schools.

Priority 2 involves spending \$540,000 to replace the heating and cooling system at the Regional Day School at Morris. This will involve removing and replacing 18 EDPAC heating-cooling units, a rooftop package unit, and two heat pumps. These 20-year-old units have reached the limit of their service life, with frequent breakdowns and repairs.

Priority 3 requests the replacement of the EDPAC heating-cooling units at the Regional Day School at Newark at a cost of \$200,000. The units frequently break down, which necessitate replacement before we experience

associated health problems to the children with severe disabilities who are served by the facility.

Priority 6 involves the installation of wet fire sprinklers at six Regional Day Schools at a cost of \$800,000. The Regional Day Schools at Jersey City, Bleshman, Morris, Jackson, Corbin City, and Mannington have all had on-site fire inspection visits conducted this year by Arkwright Mutual Insurance Company, which carries the coverage on these buildings. In every case, the recommendation was made that fire sprinkler systems be installed to safeguard the facility and its population of children with severe disabilities. Our long-term, seven-year plan includes requesting funding for sprinklers for the remaining five Regional Day Schools in FY 2002.

This completes my presentation. Thank you for your consideration of our requests. Your continued support is very much appreciated. I will be glad to respond to any questions which you may have.

MS. MOLNAR: Thank you.

Any questions or comments from the Commission members?

MS. VILLANE: I have a question.

At the Regional Day Schools, what kind of fire sprinkler systems do you have now, if any?

ASSISTANT COMMISSIONER SHERRY: There is no fire sprinkler system currently in place at the Regional Day Schools. They do have a fire alarm system -- or fire evacuation system. At the time that the Regional Day Schools were brought on line in construction, this type of system was not required, but it would be required now if we were to replace those buildings.

MS. MOLNAR: Assemblyman.

ASSEMBLYMAN ROMANO: Just a few comments, if you'll allow me, Madam Chair.

I'm well aware of the fact that because in the past few years, even though some of the items were considered priority items, they were not awarded, finally. So far be it from me to second-guess the Department.

Is Mr. Corso here today?

ASSISTANT COMMISSIONER SHERRY: Mr. Corso has received a promotion and is now in charge of personnel at the Department. Dr. Spangenberg is in, what was, Mr. Corso's place.

ASSEMBLYMAN ROMANO: Doctor, not to slight you, but I figured in my last presentation with Education, I would have my good colleague, Mr. Corso, here with me.

Welcome aboard.

ARTHUR H. SPANGENBERG, Ed.D: Thank you, sir.

ASSEMBLYMAN ROMANO: I say this for the benefit of OMB, who I know will review this even further based upon the comments made here today.

When we talk about the replacement of recreation equipment -- this is part of the situation I could never really understand -- where school buildings at the local school level were subjected to the most vigorous regulations, but yet at the State level, there was always that reluctance to meet the chapter and verse of the law which covered the local school districts.

So I just say that -- especially when we start talking about the replacement of recreation equipment. The Legislature recently passed new standards for recreation. This has to be done. I mean, if you are in need of

replacing, you have to do what the ultimate standards which are in place right now.

And as far as the Katzenbach School, the only thing I would say, is there any private corporation who is out there looking to put their name on the school to maybe pay for something, and/or, will the school be there or is there any consideration about privatizing Katzenbach School?

ASSISTANT COMMISSIONER SHERRY: There is no consideration at this time in the Department of Education or the administration to privatize the Katzenbach School. Our enrollment has been in the area of 250 to 260 daytime and residential students, plus, the institution is now involved in outreach to assist all of the school districts in the State of New Jersey with providing services for the deaf and hard of hearing.

ASSEMBLYMAN ROMANO: The last thing I would like to see is putting all this money into the school, deservedly, which is expected to go there, and then someone says, "You know, I have an excellent idea. Let's privatize the Katzenbach School." I've seen this in other local areas where, after work is being done -- and then they want to take the school down.

You have my complete support, and thank you for all the kindness you have extended me during these meetings.

I have no other comments, Madam Chair.

MS. MOLNAR: Mr. Rousseau.

MR. ROUSSEAU: What surprises me here, actually, is that I think the Department has been a little timid on its request here. I think it could probably be -- especially in this time of -- I don't know what word to use here, but budget surpluses and things like that-- One of the things, maybe, we

should be looking at spending money on is getting ahead on the capital needs of the state. It does two things. One, it's a one-time cost so that years down the road, when we don't have the revenue coming in, it's not a problem later on if we use the money to start a program. I'm just surprised-- I don't see why we shouldn't be doing -- why you shouldn't be doing both sets of sprinkler systems this year -- packaging them and doing all the schools, probably getting a little bit of a better cost if you go out and--

Let me ask you a question. When you go out and bid these, do you have to bid the sprinkler system for each school separately or can you package?

DR. SPANGENBERG: It can be done both ways. Either way, a great deal of it will depend on the types of service and the type of buildings that are represented by the Regional Day Schools. There is a standardization of construction there, which, right off the top of my head, I'm very sure that we would be able to put a similar package of sprinklers together for a number of the buildings. That may go from two to five of them.

MR. ROUSSEAU: How is the decision made on which schools to do this year, versus which schools to do next year? Was it just done by age of the building, or was there some--

RAY A. LONG: Maybe perhaps I can respond to that.

First of all, we really looked at it. We tried to watch the budget very carefully, because we know there are limitations to funding. Obviously, it is a job that we are clearly interested in getting done. We had selected the facilities that were cited this year, by the insurance company, as needing them. Now, obviously, they all need them. But we wanted to do it in this stage

because, clearly, we felt there are limitations on funding. We didn't want to come in and get shot down, frankly. We want your full support on this.

ASSISTANT COMMISSIONER SHERRY: We would be more than willing to work with Madam Chair and the staff of the Commission and provide you with information about the cost to do all 11 schools in one year, rather than attempting to do it in two years.

ASSEMBLYMAN ROMANO: Madam Chair, a question on that point.

MS. MOLNAR: Sure.

ASSEMBLYMAN ROMANO: I've been away from the actual regulations dealing with school construction. Is it now part of the regulation that all schools, let's say a newly built, will have sprinkler systems?

ASSISTANT COMMISSIONER SHERRY: In certain areas.

ASSEMBLYMAN ROMANO: In certain areas.

ASSISTANT COMMISSIONER SHERRY: Yes, in certain areas.

ASSEMBLYMAN ROMANO: Okay. Is that what you're talking about here?

ASSISTANT COMMISSIONER SHERRY: Yes, that's what we're talking about.

ASSEMBLYMAN ROMANO: You're not talking about every classroom.

ASSISTANT COMMISSIONER SHERRY: No.

ASSEMBLYMAN ROMANO: Okay, thank you.

MS. MOLNAR: Thanks for clarifying that.

Any other questions or comments?

Mr. Davidoff.

MR. DAVIDOFF: I also concur that -- especially if you can get some cost savings from doing the sprinklers in one year -- instead of \$1.5 million you can do it for \$1.3 million. Certainly, the overall savings make some sense.

I do have a question about something you have for the FY 2002. You have a bathroom, handicap accessible, \$75,000 for the Hamilton Regional Day School. Are their bathrooms now not handicap accessible?

