
Commission Meeting

of

STATE HOUSE COMMISSION

LOCATION: Committee Room 7
State House Annex
Trenton, New Jersey

DATE: March 9, 2023
9:00 a.m.

MEMBERS OF COMMITTEE PRESENT:

Assad Akhter, Chair
Senator Bob Smith
Assemblyman Paul D. Moriarty
Senator Michael L. Testa
Assemblyman John DiMaio
Lynn Azarchi
Aaron Binder



ALSO PRESENT:

Eric D. Brophy
Commission Secretary

Tamara Loatman-Clark, Esq.
Deputy Attorney General for the State House Commission

Brittany Zulla
Acting Secretary
JRS Administrator

Meeting Recorded and Transcribed by
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ASSAD AKHTER (Chair): I want to call this meeting to order, and ask that the secretary read the public notice.

MR. BROPHY: Thank you.

We're in compliance with the Open Public Meetings Act. Notice of the meeting of the State House Commission was given by way of notice on March 3, 2023, filed with the Secretary of State, delivered to the State House Press Corps, and posted in the offices of the State House Commission as well as posted on the State House Commission's website.

I'll take a roll.

Mr. Akhter.

MR. AKHTER: Present.

MR. BROPHY: Mr. Binder.

MR. BINDER: Here.

MR. BROPHY: Ms. Azarchi.

MS. AZARCHI: Here.

MR. BROPHY: Senator Smith. (no response)

Senator Testa.

SENATOR TESTA: Here.

MR. BROPHY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Here.

MR. BROPHY: Assemblyman DiMaio.

ASSEMBLYMAN DIMAIO: Here.

MR. BROPHY: With the exception of Senator Smith.

First, State House Commission received some comments prior to the meeting via email. Those will be included in the record for the

Committee members, and it's been disseminated to each of the Committee members for review.

First item is a motion to approve the minutes of the January 9, 2023 meeting. Do we have a motion?

UNIDENTIFIED SPEAKER: So moved.

MR. BROPHY: We have a motion.

MR. AKHTER: Is there a second?

MR. BINDER: Second.

MR. BROPHY: Second.

Mr. Akhter.

MR. AKHTER: Yes.

MR. BROPHY: Mr. Binder.

MR. BINDER: Yes.

MR. BROPHY: Ms. Azarchi.

MS. AZARCHI: Yes.

MR. BROPHY: Senator Smith.

SENATOR SMITH: Yes.

MR. BROPHY: Senator Testa.

SENATOR TESTA: Abstain.

MR. BROPHY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. BROPHY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

SENATOR SMITH: Was that on the first matter?

MR. BROPHY: That was on the minutes, the minutes from last meeting.

MR. AKHTER: Thank you for joining, Senator.

MR. BROPHY: Moving on to old business -- I'm sorry, that was the old business. Conclusion of old business; moving on to new business.

These are the Treasury items, this would be item Number 2 on the agenda. Item Number 2 is -- the project is 15 Jean Street. This is a Treasury request -- does anyone from Treasury wish to present this matter?

R O B E R T T I G H U E: Good morning.

MR. BROPHY: Morning.

MR. TIGHUE: I'm Robert Tighue, Treasury. It's good to see everybody in person; it's been a while.

So, yes, this is a former school from the Department of Children and Families. They have prototypes like this all over the state. We had recently appraised one in Hillsborough for \$870,000. They declared this one surplus.

The Township of Morris -- it's a correction on your -- not Morristown, but Morris Township -- is extremely interested in this property because their athletic fields are directly behind it, and they would essentially be landlocked without access. We have an agreement with them now, they use our parking. And, they have come to us when they saw Children and Families were moving out, they came to us to ask if it was available for sale.

So, we had recently bid out for our appraisal. We feel that it should come in somewhere right in the ballpark of where the other one came in. One of the reasons why we felt we could bring it to the State House Commission at this point without the appraisal is because we will have high confidence that it will end up being over \$500,000 and that the legislation

will be required, so you guys would probably get another crack at the (indiscernible) if there was an issue with the value.

But, we feel that we hired a competent appraiser and we feel that this value will be accurate.

MR. AKHTER: Any questions from members?

MR. BROPHY: Any board members have any questions?

MR. AKHTER: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: I don't know if I have a question, I have a statement.

I have been on this Commission for, I don't know, a dozen years or so. This request is so lacking in detail, I don't know whether this is a 5,000-square-foot building or a 250,000-square-foot building. As of now, you're telling me that the name of the town is wrong--

MR. TIGHUE: It is--

ASSEMBLYMAN MORIARTY: --and there's no appraisal.

I don't generally like to vote in the blind, so, I appreciate you adding some meat on the bone. But, I would not vote to approve this today. I would like to see an appraisal and more information, as most of the applications or requests that come through here.

MR. TIGHUE: I apologize that the square footage isn't on the sheet; it should be. But, I think -- and, again, I'm guessing, so I don't want to -- it's about 5,700 square feet is the building.

But, you're right. We are still waiting on the appraisal, and--

ASSEMBLYMAN MORIARTY: What kind of a building is it?

MR. TIGHUE: It's a school building. It's a former--

ASSEMBLYMAN MORIARTY: It's only 5,700 square feet?

MR. TIGHUE: Yes, it's a small--

ASSEMBLYMAN MORIARTY: It's like a one-room building.

MR. TIGHUE: Actually, is it 5,700 -- am I right, Cindy, is that what it is?

MS. BUSSELL: I don't have the information with me.

MR. BROPHY: 15 Jean Street, is that correct?

MR. TIGHUE: Yes, that's correct.

SENATOR SMITH: So, is there urgency to this?

MR. TIGHUE: Not from Treasury's side. I would think the urgency is more from the Township's side.

But, again, if we shelve it and wait until the next meeting, it's not--

SENATOR SMITH: It's not the end of the world.

MR. TIGHUE: It's not the end of the world.

We would, at that point, probably do a license with them for parking, and--

SENATOR SMITH: (indiscernible)

MR. TIGHUE: Yes, exactly.

SENATOR SMITH: Is there anybody from the Township present?

MR. TIGHUE: Not that I know of.

SENATOR SMITH: Motion adjourned.

ASSEMBLYMAN DiMAIO: Table, yes, that's what I--

ASSEMBLYMAN MORIARTY: I would say, I would like to know more information, and I'm also sending a message that I don't want to have requests come from the departments that are so lacking in information.

MR. TIGHUE: Understood.

ASSEMBLYMAN MORIARTY: And, so, that's what I would ask, that we kick this to the next meeting and make it known to everybody that's here from the different departments that we would like to--

MR. TIGHUE: I understand; that's fair.

I think the only reason why we didn't want to move it is because we knew it would require legislation and we know that the process is very long. We could be looking at a year-plus, two, waiting. We thought that this may cut out about three or four months off the process because of the legislation that's required, and the legislators would have another chance to look at the proposal.

But, I do understand why you would want to do that, so I respect that.

SENATOR SMITH: This is really an as-is. Is it in any kind of working condition?

MR. TIGHUE: Yes, it was previously used recently, within the past year by Children and Family. So, it's not vacant.

ASSEMBLYMAN MORIARTY: They're basically interested in the parking and the fields.

MR. TIGHUE: Well, the fields they own -- they own the fields.

ASSEMBLYMAN MORIARTY: OK.

MR. TIGHUE: They need access to the fields and parking, but they want to reuse the building, and probably for municipal purposes.

ASSEMBLYMAN MORIARTY: I would make a motion to table this.

SENATOR TESTA: I think it was already seconded by Assemblyman DiMaio.

ASSEMBLYMAN MORIARTY: Oh, thank you.

MR. BROPHY: Yes, OK. We'll just take roll on it.

Mr. Akhter.

MR. AKHTER: Yes.

MR. BROPHY: This is a motion to table, just to be clear.

Mr. Akhter.

MR. AKHTER: Yes.

MR. BROPHY: Mr. Binder.

MR. BINDER: Yes.

MR. BROPHY: Ms. Azarchi.

MS. AZARCHI: Yes.

MR. BROPHY: Senator Smith.

SENATOR SMITH: Yes.

MR. BROPHY: Senator Testa.

SENATOR TESTA: Yes.

MR. BROPHY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. BROPHY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. BROPHY: All in favor.

We'll try to get more information and get this on the next agenda.

Next item, Number 3. This is the Department of Transportation request. This is the first project -- item Number 3 -- project is currently Route 9, portion of Parcel 9A, Block 18.01, lot 1.03, in Manalapan Township in Monmouth County.

The NJDOT Division of Right of Way, Property Management Unit, is seeking approval to amend a month-to-month lease they currently have with PMG New Jersey, LLC. PMG would like to amend the lease to a fixed term. The parcel is currently being used for footing for a business identification sign.

The terms of the lease will be for five years with a monthly lease payment of \$13.68 per month, inclusive of the Municipal in Lieu of Taxes for a yearly rental of \$164, which is the appraised value of the approximately 25-square-foot parcel.

Any questions from members? (no response)

Any public comment on this matter? (no response)

Seeing none--

SENATOR SMITH: Motion to move.

MR. BROPHY: Motion Senator Smith.

Second?

MR. BINDER: Second.

MR. BROPHY: Second Mr. Binder.

Mr. Akhter.

MR. AKHTER: Yes.

MR. BROPHY: Mr. Binder.

MR. BINDER: Yes.

MR. BROPHY: Ms. Azarchi.

MS. AZARCHI: Yes.

MR. BROPHY: Senator Smith.

SENATOR SMITH: Yes.

MR. BROPHY: Senator Testa.

SENATOR TESTA: Yes.

MR. BROPHY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. BROPHY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. BROPHY: All in favor.

Number 4, project -- these are still DOT items -- CR 503 is parcel VX406B, Block 124.01, which is adjacent to lot 1 in Borough of Carlstadt in Bergen County.

NJDOT Division of Right of Way, Property Management Unit, is requesting approval to sell parcel VX406B to the only adjacent property owner, 456 Vishwas, LLC. NJDOT has determined that the parcel is no longer required for current or future use and will be sold to 456 Vishwas for assemblage to the adjoining lot. The area is approximately 27,933 square feet, or 0.641 acres. The property will be sold to 456 Vishwas for \$400,000, which is the appraised value.

Any questions from members?

SENATOR TESTA: I do.

MR. BROPHY: Senator Testa.

SENATOR TESTA: You know, in the notes it said that this parcel of property previously had contamination and is still under remediation.

Is the new property owner going to take responsibility for the further remediation of the property?

MR. BROPHY: Is anyone from DOT here?