MR. LONG: It is my understanding, sir, that they are not. They did send us a photograph, and I can show you from that that they would not be--

MR. DAVIDOFF: My thinking is that you might want to accelerate that, or at least talk to staff depending on how critical. There are some things here that I may not necessarily agree with -- some of my colleagues, and I do have some questions about it.

First of all, you have three air-conditioning units. And we had these questions last year, and I'm going to pose them again. On the Katzenbach School, first of all, what is the population of that building during the summer?

ASSISTANT COMMISSIONER SHERRY: I have that for you. There are-- During the school year, we have 96 pupils. In the summer, there are 40 children who attend from the School for the Arts, and we have 50 elementary children who receive services. So we have, approximately, 90 children who are there in the summer.

MR. DAVIDOFF: Now, the children who are there in the summer -- the 40 -- the School for the Arts, these are not deaf children. These are children who are otherwise capable?

RON GOODWIN: Yes, they are otherwise capable.

MR. DAVIDOFF: And the other 50 children?

MR. GOODWIN: They are our children.

ASSISTANT COMMISSIONER SHERRY: They are deaf children.

MR. DAVIDOFF: And they are there throughout the summer?

MR. GOODWIN: They are there for the month of July.

MR. DAVIDOFF: For the month of July.

Okay, now, how many times a summer has the system broken down and been not operable when we had a superhot summer?

MR. GOODWIN: The system broke down--

MR. DAVIDOFF: You might want to say your name and get into the record.

MR. GOODWIN: My name is Ron Goodwin. I'm Acting Superintendent.

During the past year, the system has broken down between 25 times and 30 times. It's a regular occurrence. The temperatures are unreliable, the humidity is unreliable, and the building itself is not meant to be ventilated by windows, but rather by mechanical means, by the HVAC system.

MR. DAVIDOFF: All right. So the system was such that you were without air-conditioning for periods of time this summer?

MR. GOODWIN: That's correct.

MR. DAVIDOFF: Okay. How long were the periods of time?

MR. LONG: If I may, sir. I think probably in presenting this as air-conditioning, and I think this was one of the problems that you had last year-- We did a little bit more digging on this. This is really an HVAC because, again, it controls the air quality in that system.

ASSISTANT COMMISSIONER SHERRY: We now know this is an air-quality issue where it also is part of the heating and distribution system as well as the air cooling. The heating system is a steam central plan, but it is distributed through this, and the air is electrical.

And the other issue is the vocational school is one of the newer buildings. It was constructed on the campus of Katzenbach, and the windows do not readily open, so this is really an air-quality issue.

MR. DAVIDOFF: Okay.

Going to the-- And I saw there is a cost savings here with maintenance, on this particular one, of \$15,000 a year.

By the way, the Katzenbach is 560; although, it seems, in your summary here, that we have-- On Page 2 it says 540.

ASSISTANT COMMISSIONER SHERRY: Check that.

MR. DAVIDOFF: I assume-- It was 540 last year, and I assume it is up -- a little more expensive.

ASSISTANT COMMISSIONER SHERRY: Right.

MR. DAVIDOFF: The second thing is-- Looking now at the other HVAC units in Morris and Newark, I see that you're projecting no cost savings in neither of those. Are these less critical -- the repairs versus those at Katzenbach? I'm looking now at the -- these sheets.

ASSISTANT COMMISSIONER SHERRY: It's very difficult for us to establish, on those, what the cost savings might be. We would hope that if we are installing new equipment, with the state-of-the-art technology, that there would be some cost saving. But we, quite frankly, have not been able to determine what that would be.

MR. DAVIDOFF: On these two units, there is not a lot of breakdown? Is that why -- at this time?

MR. LONG: There have been a number of breakdowns. Again if you're looking at-- Now you were talking about Regional Day at Morris, I believe?

MR. DAVIDOFF: Morris and Newark.

MR. LONG: At this point, the system in Morris-- It is our understanding that it costs about \$15,000 per year to maintain, and reportedly, it is in constant need of attention for monitoring and repair activities.

I believe you were also looking at-- You were also speaking to Newark, I believe?

MR. DAVIDOFF: Yes.

MR. LONG: Okay. Apparently, this past year I know that on three different occasions, the air-conditioners had to be recharged, and I believe the compressor had to be replaced. So obviously, we do frequently have some breakdowns, and it is costly. It is costly.

MR. DAVIDOFF: Okay, well--

MR. LONG: And these are youngsters, sir, who are really severely disabled. Air quality is critically important.

MR. DAVIDOFF: I understand that, and I certainly, you know, want to make sure that they're taken care of. However, I also want to make sure that the taxpayers of this state are-- We have priorities here, and we all have to make some decisions.

I'm going to ask you, through the Chair, if you would please just provide some information to the staff about how many breakdowns, how frequently, what's the summer population of these other two. It sounds like Katzenbach-- I know you were here last year, so that is obviously a priority, and was pushed off one year. Maybe now it should be done. But on these other two, I would appreciate it if you could take a look at that.

The other thing is-- The last item I wanted to ask about is the roof replacement of the Jersey City Regional Day School. Generally, even residential roofs last 20 years to 25 years. You're talking here a 15-year roof. Why are these needing replacement now? Have you not been maintaining them properly? Have you been doing the annual maintenance on them? If you could give us some overview on that, please.

DR. SPANGELBERG: It's ironic that in my own career, I'm back to Regional Day Schools 20 years later. I was involved in the--

ASSEMBLYMAN ROMANO: Could you put your button on please? (referring to amplification microphone)

DR. SPANGELBERG: I'm sorry.

I was involved in building them.

MR. DAVIDOFF: His button is on.

You'll just have to talk into the mike.

DR. SPANGELBERG: I was involved in building these buildings 20 years ago -- planning and finding the contractors that built them, and I can vividly recall having conversations with architects and builders. Twenty years ago, we had an oil crisis, and they talked about the blankity-blank new laminate roofs -- flat roofs that were going on in schools across the United States -- and the good old days of the multifeet thick asphalt was long gone. As I look at these failures coming across from the schools, it's almost as if the architect was prophetic in knowing that these things were going to fall. They are not what we would traditionally see on our homes. They are not shield roofs. It's a laminate roof that uses a plastic and an asphalt--

I see you shaking your head. (referring to panel member)

Anybody that's involved with school buildings -- newer school buildings-- It's a new technology. And 20 years ago, it was brand-new technology. It wasn't then at the quality level that it is now. So we're seeing what was a new technology 20 years ago, reach its service life. And we're seeing it in all of our buildings. It's not a matter of not maintaining them. We have our insurance coverage carriers go out and inspect these buildings regularly. If they find things wrong, we replace or fix them on the spot. But we are finding that this laminate technology, which was new 20 years ago, is failing.

MR. DAVIDOFF: Something you just said raised a question in my mind. Why do you wait for the insurance companies to find something wrong? Aren't you inspecting these buildings on your own?

DR. SPANGELBERG: Yes, we do, but an insurance company inspector may look at it a little bit differently than we do. I would not think

to climb up on a roof with a ruler and measure the depth of the rock at a particular place. It is something, since it is their job -- that's what they do. In one particular place, they found that we were a quarter of an inch short. How, over the years the rock got moved a quarter of an inch, I have no idea, but we, in fact, had to put some more slag up there and cover it another quarter of an inch.

That's their job. That's what they're trained to do. We look to experts to help us do our jobs, as other people look to us to help them from our expertise.

MR. DAVIDOFF: Thank you very much.

I do have one request, through the Chair, to our Executive Director, I think. It would be helpful to see the prior year request and what got approved and not approved. Are we going to get that for everything, or are we going to get it as the departments come through? Could we get it?

MR. SHIDLOWSKI: Yes, I'll have to check on how easy that is to provide.

Do you guys have a sense of how easy that would be to provide the actual appropriations?

I think Mr. Davidoff is -- he would like to correlate these against what the Commission recommended.

MR. DAVIDOFF: Yes. In other words, I would like to see last year's--

MR. SHIDLOWSKI: I'll have to check into that.

MR. DAVIDOFF: I always bring up the prior years, and I would like to know which one of the prior year's was recommended and, ultimately, got into the budget. I think you used to have some analysis of that.

MS. MOLNAR: Yes.

MR. DAVIDOFF: And we had gotten it for all of them together. And then I would bring that book with me.

MR. SHIDLOWSKI: Okay.

MS. MOLNAR: That's right. In prior years, we did see what was recommended.

Any other questions?

Mr. Annese.

MR. ANNESE: I'd like to follow up a little bit on the sprinkler system, since it appears as if the Commission is interested in expanding that.

I noticed on your request that you didn't give any indication of the increase or decrease in your operating costs regarding the wet sprinkler system. Now, it is my understanding that in many situations, a wet sprinkler system usually requires a significant standby cost from the municipality or whoever is supplying their water. Have you looked into that possibility that you'll have any standby costs for a wet system?

ASSISTANT COMMISSIONER SHERRY: No.

MR. ANNESE: No, meaning there will be no standby cost?

ASSISTANT COMMISSIONER SHERRY: I'm not aware that in the installation of this type of a system in a public school building there is any standby cost. I've been involved with school construction for a number of

years. And working at the local district level, we've never had to deal with that as a school.

MR. ANNESE: Okay, fine.

My next question regards your lighting -- your lighting request. Is this because of the special needs of your students?

ASSISTANT COMMISSIONER SHERRY: Yes, the special needs of the students and the type of utilization that is currently existing in the Katzenbach facility and the -- in the evening -- and the type of utilization that we would like to continue to foster. The more people that we can get out there, the more use that we can have of the facility. It will benefit all of us.

MR. ANNESE: Could you tell us a little bit about the extent of your evening programs?

ASSISTANT COMMISSIONER SHERRY: Yes. We have tutoring services in the evening. We have staff members, organizations, student organizations, parent groups that meet there in the evening. There are sporting events associated with the school that occur in the evening and cultural enrichment activities, the Katzenbach Parent Staff Organization, the Citizens' Advisory Board. We also have classes for signers that are conducted in the evening. And the deaf community orients themselves visually. So given the nature of their handicap, it's important for them to have adequate lighting at night. Plus, the security and safety of all those citizens of the state who are on campus at night-- I missed one. We have Proctor Academy out there, and they have evening activities involving parents.

I would say that over the course of the past two to three years, the nighttime activity at Katzenbach has increased.

MR. ANNESE: Okay, thank you.

MS. MOLNAR: Any other questions or comments?

MS. VILLANE: I have a question.

MS. MOLNAR: Yes, Ms. Villane.

MS. VILLANE: The Proctor Academy, do they pay rent to the State?

ASSISTANT COMMISSIONER SHERRY: Yes, they do.

MS. VILLANE: And in their rent, is security included?

ASSISTANT COMMISSIONER SHERRY: There is no separate line for security.

MS. VILLANE: But when you determined how much they should pay the State to have use of the building, you included that. Are they benefiting from some of the things that are at the school already?

ASSISTANT COMMISSIONER SHERRY: It's a two-way street, I would like to believe. We are delighted that the tower building, as it's referred to, is open and alive again and being utilized for an educational purpose, as well as two of the dormitory buildings.

We entered into a five-year lease with them, and Katzenbach is receiving rental income from them for this.

MS. VILLANE: How much is it?

ASSISTANT COMMISSIONER SHERRY: I have the figures for the total rental income, which would include some other-- This would be the gross rental income for Fiscal Year 1998 -- we had \$156,000 in rental income. In Fiscal Year 1999, \$241,000. We're projecting, for Fiscal Year 2000,

\$328,000. We're projecting, for Fiscal Year 2001, \$400,000, and in Fiscal Year 2002, \$484,000.

MS. VILLANE: And the rental income goes directly back to Katzenbach, or does it go to the Department?

ASSISTANT COMMISSIONER SHERRY: The rental income-- It goes back to Katzenbach. There are, obviously, some expenses of having the renter there. But the net from that is used for certain projects at Katzenbach.

MS. VILLANE: Are they used for capital projects, or are they used for programs for the students?

ASSISTANT COMMISSIONER SHERRY: Capital projects.

One of the things that we have done is, for example, Cottages 5 and 6 are no longer used by Katzenbach. They have been standing vacant for some time. The process that we use here does not allow the Department or the school to come to you and request funds to renovate or rehabilitate facilities that are not being used. So we have been able to use some of the proceeds of the rental income, as an example, to do some work in Cottages 5 and 6.

Once those cottages are available, we can either *A*), once again use them for a Katzenbach activity, or *B*), have additional rental income come in. So we're trying to use that income very judiciously and prudently. It's not coming back to the Department. The money stays with Katzenbach for them to use for these types of projects, and, therefore, it's less that we would have to come and ask you for or for projects, which we understand, you cannot undertake.

MS. VILLANE: Do you have any prospects of potential renters for any other part of the building?

ASSISTANT COMMISSIONER SHERRY: Yes, we currently have an agency providing special education services in the lower level of our admissions building. We have a contract that we've entered into with Human Services that a classroom building DYFS -- a classroom building of about two to four classrooms out there would be the state training center for all DYFS workers. And we are continuing to look for appropriate tenants for the campus. I use the word appropriate, because we always want to keep -- take into consideration the nature of the primary activity that is going on out there.

MS. VILLANE: Thank you.

MS. MOLNAR: Any other questions or comments?

ASSEMBLYMAN ROMANO: I move the passage of the resolution affording the Department of Education the finest facilities to which they deserve. Let me just make a point with that though.

In answer to the sprinklers, those sprinklers are only put in areas which the fire marshal determines to be an area that should be sprinkled, in their wisdom. The water, once it goes in, doesn't come out. And, in fact, if you shut the water off in the building, there is a backup valve that holds the water within the system while you're working on the rest of the system. So the loss of water is minimal. And, of course, only when you fill up the system the first time--

Thank you.

MS. MOLNAR: Thank you, Assemblyman.

If there are no other questions, I would like to thank you, gentlemen, for your testimony. We appreciate you coming today.

ASSISTANT COMMISSIONER SHERRY: Thank you for your kindness.

MS. MOLNAR: Our next department is the Department of State. I would like to welcome Assistant Secretary Lauren Robinson-Brown.

MR. DAVIDOFF: By the way, while they're doing that, I just want to point out that the Executive Director did provide us -- in this one -- any evolvement of the capital 2000 budget, which is helpful -- on Page 3 or 4 of their analysis.

LAUREN D. ROBINSON - BROWN: Thank you, Madam Chair, and good morning.

On behalf of Secretary of State DeForest--

MR. DAVIDOFF: The red light has to be on. (referring to amplification microphone)

MS. ROBINSON-BROWN: On behalf of Secretary of State DeForest B. Soaries, Jr., I am honored to join you today in discussion of the priority capital needs of the Department of State.