DAVID KOOK: My name is David Kook, I am the Manager of the Bureau of Technical Support.

This started out as the owner is currently remediating his site and our property, and because of the large expense that's going to be involved in that, they wanted to purchase that so at least they'd have some physical value to it, not just spend for the cleanup.

So, yes, the adjoining owner is completely responsible for that.

SENATOR TESTA: If I may ask, what is the contaminant? Is it, like, perchloroethylene, is it Number 6 fuel oil? What type of--

MR. KOOK: Honestly, I'm not sure what that is.

MR. BROPHY: Any other questions? (no response)

Thank you, sir.

Do we have a motion?

ASSEMBLYMAN MORIARTY: I'll make a motion.

MR. BROPHY: Assemblyman Moriarty.

And second?

MR. BINDER: Second.

MR. BROPHY: Mr. Binder second.

Mr. Akhter.

MR. AKHTER: Yes.

MR. BROPHY: Mr. Binder.

MR. BINDER: Yes.

MR. BROPHY: Ms. Azarchi.

MS. AZARCHI: Yes.

MR. BROPHY: Senator Smith.

SENATOR SMITH: Yes.

MR. BROPHY: Senator Testa.

SENATOR TESTA: Yes.

MR. BROPHY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. BROPHY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. BROPHY: All in favor.

Item Number 5: Oyster Creek CDF Site, block 100, lot 1.07, in Lacey Township in Ocean County.

NJDOT Division of Right of Way, Property Management Unit, requests approval to grant a utility easement of 51,133 square feet or 1.174 acres, and a permanent access easement of 49,174 square feet or 1.129 acres, to Ocean Wind LLC to allow for the insulation and use of an underground electrical utility facility to conduct offshore wind-generated power for distribution on shore. The conveyance will also authorize the granting of temporary workspace easements that accommodate the initial

construction. The property is nearly entirely occupied by a controlled disposal facility, which allows for the storage and recycling of dredged aquatic sediments from channels in adjacent waterways. The easement will not impact the operations of the CDF. The easement will be conveyed to Ocean Wind LLC for \$2,500 which is the appraised value.

Any comments from the members?

SENATOR SMITH: Just a question.

Ownership of the property is the State of New Jersey?

MR. BROPHY: Is there anybody from DOT--

SENATOR SMITH: So, we don't own the whole Oyster Creek site, this is just land that is next to it, I assume?

MR. BROPHY: Well -- yes, I think from the description it's -- a controlled disposal facility is adjacent to it. Is that correct, sir?

MR. KOOK: We purchased the controlled disposal facility and this is some surplus land alongside the existing access road that they're going to run beneath and through.

So, it's entirely state property, but it's not highway property -- it was bought to handle the storage of the dredged materials.

MR. BROPHY: Any other comments?

Senator Testa.

SENATOR TESTA: If I may, and I think this applies to all of the wind energy projects right now.

Obviously, there's been massive concern from the public regarding a number of these whale deaths that we've seen, both in New Jersey shore waters as well as our neighboring states. You know, I know that a lot of folks accuse my side of the aisle of not following the science -- I don't think

the science is quite settled on these issues right now. And, certainly, there's quite a bit of concern, so much so that my congressman, Congressman Jeff Van Drew, is having a congressional hearing of the Transportation and Infrastructure Committee in Cape May County on these very issues on March 16.

I really appreciated Assemblyman Moriarty's comments on a previous vote, that we really don't have sufficient information on this subject to know whether we should proceed forward. So, I was going to bring this issue up when it came to, specifically, Ocean City, because that is my district.

My issue is this as well: There has been sufficient notice posted for this meeting on the website, obviously. I just think that -- and, maybe I'm being idealistic here -- that there should have been notice given to a number of the mayors who are affected by this. It seems to me that there are a number of people who are waiting in the hallway, that this room might not have been sufficient to house all of the public comment, potentially -- I'm speculating here, on these issues with wind farms.

Also, that maybe notice to some of the folks who, because of the law that was passed that is really being contested right now in New Jersey court systems, whether -- where eminent domain was being exercised on their properties. I just think that we need to have more information on this, considering that we have, like I said, a congressional hearing. I think maybe now is the appropriate time to make a motion to table on any of our matters that are before this body regarding wind energy.

SENATOR SMITH: Can we find out if there *is* public here to testify?

MR. BROPHY: Sure--

SENATOR SMITH: A show of hands--

ASSEMBLYMAN DiMAIO: I'd like to (indiscernible)

MR. BROPHY: I just want to ensure that we have all the information we need from DOT on this particular one, and then we can open for public comment.

Any other questions for DOT on this? (no response)

OK. We'll open for public comment. We'll just do one at a time, so, whoever is first.

MATTHEW KAPLAN: Good morning, everyone.

I'm Matt Kaplan, I am the Project Development Director of the Ocean Wind 1 Project, which is under Ocean Wind LLC.

Today, we've got a panel of experts from the project to answer any questions about the properties here. We can certainly touch on the whales, as that was brought up, so we can definitely have Katherine Perry talk a little bit more about that issue.

But, if there are any other issues related to those properties, our team is here and fully capable and able to answer.

MR. BROPHY: So, if there's any questions from the board members, I think this is a good time for that.

SENATOR TESTA: I did make a motion, and there was a second by Assemblyman DiMaio, and, if I may -- and, I'm not trying to be a thorn in anyone's side here -- I've lived in New Jersey my entire life, near the Jersey Shore. I've never seen this unprecedented number of whales die in such a short period of time. I'm not saying what the root cause is -- I think we need to do a deep dive into studying what that root cause is.

I just find it interesting -- and, I will say that there is a level of hypocrisy surrounding this -- if there were one whale that had washed up on a Jersey Shore due to exploration of offshore drilling, I believe that you would have the Sierra Club and Green Peace holding hands around a whale carcass singing "Kumbaya" and crying. I just -- I think that we really need to do a deep dive into this.

I can tell you, the constituents that I have in my legislative district -- which includes all of Cape May County -- are up in arms about this issue; they're demanding an investigation. Obviously, Congressman Van Drew is acting, holding a full congressional hearing in Cape May, which I think is really remarkable to have a congressional hearing here in the State of New Jersey.

I think that there needs to be a pause, like I said. I made the motion, and it's been seconded by Assemblyman DiMaio.

SENATOR SMITH: So, I'll make a motion to table the motion.

I would like to hear from the experts that are here before we do anything precipitous.

I'd like a second to the motion to table the motion.

ASSEMBLYMAN MORIARTY: Can we do such a thing? If we can, I'll second it.

SENATOR SMITH: (indiscernible) I mean, it just makes sense, let's get the information out.

MR. BROPHY: Yes, I mean, if we have the experts here, then, you know, I don't see any harm in taking that testimony.

We'll have to vote on that motion, though.

ASSEMBLYMAN DiMAIO: Just one question, though.

Are we operating under the Robert's Rules of Order?

MR. BROPHY: (indiscernible) the council. That's what we're operating under?

MS. LOATMAN-CLARK: Yes.

ASSEMBLYMAN MORIARTY: Yes.

MR. BROPHY: We'll take a roll call on the motion to table the original motion.

Mr. Akhter.

MR. AKHTER: I agree with Senator Smith's motion.

MR. BROPHY: Mr. Binder.

MR. BINDER: Yes.

MR. BROPHY: Ms. Azarchi.

MS. AZARCHI: Yes.

MR. BROPHY: Senator Smith.

SENATOR SMITH: Yes.

MR. BROPHY: Senator Testa.

SENATOR TESTA: No.

MR. BROPHY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. BROPHY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: No.

MR. BROPHY: Five yeses, two noes.

So, we can hear some testimony if anybody has specific questions, or you want to address the Senator's statements.

MR. KAPLAN: Absolutely, we would like to address the whale issue, and I'm going to have my colleague Katherine Perry, who is in charge of funding for our project, make a statement.

MR. BROPHY: If you can just put your name and affiliation on the record.

KATHERINE PERRY: I'm Katherine Perry, I am the Permit Manager for the Ocean Wind 1 Project, I work for Ørsted.

In respect to the unusual mortality event that's been ongoing since 2016, there have been conclusions from three separate Federal agencies: the Bureau of Ocean Energy Management, the NOAA Marine Fisheries, as well as the Marine Mammal Commission. All three agencies have independently concluded that the unusual mortality event is not linked to offshore wind -- or, at least, there is absolutely no evidence to link the two together.

The unusual mortality event that's been ongoing since 2016 is related specifically to humpback whales. 2016 predates the occurrence from when the geophysical survey work began for these offshore wind projects. And, I would just like to clarify that the work that offshore wind companies, and specifically Ocean Wind 1 conducts in support of our offshore wind projects is inclusive of sort of two major specific types of survey work. So, we conduct both geophysical, high-resolution geophysical surveys, and we also conduct geotechnical survey investigations in support of our offshore-wind development projects.

The high-resolution geophysical survey work includes a number of different survey methods. Some of those methods do emit sounds that can affect -- can result in behavioral effects to marine mammals. As a

result, we submit permit applications to NOAA Marine Fisheries, who analyzes the potential impacts and requires that we institute a number of mitigation measures to ensure that those survey methods will not affect marine mammals during the activities.

MR. AKHTER: I'm just going to call for a pause right there.

As a Chair, and given the schedule of the members here and the number of items we have, I am just going to -- in the fairness of everybody else -- put a three-minute limit, starting now, on all speakers.

And, the members can question any member of the public, but I ask, obviously, that we try to limit as much as possible given everyone's schedule and the number of items.

And, Cindy will be the timekeeper.

So, continue, I'm sorry.

MS. PERRY: Thanks, I apologize.

MR. AKHTER: No, you're quite all right.

MS. PERRY: OK.

So, just, in summary, we do have permits for all of our geophysical work. Those permits allow for a certain number of level B, which results in -- which has the potential to result in some behavioral shifts. However, we have not been conducting any geophysical work in the time period that the most recent whale strandings have been occurring. The work that we have been conducting consists of geotechnical survey work. Those surveys do not emit any noise, and are not linked -- there's no evidence to link them at all to the recent spate of whale strandings.

SENATOR SMITH: So, question.

What do you mean by “behavioral shifts?”

MS. PERRY: It can be something as, you know, similar to -- if you were to hear a loud noise, then a whale would swim away from that. However, again, we implement measures such as all of our vessels conducting geophysical surveys are mandated to have protected species observers onboard all those vessels. They monitor a clearance zone to ensure there are no marine mammals in the vicinity of those survey activities, so that we reduce any potential for those level B takes.