Since Secretary Soaries joined our Department in January of this year, he has articulated a mission and vision that will help place our requests in context. The mission of the Department of State is to promote and preserve the story of New Jersey's people through our vast and diverse art, historical, and cultural resources. In order to do this, Secretary Soaries envisions a State Department that is the access point of entry to State government for our citizens. In February, the Secretary reorganized our Department into two prime units, Cultural Affairs and Programs, to encourage team planning and to increase efficiency and constituent service.

With that in mind, today, we present four requests, the first of which we will speak of with some urgency.

As you are aware, record keeping is one of the original constitutional duties of the Secretary of State. Our Division of Archives and Records Management has won national recognition for its quality protection of important and irreplaceable State documents and artifacts. Later this month, the Archives will relocate into the new Department of State building at 225 West State Street, giving it the ability, for the first time in its history, to expand and showcase important services being demanded by New Jersey citizens. This move is a vital component in enhancing storage capacity and customer service. Yet, the demand for record storage and efficient record retrieval systems has far outpaced expectations. Even with technological enhancements and without an expansion plan for the Records Center on Stuyvesant Avenue, we project to reach full, 100 percent capacity in three of four critical areas by next year.

The only area that will have capacity, thanks greatly to allocations that you approved last year, is magnetic and optical media storage. We certainly are working to optimize new technology to reduce the demand for paper-storage space, yet the reality is, and studies have shown, that technology does not immediately create paperless environments. It will be many years before each State department fully embraces and invests in the types of technologies that will reduce our storage demand.

Our request for \$232,000 starts the much needed storage expansion process so that this state will not lose its ability to provide quality protection, accountability, and access to important public documents.

Our next three requests all fall in line with the strong desire to revitalize Trenton, the Capital City, and to make it a prime cultural tourism destination. As you know, the renovations to the new Department of State building mark Phase I of a multimillion dollar plan to create a cultural campus. Our new building is envisioned as the entry point or welcome center for the entire campus project.

In support of this vision, last year you approved requests that added to exhibit areas and other functions in the building. This year, we ask for \$58,000 to improve security and modify the design of the Council on the Arts areas to incorporate the Cultural Affairs Unit recently created by Secretary Soaries.

Our request for major funding to support further restorations of Morven, an extension of the State Museum, and the Natural History Hall of the State Museum also further the vision of the Cultural Campus. While Morven is not located in Trenton, the ability to complete interior restorations and make the building sound for auxiliary exhibits and programming offers the added benefits of bolstering the entire image of the State Museum and attracting new audiences to Trenton. The use of Morven is comparable to the widely acclaimed Ballantine House, which compliments and attracts audiences to the Newark Museum.

The state soundly invested in Phase I of Morven restorations, which were primarily exterior. These investments would be diminished without further commitment to open the interior of Morven for public use, education, and benefit.

Finally, we submit a request to restore the Natural History Hall in the State Museum. Our more than 100-year-old museum is in need of drastic overhauls if it is to remain competitive in the museum industry and increase its audience base, which has hovered around 325,000 annual visitors, most of whom are school children. The Museum is an anchor in the Cultural Campus, yet its physical structure will continue to deteriorate, and our conceptual plans risk becoming outdated unless we act deliberately on this critical part of the more extensive and long-term renovations.

New Jersey residents have a proud story to share. These investments will help make government more accessible, interactive, and meaningful to our citizens.

I thank you for your attention.

I would like to introduce to you key members of our staff who are available to ask -- to answer your specific questions.

Kathy Kisko, our Director of Administration, who is to my left; Karl Niederer, Director of Archives and Records Management; Leah Slosberg, Director of the New Jersey State Museum; and Bill Schaumberg (*sic*), who is our Budget Analyst for the Council on the Arts.

MS. MOLNAR: Thank you.

Any questions or comments?

Maggie.

ASSEMBLYMAN ROMANO: One-- Oh, Maggie--

MS. VILLANE: Go ahead, Assemblyman.

MS. MOLNAR: Assemblyman.

ASSEMBLYMAN ROMANO: Okay, this way I can get up and have a cup of coffee.

On the page dealing with the Archives and Records Management, you have a statement in here. I've been looking to see the cost savings, or whatever the case might be, for the other departments. You have in here, if the project is not funded, the reputation earned by the Division for providing secure, efficient records management services at cost -- the client agencies, which are far below those charged in the private sector, has led to a demand for those services, which is far greater than current capacities can accommodate. As a result, state agencies are forced to spend scarce operational dollars for expensive private sector services, or, increasingly, they are retaining semicurrent and archiveable records in expensive office space or transferring them to substandard facilities where they are subject to loss, via slow deterioration or a sudden catastrophe.

I wonder if you could explain that. I mean, I'm all for the retention of documents, archivistic materials, etc. Are you saying to me that the departments of the state send their materials over to you for safeguarding, or do they hold their materials? How does this work?

MS. ROBINSON-BROWN: It's actually rather complicated, and I will ask Karl Niederer to go into more detail.

KARL J. NIEDERER: Through the Chair, Assemblyman Romano, the Division of Archives and Records Management deals, broadly speaking, with two different kinds of records. The Archives, which is going to be located at 225 West State Street and opening soon, deals with purely the permanent historical records of the state and colonial governments. The rest of the

Division, at its record storage center at Stuyvesant Avenue, deals exclusively with the semicurrent, nonpermanent records of the government.

What we're speaking about, in this part of the request, are the latter category of government records. The record center in Ewing has a maximum capacity of 250,000 cubic feet of semicurrent, nonpermanent records, and we're very close to that capacity right now. We know that most departments of State government are using alternate facilities for -- leased space in many cases -- expensive leased space, or using the services of private record storage firms to handle the part of the records that simply won't fit in the State Record Center.

A greater concern to me, frankly, is that part of the department's records which are being kept in what is considered free storage, but which is far below the standard that we would want to have for security and preservation of those records.

For example, the Trenton Psychiatric Hospital has been used, for a number of years, as an alternate record storage location for a number of State departments. It's free, but the hazards that the records are exposed to in that environment -- the leaky roofs and the vermin running around the place, the lack of adequate security controls within the structure puts all of those records at risk. What we're seeking in this request is to evaluate, statewide, what the need for centralized, secure, standard, compliance storage would be under our roof because we're basically at capacity. The building is 20 years old, and the time has come to address the need for more storage.

ASSEMBLYMAN ROMANO: But in this repository of these sort of materials-- Are we only talking about hard copy, or are we also talking about diskettes? Are we talking about computer disks?

MR. NIEDERER: We're talking about all forms of media.

The estimate that we have at this point, for 15 years of storage of paper records and hard copy records, would be an additional 225,000 cubic feet, which is approximately 50 percent more than the current capacity. Excuse me, it's almost 100 percent more of the current capacity in the State Records Center.

ASSEMBLYMAN ROMANO: So actually, while there is no saving -- I didn't come across it -- there's no dollar savings, as we usually request by the addition of some capital project. What you are saying is that at a current operating expense, we do have those departments which are buying space or renting space, whatever the case is.

Don't be fooled by my comments. I'm all for this. You know that. Also for the archivistic sort of materials for our posterity--

I would appreciate, through you, Madam Chair-- Wouldn't it be interesting to find out how much is being paid by the various departments for the keeping of these sort of records?