We’re just authorized for a number of behavioral takes in the event that a whale were to swim into our survey or activity area.

SENATOR SMITH: What is your company again?

MS. PERRY: Ørsted -- Ocean Wind.

SENATOR SMITH: You do wind around the planet, correct?

MS. PERRY: Yes, that’s correct.

SENATOR SMITH: What is your experience in Europe? Where they have massive -- in Europe, they have a massive wind farm. Are you finding adverse impacts on the marine biology?

MS. PERRY: There has been no impacts related to significant impacts on marine life across the planet.

SENATOR SMITH: Do you have whales washing up on the European beaches from your wind activities?

MS. PERRY: It’s a very different sort of biological ecosystem that we have in the northeast of America, versus what the ecosystem looks like in Europe.

And, the fact is that there's a number of whale species that, frankly, are highly endangered in North America and in our waters around the--

SENATOR SMITH: But, they're not endangered by wind farms.

MS. PERRY: But, they are absolutely not endangered by wind farms. They are -- the most common factors that impact these whale species relate to vessel strikes, as well as to entanglement in fishing gear.

And, those are the impacts that have been linked to about 50% of the whale deaths that necropsies have been performed on. And, the National Marine Fisheries has been investigating these whale deaths since 2016.

SENATOR SMITH: So, related question: How far along is Ørsted to actually getting construction started on any of our wind facilities?

MR. KAPLAN: That's a good question. We would like to begin construction this year. I started in September on various parts of our on-shore route with off-shore falling shortly thereafter.

SENATOR SMITH: In the event the State House Commission said no to the drafts, not yes to the drafts -- meaning (indiscernible) -- what signal would that send Ørsted?

MR. KAPLAN: That would result, likely, in a delay to the project due to the inability to secure the properties that we need to begin said construction activities.

SENATOR SMITH: Thank you.

ASSEMBLYMAN MORIARTY: Question. You said there were three independent studies. You claim that all of them -- none of them -- concluded that your operation had anything to do with whales.

Is that what your statement was?

MS. PERRY: Three independent agencies that are investigating the mortality events.

ASSEMBLYMAN MORIARTY: And did each of them produce a study?

MS. PERRY: They've made statements. I'm not sure if there's -- I would have to look back in my notes, but I'm not-- They've essentially been studying the ongoing stranding events for a number of years.

Frankly, there's not great information on what is causing all of them. They're using--

ASSEMBLYMAN MORIARTY: So, none of them ventured to guess as to what *could* be causing it?

MS. PERRY: The likelihood is that it's related to increased human interactions related to increased vessel use, and the shifting patterns of these whales as climate change warms our oceans and whales continue to follow (indiscernible) species northward into areas where we have extremely dense fishing traffic.

ASSEMBLYMAN MORIARTY: Can you-- You're a Danish company, right?

MS. PERRY: That's correct.

ASSEMBLYMAN MORIARTY: OK, so, you have a lot of wind farms in the North Sea, correct?

MS. PERRY: That's correct.

ASSEMBLYMAN MORIARTY: Off of Germany?

MS. PERRY: That's correct.

ASSEMBLYMAN MORIARTY: When you develop them -- have you been with the company that long? Maybe not.

MS. PERRY: I have not worked on any of our European projects.

ASSEMBLYMAN MORIARTY: OK, so you don't know - - or, do you know -- that when they started developing them and doing the kind of work that they're doing here, did that lead to any marine mammal deaths or strandings? Because, there's all beaches up in the North Sea--

MS. PERRY: Sure.

Not to my awareness. And, just to specify, there's been no whale death linked to any vessel strikes associated with our work, either.

So, the recent whale deaths -- several of them have been linked to -- it's likely they were related to vessel impacts; a vessel strike. So, our vessels employ a number of mitigation measures to ensure things like reduced vessel speeds during transit, as well as onboard monitors to ensure that we're looking out for whales that are in the vicinity of our vessels.

And, this is very different than what most vessels employ that are transiting up and down the coast of the U.S. And, so, there's been no history of any whale strike associated with any of our vessels.

ASSEMBLYMAN MORIARTY: In 2016, were you doing any of this underwater pinging stuff off the coast of Ocean City, Cape May?

MS. PERRY: We were not.

ASSEMBLYMAN MORIARTY: And, how many whale strandings were there then? Do you know?

MS. PERRY: I don't have the numbers at my fingers, but the strandings have gone up and down over the course of this past -- again, it's called this unusual mortality event that's been in place since 2016.

ASSEMBLYMAN MORIARTY: Thank you.

MR. AKHTER: Senator Testa.

SENATOR TESTA: You've mentioned the year 2016; I'm specifically speaking about what's happened recently. Again, I think I'm a person who follows the news regularly; is familiar with my local news. There's been at least 10 whale deaths that have been in the New York-New Jersey area and others in separate states.

Are you telling me that I wasn't necessarily following the news, and I didn't know what the information was? Because I can tell you, I lived on the -- near the Jersey Shore my entire life. I've never seen this amount of whale deaths.

Isn't there a huge spike right now? And, I'm not saying what the causation is--

MS. PERRY: Sure--

SENATOR TESTA: --but I think everybody has to be intellectually honest here. I mean, there's been a huge spike, and there's a lot of focus on it. Would you agree with that?

MS. PERRY: The Marine Mammal Commission has posted sort of the whale deaths that have been going on associated with humpbacks since 2016. And, to date, we're not seeing an unusually large number since that 2016 period started.

So, since 2016, every year the number has fluctuated, but so far this year we're not ahead of any previous year's strandings.

SENATOR TESTA: OK.

And, certainly, you would have to admit that you have a vested interest in this project, so you want to see the project go forward, correct?

MS. PERRY: Absolutely, but not at the expense of any marine mammals.

SENATOR TESTA: So, I think-- And, Senator Smith asked a great question about a pause and what that would cause. Obviously, there's going to be a congressional hearing on my calendar in a week. I mean, certainly, this Commission could meet on somewhat shorter notice after a congressional committee hearing. I mean, how much -- how long of a pause could Ørsted be OK with?

MS. PERRY: This -- the hearing today and approval of these easements -- is critical to ensure that our permitting process continues to move forward. We need to move forward with this process to enable the New Jersey State Land Resource Protection permits to be issued, which we're expecting at the end of April, should the Department determine that it's appropriate to do so.

So, to that end, I don't -- frankly, I don't think a pause at this point is appropriate, particularly in light of the fact that three Federal agencies have already concluded that offshore wind activities are not linked to the ongoing strandings.

SENATOR TESTA: So, with that being said, there's still litigation that's pending, correct?

And, I'm not asking you to speak about the merits of the litigation, but there's litigation that is pending, correct?

MR. KAPLAN: Litigation for -- regarding which?

SENATOR TESTA: Cape May County.

MR. KAPLAN: Cape May County.

There is litigation, potentially, in the works. The BPU went through a process that recently concluded with the outcome being that the project could move forward with securing easements through Cape May County. There could be a legal process that follows that; the project has not been alerted if there is an appeal or an additional set of legal arguments that are going to be made. But, that's the current status.

SENATOR TESTA: Mr. Chairman, the reason I'm so concerned about this is we can only -- we only have one chance to get this right. My legislative district relies heavily on commercial fisheries, oystermen, scallop boats -- if this is somehow at all wrong, it can be devastating to our ecosystem.

I just don't see why a pause isn't appropriate at this time. And, look, I may be -- call me cynical. Phillip Morris has a whole lot of studies that said, "Smoking wasn't that bad for you." Guess what? It was. We all know that now.

We only have one chance to get this correct, and, if we mess up, it's a huge one, and it could mess us up for a very long time. And, I can tell you that my legislative district can't suffer that.

So, I will -- I know that there's been a motion to table, I don't know if there's going to be more testimony or not, but I will renew my motion when it's appropriate.

Thank you.

MR. AKHTER: Senator, I do want to point out that this is just an easement at this point. These are -- I'm sorry, this is approval of just an easement for transmission lines. This is not the final vote on the project, or there will be other opportunities -- legal or otherwise -- for people to weigh in. But, this is part of the process, and we certainly want to hear from the public.

But, I do want to ask just quickly. You said -- I just want to repeat for the record -- what year did you start, did Ørsted start work on the New Jersey wind farm project?

MS. PERRY: I don't have the date at my fingertips, but it does -- it was not coincident with the 2016 start of the mortality event.

MR. AKHTER: In 2016, I mean, Governor Christie was in office, and there was no approval for such a project.

MS. PERRY: Correct.

MR. AKHTER: And, I want to just say here, for the *New York Times* from February 28, 2023. At that point, "23 dead whales have washed ashore on the east coast -- on the entire east coast -- including 12 in New Jersey and New York, as far north as New York City." Is any of your work off the shore of New York City?

MS. PERRY: Ørsted has a number of projects up and down the coast of -- the east coast. And, we do have projects in waters off of New York State.

However, again, those projects were also -- there were no sort of interactions between vessels conducting any survey activities, or vessels off the coast, and any of the -- linked to any of the whales that have been stranded.

MR. AKHTER: OK.

Are there any other questions for this testifier? (no response)

OK, well, thank you very much for your testimony.

We'll take other testimony at this time from the public. Again, there will be a three-minute limit on any opening statement, and then if any members wish to question them, we'll allow those questions.

Is there any other member -- you can just step right up, if a member of the public would like to speak on this issue.

R O B E R T M O S S: Are we including Number 6 in this discussion?

MR. AKHTER: No.

MR. BROPHY: We're talking about Number 5 right now.

MR. MOSS: OK, let me come back; sorry.

MR. AKHTER: Cindy will go out to the hall to make sure if there's anybody who hasn't been aware.

MR. BROPHY: Yes, come on.

S E A N M O R I A R T Y: Yes, so, I'm Sean Moriarty, Deputy Commissioner Department of Environmental Protection.

I think that the motions being considered are potentially impacting all of the applications. Would you like to hear anything from the Department at this point, with regards to this issue?

MR. BROPHY: I just want to clarify, Senator Testa, your motion is to table 5, 6, and 7 on the agenda?

SENATOR TESTA: That's correct.

MR. BROPHY: OK. Yes.

MR. MORIARTY: No relation to the Assemblyman, I'll confirm that.

ASSEMBLYMAN MORIARTY: Yes, I don't know. I think it depends on how far back you go.

MR. MORIARTY: So, I would like to just -- I want to -- we have no vested interest in this in the same way that it's been indicated that, potentially, Ørsted does. But we have--

MR. BROPHY: Mr. Moriarty, just repeat your name for the record.

MR. MORIARTY: Sean Moriarty, Deputy Commissioner, New Jersey Department of Environmental Protection.

M E G A N B R U N A T T I: Megan Brunatti, Deputy Chief of Staff, New Jersey Department of Environmental Protection.

MR. MORIARTY: So, the conversation at this point has been about whales. We've certainly been following that issue closely.

We concur with the testimony from Ørsted and Ocean Wind with regard to their indications of potential connections between the offshore wind investigations and the unusual mortality event. From our scientific perspective, we see no evidence to suggest at this point, and, that is, I think, consistent with what he indicated -- independent investigations, not industry-led investigations by three agencies have universally concluded that there is no connection.

I think what I'd like to further highlight -- and, you know, they touched on this as well -- as a result of climate change, we are seeing changes in the migratory patterns of species. That potentially includes the whales in question, but it also includes the food source of the whales --

(indiscernible). What we are seeing -- what the evidence shows to us -- is that there is an increasing presence of (indiscernible) in our waters as a result of the change in ocean temperature. The change in ocean temperature is pointed out in our scientific report on climate change; it's already documented.

As a result of that, we think it's more likely that we're seeing more whales in this area than we have previously. As a result of that, you're going to see more human-whale interactions. It's not dissimilar to the conversation we've had around bears in the last several months -- as those species continue to become more abundant in our area, you're going to see more interactions between the human environment and the marine environment.

We think that's the most likely connection here; obviously we would offer that work that the State is pursuing on offshore wind is intended to address the climate change, it's intended to help to protect us from those ongoing impacts.

I would also point out -- and, I don't think that Ocean Wind hit this specifically -- but BOEM recently co-authored a study that looked at those specific methods conducted to do this level of analysis of the ocean floor, and found that none of those methods have any connection or any real potential to impact the behavior of the whales.

SENATOR SMITH: Who did the study?

MR. MORIARTY: BOEM.

MS. BRUNATTI: Bureau of Ocean Energy Management-

-

MR. MORIARTY: Megan is in charge of acronyms--

MS. BRUNATTI: They also did it in conjunction with the U.S. geological survey, the University of New Hampshire -- I think that's it. But, several other -- it was a joint study with BOEM and these other entities.

MR. MORIARTY: And I would just, lastly, (indiscernible) questions.

I think that -- and someone discussed this earlier -- the question in front of the Commission is ultimately whether the applications offered satisfy your standards; whether the compensation and the process followed by the various agencies have met your standards, and that you feel that we are getting fair value back for those things.

The larger question, while fair, I think will play out in a separate context. Litigation, congressional hearings -- whatever those, whatever form that those take, those will ultimately decide the fate of offshore wind in our state, and ultimately, likely, the fate of the country and our ability to contribute to the mitigation of climate change.

But, the question that we have, and the ones that we've offered you today, are about whether we've got sufficient compensation to allow for these costs.

So, any questions?

MR. AKHTER: If no other questions from members, I'll thank the DEP for their input.

MS. BRUNATTI: Thank you.

MR. MORIARTY: Thank you; appreciate the time.

MR. AKHTER: Is there -- I'll give one more chance to the public if there's anyone else in the public who would like to comment on this item specifically.

SENATOR SMITH: (indiscernible)

MR. AKHTER: Yes, Senator.

SENATOR SMITH: I would like a motion to move forward on the application with a little discussion.

MR. BROPHY: I think we have to rule on the motion to table--

SENATOR SMITH: I thought we did, we took a vote on it, it was 5-2.

UNIDENTIFIED SPEAKER: We tabled it.

MR. BROPHY: OK.

SENATOR SMITH: Unless I missed something.

MR. BROPHY: No, so--

SENATOR SMITH: So, I'd like to move forward with the agenda item, which is an easement, and not anything else.

And, is there a second to that?

ASSEMBLYMAN MORIARTY: Yes, second.

SENATOR SMITH: So, a little discussion.

First of all, I think Senator Testa is doing his job for his constituents. There's a concern that they are affecting the marine population, and it's absolutely the right thing for him to raise that as an issue.

However -- and, take a look at today's *Star-Ledger*, they did another analysis of it. And, the Marine Stranding Center said the last one, the whale had damage to the whale. And, that seems to be the case for about half of those incidents.

I think the comment made by Commissioner Moriarty is absolutely correct. We've so screwed up the planet our ocean currents have

changed. The Gulf Stream in particular. And, what is happening is more and more (indiscernible) fish than had come in close to the New Jersey Shore -- the animals that eat them have to come closer to the Jersey Shore, and we're going to have more -- unfortunately -- we're going to have more whales and dolphins dying. *Not* because of what these people did or didn't do, but because of what we've done to the planet in terms of global warming, and screwing up ocean currents.

And, the other thing I point out, is that you now-- I did not know about the three Federal agencies that have weighed in on this, but that helps me at least, in terms of our report. I don't want to see a whale or a dolphin die. But, it sounds like it isn't the wind farm that's doing it, it's the change in the global climate, which we have not addressed -- not only in New Jersey, but across the world. The planet is in trouble.

What's on the table today is a small step to help get a wind farm -- or multiple wind farms -- off the coast of New Jersey so that we can reduce our carbon footprint, hopefully to ameliorate the rate of negative change that's going on with the planet. Which is the reason why that process occurred that, Senator, you may remember it, in the last session, Senator Sweeney and I co-sponsored the bill that set up this process, because -- the reason for it -- I'm being totally candid -- the word had gotten back to us that a number of mayors on the Jersey coast are concerned about new issues, more than aesthetic issues, and that there would be a definite effort to stop the (indiscernible), not allowing easements or the process to go forward.

So, the bill that was passed, and the regime that this litigation is going under, is that bill, which said that if there's a public right of way, the connection -- the distribution system -- could be in any public

right of way as well. (indiscernible) towns and (indiscernible) as long as the easements were restored so that everything was underground. (indiscernible) a lot more towers to be built, as long as it was underground, the only place where it's above ground was that the point of introduction to the grid.

So, we already put some really stiff requirements on the distribution system, which is probably considered even more expensive. But, we have a State policy encouraging wind farms off the coast. I mean, that's the adopted policy of the state, and it's the legislation that we passed. The economic stimulation that's associated with ORECS -- Offshore Renewal Energy Credits -- and, we're doing it because we're in big trouble. We've got to reduce our carbon footprint.

And, by the way, I don't want to be the senator who said I slowed this down, all right, because there will be another water event -- whether it's a super hurricane, or the crazy thing that came from Louisiana, Ada -- Ida? I'm not sure.

MR. BROPHY: Ida.

SENATOR SMITH: Ida, with 29 New Jersey deaths, and rain falling in places which was never expected to happen. It's, again, because we screwed up the planet.

This is New Jersey's major effort to try and cut down what we do that's screwing up the planet. So, delay is existential. We can't slow (indiscernible) the wind farms down, just like we should be doing everything we can to get grid-scale solar done. We've got to reduce the carbon footprint.

And, the easement that's in question is, like, a gnat's wing at this point, in terms of what it does. It doesn't send a signal to the wind farms, the various wind developers, that New Jersey is having second

thoughts about wind farms. We're not having second thoughts. And, the great thing is that there's at least three Federal agencies who have (indiscernible) searched it and said there's no impact on marine biology from whatever tests that they're doing.

And, I also know that if -- suppose it turned out the other way; suppose, tomorrow, we had Rutgers University say there was an impact. Then the whole world would change. But, you're not getting any valid scientific source saying there's a problem. You do have people who -- and, I'm one of them -- I'm emotionally attached to whales and every marine animal. But, the evidence is not there that wind farms are the problem -- or the testing for wind farms is the problem. And, there's all kinds of evidence that we're going to hell in a handbasket environmentally, and we better start reducing our carbon footprint.

So, we have a motion and second to release the matter if there's no other testimony. But, I would like to hear (indiscernible). We're a democracy, we talk to each other.

SENATOR TESTA: Senator, I appreciate your comments, and I appreciate the compliment that you gave me in representing my constituents.

And, I understand that the majority of the Legislature in the State wants to move forward with these projects.

However, I can tell you that, again, we represent people. And, the people of my Legislative district and the people who are willing to take the time to email my Legislative office, Assemblyman Simonsen, Assemblyman McClellan's Legislative office, and the fact that there are hundreds if not thousands of people who want to attend Congressman Van

Drew's congressional hearing because they are so, in fact, interested in this.

I have no problem with the fact that New Jersey wants to diversify its energy portfolio. I'm not saying that we shouldn't. I agree with you, especially on the solar aspect. Again, I do have -- as an attorney, I have a bit of a problem with the project and easements and the statute that was passed, the law that was passed through our very Legislature last session, essentially granting eminent domain powers to a foreign corporation, and taking out home rule. I have an issue with that. I believe that local governing bodies should be able to govern themselves, and I think that we have the pedal to the metal on this project.

Again, this may turn out to be a wonderful project, but I know this: Again, I don't want to repeat myself over and over again, but there are multiple whale deaths that I've never seen before in my lifetime, living very near to the Jersey Shore. My first job was as a member of the Wildwood Beach Patrol in Wildwood, my Legislative district. I never saw this level. And, I don't disagree that we need to do things to really protect our environment. I mean, again, this is why, when I grew up -- I said it before, I remember the bumper sticker, "Save the whales." I'm somewhat perplexed at the environmental groups that typically -- like Green Peace and the Sierra Club -- aren't up in arms about this issue. And, again, it just -- because it seems like there's this groupthink mentality that we have to go forward at full speed ahead on this.

Obviously, you know where my vote is going to go. I just wanted to make sure that my concerns and the concerns of my constituents were aired properly and articulately.

So, I thank the body for my time.

Thank you.

MR. AKHTER: Are there any other comments from members before we take a vote?

MR. BROPHY: So, just for clarity of the record, I think we need a motion to remove, because it was including all three items. We need a motion to remove those items from the table and then we can go through each one.

SENATOR SMITH: State the motion.

MR. BROPHY: It's a motion to remove items 5,6, and 7 from tabling and then put them back on the agenda.

SENATOR SMITH: So moved.

ASSEMBLYMAN MORIARTY: Second.

MR. BROPHY: Senator Smith, Assemblyman Moriarty seconds.

MR. BROPHY: Mr. Akhter.

MR. AKHTER: Yes.

MR. BROPHY: Mr. Binder.

MR. BINDER: Yes.

MR. BROPHY: Ms. Azarchi.

MS. AZARCHI: Yes.

MR. BROPHY: Senator Smith.