I don't think there is a line item for record keeping -- it must come out of current operating expense -- so that it would be a justification if someone has a question as to what you're providing. When you do have that finally built, will each department be assessed to pay for space?

MR. NIEDERER: Through the Chair, if I may address the first part of your statement and then your question.

I am certain that there is a substantial amount of State dollars in the discretionary budget so the department's is being spent for leased space or for the contracting services and private record storage vendors, but I do not know what that amount is. Part of the reason for this request is to study that and to find out just what kind of savings would result for centralizing storage in this facility.

ASSEMBLYMAN ROMANO: But ultimately, you do expect to charge against budgets or etc. a cost to each department for what they have there, by volume, capacity, or whatever the case is there.

MR. NIEDERER: We are currently charging, on an annual basis, a flat storage fee for record storage and for storage-related services at the record center. That has been the case since Fiscal Year 1997, when the State Legislature, for the first time, provided an authorization to my Division to assess such charges. But that meets operational expense only. Okay? It's the staff and related administrative services that are funded through that cost recovery.

We are not proposing-- It's probably premature to discuss this. I don't know how we're going to fund the cost of the construction -- that the cost of construction could be amortized through the charges, in the future, for our storage services. I recommend against that because the more that we charge for our services, the greater the disincentive for State agencies to use us.

It's a fact that in State departmental budgets, the spending that is done for record storage and records maintenance is discretionary -- it's a discretionary expense. And what happens in lean budget years is that that's one of first things that doesn't get -- is not spent. Okay? The outlife of that

is cut off. And if we're charging for storage services at the record center, agencies will move the records. They'll let them pile up in their existing offices. They'll seek free storage in substandard facilities, and that is-- In the long run, that is just not the wise way to go. But again, the higher our charges are for services, the greater the disincentive is to use them.

ASSEMBLYMAN ROMANO: I'll finish with this, Madam Chair.

Do you see any possibility where subpolitical bodies will also be able to make use of the facilities, of course, with a cost that they would have to pay? Do you see it only for State agencies, in that broad context of what they mean by State, as against also the subpolitical bodies; a municipality, a board of education, an authority regulated by the State? Would they have access or the ability or the permission to use the State's archivistic facilities?

MR. NIEDERER: Through the Chair.

Assemblyman, the proposal that we're bringing before you today does not envision making the State's record storage services and record storage facilities available to local government entities. But we're asking for money to study the record storage problems of the State of New Jersey. And if our proposal is funded, ultimately, that is something that we could investigate.

ASSEMBLYMAN ROMANO: Is that in this budget -- the investigation that you're talking about?

MR. NIEDERER: What we're asking for is a design study to look for -- look into the long-term storage requirements of the State government, not only for paper records, but for alternate media, optical media, magnetic media, and so forth that you mentioned before.

ASSEMBLYMAN ROMANO: Thank you.

Thank you for giving me that additional time.

This is-- I think you'll recall when we used to sit on the History Task Force, we used to talk about the microfilming. At that time, the disk imaging was still under review as to whether it was going to be accepted, because it didn't have the shelf life like hard paper or microfilm. I'm happy to see that that has become acceptable.

Thank you.

MS. MOLNAR: Mr. Rousseau.

MR. ROUSSEAU: Is there land available at the current site?

MR. NIEDERER: Yes, I believe so. The Records Storage Center in Ewing Township is located on a very large and open site. Our neighbor to the east, I suppose it is, is State Distribution Center. There's a large open space and some parking lots that are adjacent to our building, to the east, which could be evaluated as an area for potential construction.

MR. ROUSSEAU: How old is the current facility? It's not that old.

MR. NIEDERER: The current facility was constructed in 1981 and opened in 1982, so we're nearing the 20-year mark.

MR. ROUSSEAU: Thank you.

MS. MOLNAR: Maggie.

MS. VILLANE: When you talk about permanent and nonpermanent documents, how long do you keep the nonpermanent documents? What are they?

MR. NIEDERER: Nonpermanent documents can be kept anywhere from a few months to many, many years. The distinction between

permanent and nonpermanent is that the permanent are around, potentially, forever, in one form or another. The semicurrent records of State government-- I believe, our maximum storage retention period for records at the State Records Center, right now, is about 10 years. That's an average. Every record series that a government agency creates has a different record retention schedule, which is based either on law or regulation or the administrative -- an assessment of an administrative need that is determined by the State Records Committee. So they vary widely.

MS. VILLANE: And each department that uses the Records Center-- Who determines what gets sent over there? I mean, does every piece of paper and Commissioner of Human Services file get sent over to the archive, or is it done by legislation? Who determines what gets to the archives and what gets put in a box and left somewhere?

MR. NIEDERER: If we limit our discussion to the semicurrent records of government -- the nonpermanent records, it's discretionary on the part of the department, whichever department you would want to name, what they would want to send to the State Records Center for safekeeping.

MS. VILLANE: Well, if there was a standard that determined that you can only send this and not that, that would eliminate some of your overflow there. Some departments may send everything they have, and other departments may not send that much.

MR. NIEDERER: As a general rule, agencies of State government prefer to keep their most recent records in their own offices for the obvious reason that there is an administrative need. You want to have your most recent files within arm's reach.

After the passage of time, depending on how the department's program operates, there may be a legal need to retain records for up to five or ten or even more years. However, they don't need to retrieve those files on a daily or weekly basis. When you reach that threshold, where the administrative need no longer requires rapid or frequent retrieval, that's when they usually invoke our aid and place records in the Records Center.

MS. VILLANE: I have a question on the Council on the Arts area in the new building. There are deficiencies in the design. Would someone explain that to me? What happened over there?

MS. ROBINSON-BROWN: Certainly.

KATHLEEN KISKO: The building was designed approximately five years ago. We just occupied it this past June and July, and we're still phasing in. Since then, the Department has gone through two internal reorganizations. So when the plans -- CUH2A, the architect and engineers -- and the floor plans were approved, we were not configured as we presently are. So we had to make some changes in what agencies went where.

Right now, where the Council on the Arts is presently located, we do have people in there, but it is not the best flow as far as employees, as far as security, as far as some of our storage for our arts inclusion. That is what we're looking at right now.

MS. VILLANE: What do you plan on putting there? When you talk about security, are you talking about cameras, are you talking about motion detectors?

MS. KISKO: It's a combination. Right now, if you visited the Council on the Arts, the reception area is as soon as you get off the elevator,

but in order to visit anyone, the receptionist does not connect to the actual offices. So someone has to actually leave and escort the person to whatever office they plan on visiting, and that leaves the reception area wide open.

And even for employees-- The way it is-- It's *L* shaped, and it's divided in three locations. So everybody has to go out, come in, with visitors there is a problem. We do need, also, some security cameras, which was not designed.

When the building was designed -- there are security cameras and monitors on the lower levels for the archives and for the exhibition. The fourth floor was envisioned just to be employees only. And we do have, you know, the electronic card readers, but since then, there is a need for a display area for art inclusion, which was not, at the time, five years ago, considered. So it's both like an interior card that we need, and also, we do need some electronic devices as well.

MS. VILLANE: And can your security system that you have there now be upgraded to accommodate these things, or do you have to trash the whole system and put a new one in?