SENATOR SMITH: Yes.

MR. BROPHY: Senator Testa.

SENATOR TESTA: No.

MR. BROPHY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. BROPHY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: No.

MR. BROPHY: Five yes, two noes.

And, now, we'll take a motion on this item -- item 5.

SENATOR SMITH: (indiscernible)

ASSEMBLYMAN MORIARTY: Second.

MR. BROPHY: Senator Smith, Assemblyman Moriarty.

MR. BROPHY: Mr. Akhter.

MR. AKHTER: Yes.

MR. BROPHY: Mr. Binder.

MR. BINDER: Yes.

MR. BROPHY: Ms. Azarchi.

MS. AZARCHI: Yes.

MR. BROPHY: Senator Smith.

SENATOR SMITH: Yes.

MR. BROPHY: Senator Testa.

SENATOR TESTA: No.

MR. BROPHY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. BROPHY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: No.

MR. BROPHY: Five yes, two noes. The motion passes.

Number 6 -- and, this is a DEP request.

This is Ocean City Public Beach, block 611.11, part of lot 145, lot 611.11 -- part of lot 137, block 3500, part of lot 1, including the associated repairing grant, city of Ocean City in Cape May County.

New Jersey DEP requests approval to allow the acquisition of a 30-foot-wide underground electric utility easement by Ocean Wind LLC on 0.579 acres of parkland within the Ocean City public beach, in the city of Ocean City, Cape May County, as part of the Ocean Wind 1 offshore wind-generation project.

This project is proposed to meet the requirements of the State's Offshore Wind Economic Development Act, PL 2010, Chapter 57, which mandates the development of a minimum of 1,100 megawatts of offshore wind resources. The project also contributes to meeting a threshold established by Executive Order 8 in 2018, which sets a goal of 3,500 megawatts of renewable energy by 2030; Executive Order 92, which increased the goal to 7,500 megawatts by 2035; and, Executive Order 307, which further increased the goal to 11,000 megawatts by 2040.

Ocean Wind is proposing to develop a 1,100-megawatt offshore wind-generation project within the BOEM Lease Area OCS-A-0498, and to connect to the electric grid via a series of underground electric utility easements. The public beach above the proposed diversion area will remain accessible to the public, but the City will not be allowed to place permanent structures on or within the easement area.

SENATOR SMITH: So, can I interrupt for a second?

MR. BROPHY: Sure.

SENATOR SMITH: It's 10:05.

MR. BROPHY: Yes.

SENATOR SMITH: And, I chair the Senate Energy and Environment Committee, and we have a meeting that started at 10:00 without me.

So, I have -- they're calling now to say, "Where the hell are you?"

I need to go up, but I would like to, for the record, say that I've reviewed the manual and the background on every one of today's items that are part of the State House Commission, and I am -- please record my vote yes for the concurrence on all those items to move forward.

And, I have really strong opinions about the Judicial Retirement System, on that issue, but I have to leave. As soon as I get done there, I will try to come back and be present. Maybe somebody could let me know when the Judicial Retirement issue is up, and maybe I can put the Vice Chairman in charge, and I can come back, because I would like to be here.

MR. AKHTER: I'll give you a call, sir; thank you.

SENATOR SMITH: OK.

Very sorry, too much going on at the same time in Trenton.

MR. AKHTER: Thank you, Senator.

SENATOR SMITH: Sorry about that.

MR. BROPHY: And just to be clear, Senator, your votes on those items are in the affirmative?

SENATOR SMITH: In the affirmative on the release on all of those items; that is correct.

I am going to leave my stuff here on the chance that I do get back in time.

MR. BROPHY: Continuing on this particular item, the terms of this request -- the compensation for the proposed subsurface easement rights -- has been determined under NJAC 7:36-26.10. The

proposed subsurface easement being diverted 0.579 acres must be replaced with at least twice its acreage and land, or 10 times the market value of the land to be diverted as monetary compensation.

The value of the subsurface easement area to be diverted was appraised and approved by the Green Acres Program at \$15,000. This diversion area and value would equate to either a minimum of 1.158 acres of land or a payment of \$150,000 under NJAC 7:36-26.10. If an applicant commits to purchase replacement land, it has two years with the possibility of a six-month extension for good cause shown to complete the purchase.

In addition, under NJSA 48:3-87.1F2, Ocean Wind is obligated to, one, pay the City for the fair market value of the easement, and, two, provide funds to either the Department, a local government unit, or a qualified nonprofit with a purchase of three times the acreage of the diverted area -- in this case, 1.74 acres in Cape May County within three years from the date of the issuance of the order by BPU granting Ocean Wind the permanent easement.

Ocean Wind is exploring acquisition of a 17.5-acre property near the existing DEP wildlife-management area as a potential compensation parcel in lieu of the Department undertaking the acquisition itself with funds from Ocean Wind. If Ocean Wind is successful in its negotiations with the property owner and the DEP determines it was to accept title to the property or any other property of sufficient size that it deems acceptable, then no cash compensation will be due from Ocean Wind to DEP.

If Ocean Wind is not successful in its negotiations with the property owner, and/or DEP does not want to accept title to the potential

replacement property, then Ocean Wind will take all necessary measures to comply with the requirements of NJSA 48:3-87.1F, paragraph 2, by providing funds to either the Department, a local government unit, or qualified nonprofit, with the purchase of three times the acreage of the diverted area in Cape May County, within three years from the date of the order by the BPU granting Ocean Wind a permanent easement across the City's beach -- at the time the City's beach is recorded.

The DEP does not recommend any additional land compensation above and beyond the compensation required and will allow the full three years for purchase of the replacement land. If the land compensation ends up being owned by a local government unit or nonprofit, the DEP will acquire Green Acres restrictions to be imposed on the replacement land.

The application is subject to the following terms and conditions: Letter A, issuance of the record of decision by BOEM for the project prior to the start of construction; B, issuance of DEP diversion of land-resource protection permits for the project; and, C, issuance of any other Federal, State, or local approvals required for the project to commence construction.

Having said that, can we have a motion to move this item?

ASSEMBLYMAN MORIARTY: I'll make that motion.

MR. BROPHY: Senator Moriarty -- Assemblyman Moriarty, I promoted you.

ASSEMBLYMAN MORIARTY: Thank you.

MR. BROPHY: Do we have a second?

MR. BINDER: Second.

MR. BROPHY: Mr. Binder.

Any discussion?

MR. AKHTER: Is there any public comment?

MR. BROPHY: We'll let them discuss first.

SENATOR TESTA: I think I made my comments very clear, you know, regarding this. I don't want to be repetitive at all, I just want to renew those comments as they apply specifically to Ocean City.

Again, I understand that pursuant to the Open Public Meetings Act, this was in fact posted to the State House Commission website. I just think in the future, for a matter of this gravity, I think that notice should be given to, specifically, invitation to maybe the Mayor of Ocean City and anybody who is affected by these takings. I think that this just makes sense. I think it is in line with due process. It's something that I really obviously care about as an attorney who practices law.

I just think that, obviously, on a website -- this was published, I believe, on the third of March--

MR. BROPHY: Correct.

SENATOR TESTA: I don't know that this is necessarily sufficient time for people to avail themselves of the website and then be able to change their schedules so that they can come to the Statehouse for something of this gravity. I think that people should be given more notice rather than less notice so that these matters seem much more transparent.

Thank you.

MR. BROPHY: Assemblyman.

ASSEMBLYMAN MORIARTY: I just want to -- I didn't say some comments on the last one; I just want to add a few comments from my perspective.

And, again, I appreciate Senator Testa's viewpoint in representing the people who he represents, and whenever something big like this occurs, people are aware, and he represents fishermen, as he said. And, if I thought for one moment that there was a problem, I would not vote for this.

I also have shore roots, because I own a home -- or, I owned a home -- in Brigantine for 30 years. And, I remember when they started the Marine Mammal Stranding Center in Brigantine. And, I remember visiting there quite often in my former life as a reporter, and also as a resident or summer resident of Brigantine.

There have been mammal strandings going on for quite a while. So, to the extent that they had to create a marine mammal stranding center at the shore. So, I am aware of many of the strandings that have occurred through the years, going back to 1990, probably, when it started occurring with more frequency.

So, I don't see any correlation, and I think that the company that's represented here, Ørsted, is from Denmark -- it's a Danish company. Denmark is one of the world's great fishing countries, and they have offshore wind all over the place around Denmark. I don't think they'd be harming their own economy. That just wouldn't be practical.

And, then, the last thing I wanted to say is that, at my own expense in 2018, I actually traveled to the North Sea and visited these wind sites, because I knew we were moving in this direction, I was curious. I've

been to these offshore wind sites. I've seen every aspect of production of wind towers; I've seen every aspect of this process. And, I'm impressed at what they've done over there, and the amount of electricity – renewable, clean electricity that they're powering homes with -- and, I think that this is going to be good for our state and for the environment.

So, that's why I'm in favor of these -- of not slowing things down. At the same time, we should continue to investigate if there is some harm that we didn't know about, and it comes to light, we can stop.

So, I'm a yes.

MR. BROPHY: Thank you.

I think we're going to take comment from the public first, and then we'll take a vote on it.

Anyone on item six?

Come on up, sir.

MR. AKHTER: We checked in the hallway and let them know that there is (indiscernible)

MR. MOSS: Good morning, Robert Moss from Bloomfield.

My comments actually apply to a lot of applications that come before the Commission, and, so, I'll be brief.

We need tighter regulations to tighten up -- to make it more difficult to divert land out of Green Acres protection. And, specifically, diversions should not be approved until the replacement land is already in place -- already secured. The reason being, the state is racing towards build out. Every day, there is less land available, and, if we pour X dollars into the Garden State Preservation Trust Fund, or maybe some others who are

mentioned there, and the applicant gets some number of years like three years to get it all in place, the public cannot evaluate whether the replacement land is reasonably equivalent to what was diverted as required by the regulations.

So, that applies to a lot of things. I believe it applies here. It's a recommendation or a wish list -- it doesn't -- I know what the regulations say now.

Thank you.

MR. AKHTER: Thank you, sir.

MR. BROPHY: Any other public comment? (no response)

On the motion for item Number 6.

Mr. Akhter.

MR. AKHTER: Yes.

MR. BROPHY: Mr. Binder.

MR. BINDER: Yes.

MR. BROPHY: Ms. Azarchi.

MS. AZARCHI: Yes.

MR. BROPHY: Senator Smith is a yes.

Senator Testa.

SENATOR TESTA: No.

MR. BROPHY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. BROPHY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: No.