MS. KISKO: No, no, no, it would be upgraded. Right now, we do have a controller. Unfortunately, we only have two ports which are vacant. But we can expand it, but we would have to get a brand-new controller with more ports. But it would not be that we would trash -- but we need to expand the existing.

MS. VILLANE: Have the State Police been involved with your security issues of the building?

MS. KISKO: Yes, they have. We've had meetings with -- at least four meetings, recently, in the past month.

MS. MOLNAR: Any other questions or comments?

Mr. Ferrara.

MR. FERRARA: Yes.

With regard to the Record Storage Center, the state of the art now is to put information on diskettes. Obviously, they are much more compact than boxes of paper.

Will this study also look into the potential of taking the old records and converting them? Can they be converted to diskette or scanned or something so that what is now 300-and-some-thousand square feet could accommodate a lot more than it currently accommodates in terms of paper? And would that then impact the need for additional space? How would you respond to that?

MR. NIEDERER: Yes, the study that we propose to do is going to form a comprehensive assessment of how modern technology is going to affect the long-term storage requirements of records -- of all forms of records in the state. We're addressing paper records, we're addressing magnetic and optical media, and we're addressing microfilm.

We anticipate that in the next 15 years to 20 years, that all those forms of media -- record media are still going to be used by the state. We already know, from the experience of the corporate sector in this country which embraced optical technology in a major way long before government agencies were able to do so, that their requirement for paper storage has not really gone down in absolute or relative terms. They are able to manage

records more efficiently and access information much more quickly using the modern technology. There is no question about that. But what we're seeing in the experience of the last 10 years is that there really has not been an appreciable change in the demand, in the corporate sector, for -- in the record storage.

Our study is going to make an assessment, statewide, that gives us, sort of, hard numbers. What we're looking at are rough estimates that, you know, -- that we've made internally. They're not based on a scientific study. They're based on our own -- the experience that we've had in the past few years. We expect that there will be a need for additional space to house magnetic and optical media, additional space to house additional microfilm, and additional warehouse space for paper records.

What the ratio of one to the other will ultimately end up being, in a future capital request that we may bring to this body, I don't know.

MS. ROBINSON-BROWN: I think we also need to emphasize that even with the new technologies, we also need storage space for backups. So it doesn't totally contain everything.

MR. FERRARA: For backup?

MS. ROBINSON-BROWN: For backup diskettes and other documentation.

MR. FERRARA: Is the private sector experience based upon the fact that even though they were able to put it on diskettes, they still need the hard copy for various business purposes?

MR. NIEDERER: That's correct.

MR. FERRARA: In other words, you said-- Okay.

So it's not just that there is an expanding amount of paperwork, it's that, in effect, they have both; the diskette, because it's easier to access; but the hard copy in case they go to court or something. They need to have the original document on file.

MR. NIEDERER: It seems to be both. I mean, the growth of the economy and the increasing numbers of companies doing business, obviously, has an impact on the amount of information that has to be stored. What we're seeing, with the experience in the courtroom, is that even those agencies or companies which are fully automated are still using quite a bit of record storage services for paper documents.

MR. FERRARA: Thank you.

MS. MOLNAR: Any other questions?

Mr. Davidoff.

MR. DAVIDOFF: Regarding Morven, if that could be split up between the mechanical, electrical, plumbing, and HVAC code additional requirements that you're talking about -- E-graphs, bathrooms versus space for exhibits, conference facilities-- Could this be split into essential infrastructure, versus things that we'd like to do?

MS. ROBINSON-BROWN: Certainly.

One of the problems that we have at Morven, though, is that the building structure is really jeopardized if you piecemeal the restoration. We have had expert advice and studies in this area, and so our recommendation is that we do the complete project.

MR. DAVIDOFF: I just would ask, through the Chair, that you work with the staff to see if there is a way that we can, you know, save some

money here and do the essential infrastructure, and maybe not finish off a room that you're going to use for something, but have the infrastructure there and look at that.

Have you applied, or will you be applying, to the Garden State Preservation Trust, which gets \$6 million annually?

MS. ROBINSON-BROWN: Actually, the new legislation does preclude State agencies from applying for that money, so we will not be able to do so.

MR. DAVIDOFF: Maybe we should make a recommendation on that.

Okay, thank you.

That's all I have.

MS. MOLNAR: Maggie.

MS. VILLANE: To what Mr. Davidoff said, if we do the mechanical separate and we don't do the restoration inside the building, there would be no sense that we even did the mechanicals. Why would you have HVAC if you didn't have anybody to go in there to see it or display any kind of archives or any kind of historical documents there?

The restoration of the building that is going on now is being done by a public-private partnership, and it took a long time to get that and to get that money. So in order for them to do the mechanical and the restoration on the inside, I think it should be packaged together the way the Department has done it.

MR. DAVIDOFF: Maybe it can be packaged with another public-private partnership.

MS. MOLNAR: Any other questions or comments? (no response)
If not, I would like to thank you for your presentation today. We will review your request.

Now, you all got your packet. Two drafts of the bylaws-- There is an unmarked copy. I believe this-- The unmarked copy incorporates the changes recommended by the Attorney General's Office.

MR. SHIDLOWSKI: The copy which incorporates the changes recommended by the Attorney General's Office is actually labeled that way.

MR. DAVIDOFF: It's labeled--

MS. MOLNAR: There it is.

MR. ROTH: There's two of them.

MS. MOLNAR: Right.

MR. ROTH: One says revised as--

MS. MOLNAR: But it's not annotated. The other one is annotated. It shows what's crossed out and deleted and all that. So their's is unannotated.

I just had one change, and that's for Article 5.

MR. SHIDLOWSKI: Which version, Madam Chair?

MS. MOLNAR: The Attorney General's copy.

MR. FERRARA: The one we will be voting will be the one with the Attorney General's advice.

MS. MOLNAR: Right, so let's work off of that.

It would apply to both.

Article 5, section 1, annual meetings, part *B*-- It says elected Chair and Vice-Chair, pursuant to Article 3 -- it should be sections 2 and 3 of these bylaws, the two sections that talk about the Chair and Vice-Chair.

ASSEMBLYMAN ROMANO: Madam Chair, if you'll allow me--
The legislative members are not here, Senator Kenny, Senator Littell, Dr. Blee.

MS. MOLNAR: Right.

ASSEMBLYMAN ROMANO: I wonder if they shouldn't be given an opportunity to really make a comment. You know, what we can do is continue -- or pass whatever you have here, subject to our next meeting because we have something. That's point one, only because I want my colleagues-- I recall all the comments they made last year when we went over these bylaws.

MS. MOLNAR: It's a great idea, plus there may be other changes.

ASSEMBLYMAN ROMANO: I would ask for one other consideration.

The events that occurred at our last meeting where we got to that point as to what was the mission of the Capital Commission -- I think this is the proper time, because who knows what may come up next. I'll be gone, and you'll be here, but you can think of me -- where, in our bylaws or in our mission, whatever the case may be, where we set some sort of standard by which we would hold testimony--

You remember that was the first time, and I've been here many years, that we ever had testimony from the outside regarding an issue. That could serve as a precedent where -- let's take the Department of State, who is

just leaving here. We could have all sorts of intellectuals and aficionados come here on the basis of what's required in the Museum and the Department of State's facilities.

So I don't mean to downgrade anybody coming here, but I think some sort of standard has to be followed. Everyone agreed to the last meeting, due to the, how can I say, conditions surrounding the entire issue. But are we all set on when we ask people to come to testify?