MR. BROPHY: Five yes, two no.

Item Number 7. The project is Island Beach State Park, block 1750, part of lot 1 in Berkley Township in Ocean County.

The DEP is requesting approval to lease approximately 2.444 acres, which is 106,457 square feet within Island Beach State Park in Berkley Township in Ocean County to Ocean Wind LLC for 24 years for underground electric utility lines and associated transition joint bays as part of the Ocean Wind 1 Offshore Wind Generation Project.

The project is proposed to meet the requirements of the State's Offshore Wind Economic Development Act, which mandates that the development of a minimum of 1,100 megawatts of offshore wind resources. Project also contributes to meeting the thresholds established by Executive Order 8, which set a goal of 3,500 megawatts of renewable energy by 2030; Executive Order 92, which increased the goal to 7,500 megawatts by 2035; Executive Order 307, which further increased the goal to 11,000 megawatts by 2040.

Ocean Wind is proposing to develop 1,100 megawatts offshore wind-generation project within the BOEM lease area OCS-A 0498, and to connect the electrical grid via a series of underground electric utility easements. The area above the proposed lease premises will be accessible to the public after initial construction, but the placement of the lines will impact the ability of the State to place structures in the leased premises.

The terms of this proposal are to compensate the State for the use of its land. Ocean Wind proposes to provide \$368,258.85 per year, with a 3% increase for the second year, for temporary use of a total of 4.685 acres of DEP, and plus the use of the shore road for access to and from the construction areas during construction of the project, which will be limited

to the off season; Number 2, \$10,818 per day for any construction that occurs between April 15 and October 14, during the two-year construction period; and, three, \$59,586.75 per year for 2.44 acres long-term utility lease area with a 3% annual escalation factor.

Over the life of the 24-year lease, the total rental payments for the temporary use area and 24-year utility lease will be \$2,798,926.94 if paid on an annual basis, not including any contingency payments for peak season construction. However, as part of this approval, DEP also seeks approval to accept an upfront lump sum payment from Ocean Wind for the present value of the total lease payments for the 24-year lease term.

Ocean Wind also agreed to place \$4 million in escrow for the State to create a loop trail of approximately 8 miles for the public's use and enjoyment and to build about 2,500 linear feet of living shoreline on the Barnegat Bay side of the park to alleviate erosion concerns and protect the park. At this time, the mitigation projects are conceptual in nature, and Ocean Wind has agreed to allow mitigation monies to be used for similar public access or coastal resiliency projects, should the State determine the trail and shoreline projects are not feasible.

So, can we have a motion on Number 8 -- I'm sorry, this is Number 7.

MR. BINDER: Motion.

MR. BROPHY: Mr. Binder.

ASSEMBLYMAN MORIARTY: Second.

MR. BROPHY: Assemblyman Moriarty second.

Any comment?

SENATOR TESTA: I hate to be the thorn in the side; I do. I just am someone who likes to be extremely thorough.

My understanding -- and, please correct me if I'm wrong, and I think it would have to be someone from the DEP or maybe someone on this Commission who knows this -- was Island Beach State Park donated by one family?

JUDITH YEANY, ESQ.: Good morning, my name is Judith Yeany, I am Assistant Director of the Office of Transactions and Public Land Administration at the DEP.

You are correct that the parcel *was* owned by one family, the Phipps family, before the State purchased it. But, Island Beach was a fair market value purchase. The Legislature specifically appropriated funds in 1952 and we purchased the property from a company related to the Phipps family in 1953.

SENATOR TESTA: That's really helpful information. Thank you for providing that information.

Were there any restrictions on the land in the purchase of the parcel? You know, from the family themselves?

MS. YEANY: The deed is unrestricted.

SENATOR TESTA: It is un--

MS. YEANY: And, in fact, part of the history is that -- and, this is kind of unusual because we don't usually go to the State House Commission for permission to acquire things -- but the State House Commission approved the purchase; it was a condition of the funding.

SENATOR TESTA: This is rare. I have no further questions.

(laughter)

MR. BROPHY: Any other comments from members? (no response)

Any member of the public? (no response)

Seeing none, on the motion, Mr. Akhter.

MR. AKHTER: Yes.

MR. BROPHY: Mr. Binder.

MR. BINDER: Yes.

MR. BROPHY: Ms. Azarchi.

MS. AZARCHI: Yes.

MR. BROPHY: Senator Smith is a yes.

Senator Testa.

SENATOR TESTA: No.

MR. BROPHY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. BROPHY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: No.

MR. BROPHY: Five yes, two noes.

Number 8, the project is Patriot's Path Conservation Trail easement, block 4001, part of lots 12 and 14, Township of Hanover in Morris County.

The DEP, on behalf of the Township of Hanover requests approval to allow the Township to remove Green Acres restrictions from a 0.84-acre conservation easement acquired as part of the alignment for Morris County's Patriot's Path to enable the trail to be realigned in a new location.

In July of 1990, the Township was granted a 0.84-acre conservation easement on block 4001 lots 12 and 14 by a private developer. The easement has been maintained as a grass lawn since the Township acquired it. The conservation easement was envisioned as a segment of Morris County's Patriot's Path trail network; however, no steps were ever taken to construct this section, because portions of the easement would disconnect it from sections of the trail. The proposed disposal is intended to improve the functioning of the Township parkland by allowing the Patriot's Path trail easement to be realigned to an area that will allow for its construction.

To compensate for the proposed disposal, the Township has agreed to place Green Acres restrictions on a new conservation and trail easement, as well as a new pocket park totaling 1.04 acres.

Number 8 -- can we have a motion on that?

MR. BINDER: Motion.

MR. BROPHY: Mr. Binder.

Second?

ASSEMBLYMAN MORIARTY: Second.

MR. BROPHY: Assemblyman Moriarty.

Any comments? (no response)

Seeing none, any public comment?

Sir.

MR. MOSS: Robert Moss, Bloomfield.

This is similar to my previous comment. We've heard a lot about complete information. I looked at the application when it came up

on the website. I couldn't make heads or tails of it, in terms of before and after -- what's it look like now, what's it going to look like after?

And, I did submit a comment to that effect, and, to my knowledge, no further information has been available.

And, I urge the Commission to table this until the public can look at it and evaluate. Is it at least reasonably equivalent after as it is now?

Thank you.

MR. BROPHY: Thank you, sir.

On the motion -- any other comments? (no response)

Mr. Akhter.

MR. AKHTER: Yes.

MR. BROPHY: Mr. Binder.

MR. BINDER: Yes.

MR. BROPHY: Ms. Azarchi.

MS. AZARCHI: Yes.

MR. BROPHY: Senator Smith is a yes.

Senator Testa.

SENATOR TESTA: Yes.

MR. BROPHY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. BROPHY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. BROPHY: All in favor.

Number 9: The Greenway, block 284, part of lot 30, in the Township of Bloomfield in Essex County.

DEP requests approval to formalize access to a residential property adjacent to The Greenway, which is the former Norfolk Southern Railway Company property in the Township of Bloomfield, County of Essex, by conveying a permanent access easement of approximately 0.036 acres, but will not exceed 0.10 acre, to the current residential property owners Rashida J. Blackwood and Heather Duley.

In August 2022, DEP purchased approximately 9 miles of former railroad right of way from the Norfolk Southern Railway Company to create a greenway corridor for future park, utility, and transportation use. Shortly after closing, the previous owners of block 284, lot 16, a neighboring property, requested that DEP formalize their access rights through Block 284, lot 30, as part of the pending sale of their residence.

The easement proposed for the benefit of block 284, lot 16, would formalize the property owner's current access rights within a defined right of way -- the existing 10-foot-wide driveway. Rather than substantially delay the pending sale, all parties agreed to accept a one-year temporary access easement. The temporary access easement was executed on October 31, 2022. DEP now seeks to convey a permanent access easement to Rashida J. Blackwood and Heather Duley, the current owners of block 284, lot 16, to allow access to within a defined right of way that crosses a portion of block 284, lot 30. Block 284 lot 16 is surrounded by private land on three sides and is cut off from direct access to Spruce Street on the fourth side by the former railroad right of way.

As there is no feasible alternative to continuing the historical access through lot 30, and doing so is not expected to interfere with future development plans for public use of the greenway, the DEP

recommends granting access -- granting the access easement. The easement will be non-exclusive and would require Ms. Blackwood and Ms. Duley, and their successors in title, to maintain the driveway and easement area, and would be limited to the use of block 284, lot 16, for one single-family residence, and would allow the DEP to cross over the easement area as part of its future development of the greenway, as long as it does not substantially interfere with access to block 284, lot 16.

Under New Jersey Case Law, compensation is not required for an existing easement by a necessity. Based on the above, no additional compensation is proposed. All technical costs will be borne by the proposed grantees.

Could we have a motion -- that's Number 9.

ASSEMBLYMAN MORIARTY: I'll make that motion.

MR. BROPHY: Assemblyman Moriarty.

Second.

ASSEMBLYMAN DiMAIO: Second.

MR. BROPHY: Assemblyman DiMaio.

Any questions, concerns? (no response)

Any public comment on this? (no response)

Mr. Akhter.

MR. AKHTER: Yes.

MR. BROPHY: Mr. Binder.

MR. BINDER: Yes.

MR. BROPHY: Ms. Azarchi.

MS. AZARCHI: Yes.

MR. BROPHY: Senator Smith, yes.

Senator Testa.

SENATOR TESTA: Yes.

MR. BROPHY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. BROPHY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. BROPHY: All in favor.

Number 10: The project is Rancocas State Park, block 2702, part of lot 6, in the Township of Southampton in Burlington County.

The DEP requests approval of a 20-year lease with Pinelands Water and Wastewater company for the continued operation of an existing emergency standby generator, which sits partially on land owned by the DEP in the Township of Southampton in Burlington County. This generator has been partially located on DEP's property since the time of State acquisition. The property lease will benefit the public by preventing the loss of power to the water well station on the proposed tenant's property in the event of a power disruption in the surrounding area. Allowing the generator to remain on DEP property is not expected to impact the use of Rancocas State Park.

The proposed rent for the first year of the lease is \$1,000, with an annual increase of 3%. The year one amount is the current minimum annual rental set by the DEP's Linear Corridor Leases Policy for public and private utility projects on DEP land.

That is Number 10. Do we have a motion?

ASSEMBLYMAN MORIARTY: I'll make a motion.

MR. BROPHY: Assemblyman Moriarty.

Second?

SENATOR TESTA: I'll second.

MR. BROPHY: Senator Testa.