MR. SHIDLOWSKI: May I--

MS. MOLNAR: Sure.

ASSEMBLYMAN ROMANO: You can go right ahead, Mr. Shidlowksi.

MR. SHIDLOWSKI: I had discussed this extensively with the Attorney General's Office prior to our last meeting. Her advice, at that time, and still is, I'm sure, that it's solely at the discretion of the Commission.

This is an open public meeting. It's under the control of the Commission. The Commission does not, in any way, have to allow public participation. All they have to do is allow the public to observe.

ASSEMBLYMAN ROMANO: What you just said, Mr. Shidlowksi, would -- could find its way into a nice preamble or paragraph or new section saying exactly that.

MS. MOLNAR: We have an Article 7 on public hearings. Maybe we could incorporate it there.

ASSEMBLYMAN ROMANO: I'll tell you the truth, I never read this one. I was reading the old one.

MR. SHIDLOWSKI: A public hearing, I would differentiate from an open public meeting, which is what this is.

MS. MOLNAR: Right.

ASSEMBLYMAN ROMANO: I would ask that the Attorney General's Office, who was kind enough to look at this for us -- and I think they were very nice in the last session -- there were two members here to hold our hands.

MS. VILLANE: And now we're left by ourselves. (laughter)

ASSEMBLYMAN ROMANO: I don't know, I offer this out to my colleagues.

Do you feel that you would like a better definition of when we invite people and when we don't invite people? In no uncertain way, it has to be made graphically clear that if anything, we have nothing to do with the siting. The siting is not part of our responsibility.

That could fall into so many other situations.

MS. MOLNAR: That's the Building Authority's statute. So we would have to put a statute for every area in here.

Mr. Davidoff.

MR. DAVIDOFF: Just a comment.

I agree that we should have that clarification, but for purposes of these bylaws, I don't think it's necessary to say, you know, it's in our discretion to have people from the public talk or not talk. I don't think we need to put -- sitings are not our responsibility. We're going to end up having a document that is 4000 pages, and we're not-- This is a basic working document, and I think, generally, it's-- We've gone over it, and I think it serves, basically, the

purposes that we were looking for. And I, frankly, enjoy the flexibility of, if we want to change from year to year, our standards that we give the staff to look over. That should be to the discretion of the Commission each year. I know each year we go through that and you say, "Do we want to tweak a little bit as to what's important and everything?" I wouldn't want to have to go through a bylaw change every time to do that. So I would like to keep the bylaws covering our general operations and really-- That would be my preference.

MS. MOLNAR: Anybody have any other suggestions?

MR. ROTH: I'm not making a suggestion. I just want to point out a small discrepancy.

On Page 7, you have two Article 7s. The Attorney General's version -- that should be 7, 8, and 9 not 7, 7, and 8. Page 8 is okay.

ASSEMBLYMAN ROMANO: Where is that section that you indicated--

MS. MOLNAR: Public hearings?

ASSEMBLYMAN ROMANO: --public hearings?

MS. MOLNAR: Page 7, Article 7. It says, "The Commission may conduct public hearings."

MR. SHIDLOWSKI: That's from the Commission's statute.

MS. MOLNAR: Okay.

MR. FERRARA: Have we ever done that? Have we ever held a public hearing?

MR. DAVIDOFF: Last week, in effect, we did.

MR. FERRARA: No, we didn't hold that, the Building Authority held that.

MR. DAVIDOFF: No, we held it here on August 13.

MS. MOLNAR: We had one here last month in August.

MR. FERRARA: Oh, we called that a public hearing.

MR. SHIDLOWSKI: That's not true.

MR. FERRARA: That was just a Commission meeting.

MR. SHIDLOWSKI: That was an open public meeting, and we allowed public testimony.

MS. MOLNAR: Oh.

MR. DAVIDOFF: That was not technically a public hearing?

ASSEMBLYMAN ROMANO: Madam Chair, I don't have all the answers--

MS. MOLNAR: Right.

ASSEMBLYMAN ROMANO: --but I had a lot of questions, and I'm just trying to share them with you, as to what you find and can live comfortably with.

MR. FERRARA: I like just having it at the discretion of the-- I don't want--

ASSEMBLYMAN ROMANO: Of the Chair?

MR. FERRARA: Fine.

ASSEMBLYMAN ROMANO: But maybe just for everyone's sake, perhaps we might get what Mr. Shidlowksi told us -- what was given to him by the Attorney General, as some sort of explanatory protocol that we might be able to follow and say--

MS. MOLNAR: Sure.

MR. DAVIDOFF: That could be given each year--

MS. MOLNAR: Right, as far as our package.

MR. FERRARA: But not put into the bylaws.

ASSEMBLYMAN ROMANO: Not put into the bylaws, just--

MR. DAVIDOFF: That's fine.

MS. VILLANE: But you know what we should do? Maybe when we -- if this issue ever comes up to us again-- In the beginning we should state this is the mission of the Commission, and we do not do the siting.

ASSEMBLYMAN ROMANO: It was very nice--

Excuse me, Madam Chair.

It was very nice. I appreciate the statement that the Chairperson made at the beginning of the meeting.

However, it would also have been nice, or to have in one's hand, that when one receives the request, because all requests are forwarded to Mr. Shidlowksi, actually, so that this could be taken care of before, not that you'd need a meeting to discuss it and then take a vote on it on what you're going to do. I mean, that meeting came up, we had short notice on the issue. It was just a matter of a week that we looked at the issue.

I know Paul was very busy.

MR. FERRARA: We had to have a meeting to approve--

ASSEMBLYMAN ROMANO: We had to have the meeting--

MR. FERRARA: --to forward the report.

MS. VILLANE: Who started that whole thing? Who put the gun to our head to have that meeting right away? Was it from the Department or--

MR. SHIDLOWSKI: No, it was from the Governor's Office.

ASSEMBLYMAN ROMANO: It was the anniversary date.

MS. VILLANE: It was the anniversary date. It was the beginning of the legislation is what it was.

ASSEMBLYMAN ROMANO: All right.

MS. VILLANE: But we should have been doing that way before August 13.

MR. ROUSSEAU: I think you'll remember that we did have it on the agenda at one point in time.

MR. SHIDLOWSKI: I think it was last fall.

ASSEMBLYMAN ROMANO: It got pulled back.

MR. ROUSSEAU: I think what needs to be differentiated here is two different things that have been going back and forth here; there is public comment at Commission meetings, and the charge of the Commission. I think there is two different things. And I think the way you have the order of business on here now for public comment -- because truthfully, anybody-- Some interest group could have come in today and said, "I'd like to make a comment about--

MS. VILLANE: The Katzenbach School.

MR. ROUSSEAU: --the Katzenbach School." The parenting -- the parent's organization is very big up there. I'm surprised they don't know about these meetings. They could come in-- That's got to be -- that's different than the mission of what we have to roll on with the Building Authority -- actually versus whether or not the Commission is going to allow that type of testimony.

MS. VILLANE: You're right.

MR. ROUSSEAU: I think the way it is right now, with the discretion of the Commission, is fine, and I don't think you really-- You can say, "We don't want to go into too much detail."

MS. VILLANE: The presenter blocks us in, and then you can't get out.

MR. ROUSSEAU: But we are under the control of the open public meetings act, which allows people to come in and somebody could say, "I'd like to say something." It's up to the Commission or the Chairman to decide yes or no.

MS. MOLNAR: Mr. Davidoff.

MR. DAVIDOFF: Not for this specifically, but something we might want to discuss in the future at our spring meetings-- It may be a good idea for us, at the end of hearing all the departments, before we make our final decision each year, to actually have a public hearing where we hear from the public.

MS. VILLANE: Let me take that.

MR. DAVIDOFF: If somebody has an opinion on that-- I'm just throwing it out.

MS. VILLANE: From the experience of being the Committee Aide to the Senate Budget and Appropriations Committee, you will be here for the entire year, because people will come in here, and you will have to take everybody's testimony. The Legislature does have public hearings on the budget.

MR. DAVIDOFF: The Legislature is doing this already.

MR. FERRARA: They have an appropriate way. At the time, the Appropriations Act was being considered. And the capital section on it is part of that document -- the public-- There are three public hearings held.

MS. VILLANE: Right.

MR. ROUSSEAU: And I think one of the things you would find that if you put a public notice out, 75 percent of the testimony you'd get at that hearing wouldn't deal anything with the capital budget you're talking about.

MS. VILLANE: Absolutely.

MR. ROUSSEAU: It's the same thing when we go out and do-- Our public hearings are on the budget process. What we do is have three, with an average of 70 people -- so 210 people. And probably 50 percent of their testimony really didn't even deal with the budget. It dealt with policies within State government.

MS. VILLANE: And a lot of the time it is the same people that go to each one of the three. They're interest groups.

From experience-- You guys know.

MR. ROUSSEAU: I would agree with you that if you could somehow narrow the focus down, that may be beneficial, but I don't think by -- and I don't think you could, but by doing a general public hearing, everybody comes out of the woodwork.

MS. VILLANE: And I think this Commission has been around enough that if there is an advocacy group that wants something to be done for a capital construction project, like the thing at Katzenbach, they know to come here. They would fill all those seats. They would know.

MS. MOLNAR: Okay.

Are there any other changes that you want to give Paul before he makes another draft of this?

Mr. Annese.

MR. ANNESE: Yes. It's not a change, actually, it's a question.

Without going into any technical detail, and through you, possibly for Paul, what changes did the Attorney General want us to put in that were substantive?

MR. SHIDLOWSKI: Primarily, it dealt with voting. She kept the requirement the same that only the principal Commission members, you know, can vote. And she just more or less streamlined the language. It wasn't really a substantive change.

Other changes that she made-- She parroted where we had alluded to the Commission statute -- she parroted it much more closely than we had in our original draft.

MR. FERRARA: Would you see her changes by looking at this -- the lineouts, or is that--

MR. SHIDLOWSKI: You cannot. Kind of the problem that we were having with the annotated version is that we're a couple software changes away from the initial version, and it was starting to get pretty funny. We had, actually, different color underline and shading and all kinds of things. Thor and I couldn't figure out what the logic was behind it. Basically, I think, what it is is that it's just -- the document's been converted through so many different versions of software, that it's not exactly sure where it is anymore. So it was getting pretty difficult to read.

MR. FERRARA: So we should, really, ignore this one.

MR. SHIDLOWSKI: Well, I'm not saying that we should ignore it, because that's the version that everybody had commented on, and I think we've, pretty faithfully, captured what folks asked to have deleted and what changes you--

MR. FERRARA: You're saying you can't see what the Attorney General did because it's all incorporated here. This is staff, Commission members-- Okay, it's a mix of everything.

ASSEMBLYMAN ROMANO: Madam Chair, if I could get back to my original-- I'll amend if it came out in the form of a resolution. But I think, in all due fairness, we can pass this today but with the proviso that this, how can I say, by consent decree at our next meeting, so we give the opportunity for Senator Littell, Dr. Blee, and Senator Kenny to just-- If they have no comment, then we just pass it again.

MR. FERRARA: My feeling is there is no sense in passing it if we're going to pass it again anyway.

ASSEMBLYMAN ROMANO: Oh, I didn't-- I dared not say let's postpone the passage of this until the next meeting. I'm glad someone else said it.

MR. FERRARA: Well, that's what I think I'm hearing.

ASSEMBLYMAN ROMANO: I actually think that way, except for the fact that who knows what evil lurks in the hearts of men. Until our next meeting, we may have a situation where we need the bylaws.

MR. DAVIDOFF: My suggestion is-- I mean, we've been very -- we work together on a lot of things, so I think if we pass it today and any of

them had serious comments, we could make a quick amendment of whatever changes they wanted to--

ASSEMBLYMAN ROMANO: I just offer it to the group at large.

MR. SHIDLOWSKI: By seven members of the Commission.

MR. DAVIDOFF: By seven members of the Commission.

I think I would be amenable to passing this. And before Paul prints off 2000 copies, or however many he needs, we can wait until next meeting and then do the printing afterwards.

MS. VILLANE: Don't send them to the archives, they don't have any room.

ASSEMBLYMAN ROMANO: And also, could we get, Madam Chair, a copy of that Attorney General's quasiinformal opinion to have with us?

MR. SHIDLOWSKI: It was verbal. It was advice.

ASSEMBLYMAN ROMANO: Oh, advice.

MR. SHIDLOWSKI: Yes.

MR. DAVIDOFF: I would like to make a motion to approve the bylaws with the change that you had pointed out and the changes that Mr. Roth had pointed out in the vertical numbers.

MR. FERRARA: I'll second it.

MS. MOLNAR: Roll call, please.

MR. SHIDLOWSKI: Mr. Davidoff.

MR. DAVIDOFF: Yes.

MR. SHIDLOWSKI: Mr. Roth.

MR. ROTH: Yes.

MR. SHIDLOWSKI: Mr. Annese.

MR. ANNESE: Yes.

MR. SHIDLOWSKI: Assemblyman Romano.

ASSEMBLYMAN ROMANO: Yes.

MR. SHIDLOWSKI: Ms. Alexander.

MS. ALEXANDER: Yes.

MR. SHIDLOWSKI: Mr. Ferrara.

MR. FERRARA: Yes.

MR. SHIDLOWSKI: Ms. Villane.

MS. VILLANE: Yes.

MR. SHIDLOWSKI: Ms. Molnar.

MS. MOLNAR: Yes.

MR. SHIDLOWSKI: The bylaws are adopted.

MR. ROTH: Would it now be appropriate to make a motion to elect a Vice-Chair?

MR. SHIDLOWSKI: I would think so, yes.

ASSEMBLYMAN ROMANO: Especially since it's in the bylaws that we just passed. (laughter)

MS. MOLNAR: I have to talk to Paul about this.

(Ms. Molnar and Mr. Shidlowksi confer off microphone)

The Governor still appoints based on political party. It has to be one from each party.

We were going to suggest that this be postponed to the next meeting -- the appointment of Vice-Chair. And we'll also have more of our legislative members here also.

MR. ROTH: It was only a question.

MS. MOLNAR: Is there any other--

MR. FERRARA: If somebody is interested, do you want them to let you know?

MS. MOLNAR: That's good, because I could get coffee.

Is there any other business before the Commission? (no response)

The meeting is adjourned, folks, at 12:00 p.m. exactly.

Twelve noon, Mr. Davidoff.

(MEETING CONCLUDED)