Any comments? (no response)

Any public comment? (no response)

On the motion: Mr. Akhter.

MR. AKHTER: Yes.

MR. BROPHY: Mr. Binder.

MR. BINDER: Yes.

MR. BROPHY: Ms. Azarchi.

MS. AZARCHI: Yes.

MR. BROPHY: Senator Smith, yes.

Senator Testa.

SENATOR TESTA: Yes.

MR. BROPHY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. BROPHY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. BROPHY: All in favor.

Number 11: Delaware and Raritan Canal State Park, block 3601, part of lots 8 and 9 in the Township of Lawrence in Mercer County.

DEP requests approval of a 20-year lease with Public Service -- PSE&G for the installation, removal, maintenance, repair, and operation of an existing 138-kV aerial electrical transmission line and access road. The lease will replace and supersede a 20-year lease easement

agreement that was executed in 2002. DEP has determined that continued operation of the lease premises by PSE&G will not have a negative impact on the public use or enjoyment of the Delaware and Raritan Canal State Park.

The proposed annual rent for the first year of the lease is \$17,400 with a 3% annual escalation for each subsequent year of the lease. The rate was established by an appraisal performed in December of 2022, which valued the area at 28 cents per square foot.

That's Number 11. Can we have a motion on that?

ASSEMBLYMAN MORIARTY: I'll make that motion.

MR. BROPHY: Assemblyman Moriarty.

Second?

MR. BINDER: Second.

MR. BROPHY: Mr. Binder.

Any comments, questions? (no response)

Does the public have any comments or questions? (no response)

Hearing none, Mr. Akhter.

MR. AKHTER: Yes.

MR. BROPHY: Mr. Binder.

MR. BINDER: Yes.

MR. BROPHY: Ms. Azarchi.

MS. AZARCHI: Yes.

MR. BROPHY: Senator Smith is yes.

Senator Testa.

SENATOR TESTA: Yes.

MR. BROPHY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. BROPHY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. BROPHY: All in favor.

Number 12: Also the Delaware and Raritan Canal State Park, multiple blocks and lots in Middlesex, Somerset, and Mercer counties.

Area 1, which consists of block 101.09, lot 1.01, in the City of New Brunswick in Middlesex County; Area 2, which is block 466, lot 10 in the Township of Franklin in Somerset County; Area 3, which is block 515, lot 4, in the Township of Franklin, also in Somerset County; Area 4, block 206, lot 7.01 in the Township of Hillsborough in Somerset County; block 9001, lot 13 in the Township of Montgomery in Somerset County; block 101, lot 2 in the Township of South Brunswick in Middlesex County; block 5101.01 lot 5.01 in the Township of Lawrence in Mercer County; block 2506 lot 1 in the City of Trenton in Mercer County; and block 137 lot 1 in the Township of Hopewell in Mercer County.

DEP requests approval to enter into a -- is it a 20-year lease, is that right? There's a typo on here -- a 20-year lease with the United States Geological Survey for the installation, removal, maintenance, repair, and operation of 11 gaging stations within Delaware and Raritan Canal State Park in Mercer, Middlesex, and Somerset counties. The DEP would be a co- lessor with the New Jersey Water Supply Authority and the Delaware and Raritan Canal Commission, collectively, as lessors. The gaging stations are entirely or partially within the Delaware and Raritan Canal Transmission Complex at the Delaware and Raritan State Park. Therefore, the lease will be administered entirely by the New Jersey Water Supply Authority.

Based on the services to be provided by the USGS to the lessors over the life of the lease, a nominal consideration of \$1 per year is proposed. Since the leased premises are entirely within the transmission complex, the rent will be paid to the New Jersey Water Supply Authority.

That is Number 12. Can we have a motion on that?

MR. BINDER: Motion.

MR. BROPHY: Mr. Binder.

Second?

ASSEMBLYMAN MORIARTY: Second.

MR. BROPHY: Second, Assemblyman Moriarty.

Any questions or comments? (no response)

Any public comment on this? (no response)

Seeing none -- Mr. Akhter.

MR. AKHTER: Yes.

MR. BROPHY: Mr. Binder.

MR. BINDER: Yes.

MR. BROPHY: Ms. Azarchi.

MS. AZARCHI: Yes.

MR. BROPHY: Senator Smith.

SENATOR SMITH: Yes.

MR. BROPHY: Senator Testa.

SENATOR TESTA: Yes.

MR. BROPHY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. BROPHY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. BROPHY: All in favor.

We will now be moving into -- the next item on the agenda -- we need a request for an adjournment, so we can move into -- move in from the State House Commission to the Judicial Retirement System.

So, we need a motion to sit as the JRS. Same motion.

Mr. Binder. Second?

All in favor on that, to sit as JRS?

ALL: Aye.

MR. BROPHY: Any opposed?

SENATOR TESTA: Excuse me, I think I'm going to have to abstain on this, just because I just got all of this yesterday.

MR. BROPHY: Yes--

SENATOR TESTA: I did not have time, with all the other materials, to go through it.

MR. BROPHY: Got it.

MR. AKHTER: We'll take a break for five minutes and we'll--

MR. BROPHY: Motion to adjourn.

MR. AKHTER: Is there a motion to adjourn for five minutes?

UNIDENTIFIED SPEAKER: So moved.

MR. AKHTER: Second?

MR. BINDER: Second.

MR. BROPHY: Aaron, thank you.

UNIDENTIFIED SPEAKER: Thank you, Senator, appreciate your time.

(MEETING ADJOURNS 10:36 a.m.)
(MEETING RECONVENES 10:47 a.m.)

MR. AKHTER: So, we will come back into session here as the Judicial Retirement System, and I will ask the secretary to -- do we need to take roll again -- do we take another roll?

We will take the roll, given that certain members have moved.
Take the roll as the Judicial Retirement System.

I'll take the roll as the Chairman here.

Senator Smith.

SENATOR SMITH: Present.

MR. AKHTER: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Here.

MR. AKHTER: Ms. Azarchi.

MS. AZARCHI: Here.

MR. AKHTER: We're going through a few hiccups, I apologize.

We have the Treasury.

Assemblyman DiMaio.

Senator Testa, here but recused -- thank you.

SENATOR TESTA: Well, I'm not necessarily recused. Council may have convinced me to listen in (indiscernible) with the testimony (indiscernible).

MR. AKHTER: So you retain the option here, and we thank you for staying with us.

Can we get approval of the minutes?

I'll entertain a motion for the approval of the minutes of the meeting held on January 9.

SENATOR SMITH: So moved.

MR. AKHTER: Is there a second on that motion?

MS. ZULLA: Chairman Akhter.

MR. AKHTER: Yes.

MS. ZULLA: Treasurer Aaron Binder.

MR. BINDER: Yes.

MS. ZULLA: Lynn Azarchi.

MS. AZARCHI: Yes.

MS. ZULLA: Senator Bob Smith.

SENATOR SMITH: Yes.

MS. ZULLA: Senator -- he's not here, right?

MR. AKHTER: No, Senator Testa.

MS. ZULLA: Senator Testa.

SENATOR TESTA: Here.

I have to--

MR. AKHTER: Abstained.

SENATOR TESTA: --I have to abstain on (indiscernible).

MR. AKHTER: Yes.

MS. ZULLA: OK.

Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MS. ZULLA: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. AKHTER: OK.

MS. ZULLA: Number 2 on the agenda is confirmation of death claims, retirements, and survivor benefits.

MR. AKHTER: Take a motion.

SENATOR SMITH: So moved.

MR. AKHTER: Is there a second?

MR. BINDER: Second.

MR. AKHTER: So, Aaron Binder.

MS. ZULLA: Akhter.

MR. AKHTER: Yes.

MS. ZULLA: Aaron Binder.

MR. BINDER: Yes.

MS. ZULLA: Lynn Azarchi.

MS. AZARCHI: Yes.

MS. ZULLA: Senator Smith.

SENATOR SMITH: Yes.

MS. ZULLA: Senator Testa.

SENATOR TESTA: Yes.

MS. ZULLA: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MS. ZULLA: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. AKHTER: So, approved, yes.

MS. ZULLA: All right, Number 3: receive financial statements for July '22 through October '22.

MR. AKHTER: I will accept a motion.

SENATOR SMITH: So moved.

MR. AKHTER: Is there a second?

MR. BINDER: Second.

MR. AKHTER: Second.

MS. ZULLA: Chairman Akhter.

MR. AKHTER: Yes.

MS. ZULLA: Treasurer Binder.

MR. BINDER: Yes.

MS. ZULLA: Lynn Azarchi.

MS. AZARCHI: Yes.

MS. ZULLA: Senator Smith.

SENATOR SMITH: Yes.

MS. ZULLA: Senator Testa.

SENATOR TESTA: Yes.

MS. ZULLA: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MS. ZULLA: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MS. ZULLA: OK, approved.

And, then Number 4 is the proposed readoptions, with amendments, to N.J.A.C. 17:10.

SENATOR SMITH: So moved.

MR. AKHTER: Is there a second?

MR. BINDER: Second.

MS. ZULLA: Chairman Akhter.

MR. AKHTER: Yes.

MS. ZULLA: Treasurer Binder.

MR. BINDER: Yes.

MS. ZULLA: Lynn Azarchi.

MS. AZARCHI: Yes.

MS. ZULLA: Senator Smith.

SENATOR SMITH: Yes.

MS. ZULLA: Senator Testa.

SENATOR TESTA: Yes.

MS. ZULLA: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MS. ZULLA: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MS. ZULLA: OK.

And, Number 5 on the agenda is surviving spouse request to receive retired death benefits for Judge Kathy Qasim in accordance with N.J.S.A. 346A-16.1.

MR. AKHTER: Is there a motion?

MR. BINDER: Motion.

SENATOR SMITH: Second.

MR. AKHTER: Is there anyone – I just want to make sure -- does anyone want to speak on that item, or wish to speak on that item?
(no response)

No?

SENATOR SMITH: This is a routine action.

MR. AKHTER: No, I just want to make sure in case there was anybody who wanted to speak on it.

MS. ZULLA: Chairman Akhter.

MR. AKHTER: Yes.

MS. ZULLA: Deputy Binder.

MR. BINDER: Yes.

MS. ZULLA: Lynn Azarchi.

MS. AZARCHI: Yes.

MS. ZULLA: Senator Smith.

SENATOR SMITH: Yes.

MS. ZULLA: Senator Testa.

SENATOR TESTA: Yes.

MS. ZULLA: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MS. ZULLA: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MS. ZULLA: OK.

All right, moving on. So, Number 6: Retired Judge Carlia Holt is appealing the denial of her retroactive retirement date, and there's also an honorable service review.

MR. AKHTER: I will -- is Judge Holt in the chamber?

So, I'll ask the Judge to come speak before the body.

And, you have legal representation here?

ZINOVIA H. STONE, ESQ.: Yes, my name's Zinovia Stone, and I'm here on behalf of Ms. Holt.

MR. AKHTER: OK.

It's my understanding that you're making a motion here.

MS. ZULLA: To adjourn. You were making a motion.

MR. AKHTER: Do you have a motion to adjourn?

MS. STONE: Yes, we had a motion to adjourn because it was kind of last minute.

MR. AKHTER: OK.

I am going to -- given this matter and the weight of it and this is a personnel matter -- I am going to recommend a motion to go into the executive session so that we can -- do I need to table her first?

UNIDENTIFIED SPEAKER: (indiscernible)

MR. AKHTER: OK.

So, we'll hear your argument for the motion.

MS. STONE: This matter was brought to our attention just shortly -- it was only within a couple of weeks when the meeting was going to be.

At the time I had been taking -- I am representing Ms. Holt -- and, I was submitting a brief on her behalf with respect to the honorable service review. At the time, I was actually traveling to Florida because I took the Florida bar exam just recently, in February, and I didn't have sufficient time to go through the extensive case and issue my brief beforehand.

I did issue a brief just in case, in the event that it was not adjourned; we wanted to have something on the record. But, we would like more time to supplement the record, and to supplement our arguments on this matter.

MR. AKHTER: OK, is that your full statement?

MS. STONE: Just for the adjournment, yes.

MR. AKHTER: So, again, I will -- given the matter, and the need to hear from the Deputy Attorney General on this motion and the

case at large, to discuss it freely I am going to ask for a motion to go into executive session.

SENATOR SMITH: So moved.

MR. AKHTER: Is there a second?

ASSEMBLYMAN MORIARTY: Second.

MR. AKHTER: Second. OK.

We'll take a roll call.

MS. ZULLA: Chairman Akhter.

MR. AKHTER: Yes.

MS. ZULLA: Deputy Binder.

MR. BINDER: Yes.

MS. ZULLA: Lynn Azarchi.

MS. AZARCHI: Yes.

MS. ZULLA: Senator Smith.

SENATOR SMITH: Yes.

MS. ZULLA: Senator Testa.

SENATOR TESTA: Yes.

MS. ZULLA: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MS. ZULLA: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. AKHTER: Thank you.

If the room could please be cleared, thank you.

(EXECUTIVE SESSION BEGINS 10:55 a.m.)

(EXECUTIVE SESSION ENDS 11:14 a.m.)

MR. AKHTER: So, I will accept a motion to come out of executive session.

SENATOR SMITH: So moved.

MR. AKHTER: Is there a second?

SENATOR TESTA: Second.

MR. AKHTER: Senator Testa is second.

Take a roll.

MS. ZULLA: Chairman Akhter.

MR. AKHTER: Yes.

MS. ZULLA: Deputy Binder.

MR. BINDER: Yes.

MS. ZULLA: Lynn Azarchi.

MS. AZARCHI: Yes.

MS. ZULLA: Senator Smith.

SENATOR SMITH: Yes.

MS. ZULLA: Senator Testa.

SENATOR TESTA: Yes.

MS. ZULLA: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MS. ZULLA: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. AKHTER: OK, now that we're back in session, there is a request for a motion to suspend the matter to a future date.

Upon deliberation with the body here, I will accept a motion to suspend this matter until a future meeting, on the 30th of March.

Is there any discussion?

SENATOR SMITH: So moved.

ASSEMBLYMAN DiMAIO: Second.

MR. AKHTER: Is there any discussion here, publicly?

SENATOR TESTA: Does that date work, I hope?

UNIDENTIFIED SPEAKER: Yes, I'm here.

MR. AKHTER: That'll give 21 days to fully prepare for counsel.

And, we hope that this matter has been, I think -- the first notice was given--

MS. ZULLA: In September--

MR. AKHTER: In September of last year, and understanding that counsel had some circumstances that required more time, we are granting 21 more days, which should be sufficient here to argue this matter before the body.

MS. STONE: Thank you very much.

MR. AKHTER: OK, we'll take a roll on that motion.

MS. ZULLA: OK.

Chairman Akhter.

MR. AKHTER: Yes.

MS. ZULLA: Deputy Binder.

MR. BINDER: Yes.

MS. ZULLA: Lynn Azarchi.

MS. AZARCHI: Yes.

MS. ZULLA: Senator Smith.

SENATOR SMITH: Yes.

MS. ZULLA: Senator Testa.

SENATOR TESTA: Yes.

MS. ZULLA: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MS. ZULLA: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. KELLY: Mr. Chairman, do you want to set a date for any further written submissions, if there are any?

MR. AKHTER: What would be the recommendation?

MR. KELLY: Well, it would have to arrive in time for the (indiscernible)

MR. AKHTER: Do I need a separate motion for that?

MR. KELLY: I think -- even amend the motion.

MR. AKHTER: I'll accept the motion to accept any written comments before the 30th.

Is there a motion?

UNIDENTIFIED SPEAKER: Second

MR. KELLY: Any specific date (indiscernible) brought to the meeting.

MR. AKHTER: By the -- one week prior, is that right? The 14th? I'm sorry -- the 23rd.

MS. ZULLA: The 23rd.

MR. AKHTER: Twenty-third of March.

Is there a motion?

ASSEMBLYMAN MORIARTY: I'll make that motion.

SENATOR SMITH: Second.

MS. ZULLA: Chairman Akhter.

MR. AKHTER: Yes.

MS. ZULLA: Deputy Binder.

MR. BINDER: Yes.

MS. ZULLA: Lynn Azarchi.

MS. AZARCHI: Yes.

MS. ZULLA: Senator Smith.

SENATOR SMITH: Yes.

MS. ZULLA: Senator Testa.

SENATOR TESTA: Yes.

MS. ZULLA: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MS. ZULLA: Assemblyman DiMaio.

SENATOR TESTA: I believe he left a yes vote.

MR. AKHTER: He indicated a yes vote.

MS. ZULLA: OK.

MR. AKHTER: OK, that matter is--

ASSEMBLYMAN MORIARTY: Mr. Chairman, do we have to let them know what time on that date we expect--

MR. AKHTER: I think we'll give notice once we determine that internally, and then we'll send written notice.

But, expect it to be in the morning.

MS. STONE: Thank you very much.

SENATOR SMITH: With your permission, I'll go back to the meeting I'm supposed to chairing.

MR. AKHTER: Thank you, Senator, I really appreciate -- and, I really appreciate your help with the prior matters.

MS. ZULLA: Number 7 on the agenda, the presentation by the actuary of the JRS Evaluation Report and results for July 1, 2022.

JANET CRANNA: Good morning.

JONATHAN CHIPKO: Good morning.

MS. CRANNA: We have a presentation, I think you should have copies of it, either electronically or hard copies.

And, we just want to start by -- how much time would you like us to spend on this? We can spend as little or as much time, so--

MR. AKHTER: Given the members' time, I think a shorter presentation and then any questions is warranted here.

MS. CRANNA: OK, I'll give you the condensed version.

So, this is the-- We're going to present the results of the July 1, 2022 actuarial valuation. This is the valuation that sets the contributions for Fiscal Year ending 2024. So, I'm just going to start on page two very briefly.

This is a 7-1-22 valuation, meaning that we get your membership data and financial information as of 7-1-2022. So, this valuation is a snapshot as of that date. Anything that occurs after that date will be reflected in future valuations. And, again, this determines the contribution requirements for the Fiscal Year ending 2022.

Page three, just a few highlights. We use -- to value the plan, we use a 7% assumed rate of return assumption. This year, your market value of assets, however, earned a -8.42% compared to our 7% assumed. So, the assets have not returned as expected. In addition, we calculate what's

called an *actuarial value of assets*. What this does is, it takes your market value and it smooths your asset gains and losses over a period of time so that when we go to calculate your contribution requirements, they won't be as volatile because market value, as you know, can be very volatile from one year to the next. And, when you try to set budgets, we like to have a stable contribution each year, so we used that actuarial value. That also returned 4.34% last year. So, again, it's below the assumed 7% that we use in our valuation. That means we had a loss on your assets of about \$6.2 million. So, that is reflected in our contribution requirements when we go through this.

I just want to point out that this valuation does reflect the experience study that was presented in January. That's when we revised the assumptions that are used in the valuation, both the economic and demographic assumptions. So, we do reflect those assumptions and this valuation. And, then, further, I want to point out that, in for Fiscal Year 2023, the State is expected to make the full 100% contribution requirements, and that is also reflected in our results.

We're now going to move a little further ahead and talk about some trends that we saw--

ASSEMBLYMAN MORIARTY: What page?

MS. CRANNA: Page five now, we're going to jump to.

MR. CHIPKO: Hi, I'm Jonathan Chipko from Cheiron.

Janet talked about where the plan was exactly at 7-1-2022, but when you're reviewing the results, we think it's important to also look at some historical trends to see how you got there.

So, on slide five, we're showing the funded status for the plan, for the system, over the last 10 years. The gray bars there are the

liabilities for the system -- that's the value of benefits that are owed to participants of the plan, and the lines are the asset values; the green is the market value of assets; the yellow -- the actuarial value of assets that Janet spoke about. And, as you can see, the lines are only a fraction of the liabilities, so the fund was well short of fully funded. In these 10 years, it varied somewhere between 20 to 40%.

For the first half of the period, the funded ratios were going down, but that has reversed a little bit in the last couple of years. The funded ratios and the asset values are increasing because the State has been contributing more to the system. As Janet mentioned, the contributions have increased to about 100% of the recommended amount, and that's what's needed to improve the fund status.

So from there, I'll jump ahead to slide nine, to review the statutory contributions to the system. These are the amounts that the actuary calculates each year, and it's the amount needed to fund the benefits that participants have earned, and to close the gap that currently exists between assets and liabilities. The blue portion at the bottom is the normal cost, the State's normal cost -- that's the State's portion, payment towards benefits earned in the current year. So, as the judges work an extra year, they accrue a larger benefit, and that blue portion is intended to pay for that additional benefit. The yellow portion there is to fund the difference between the assets and the liabilities, to close the gap so that eventually the plan becomes fully funded.

What we have here -- so, the bars are the statutory amounts. The green line is what was actually contributed in those past years. So, you can see for the first half of the historical period, the actual

contributions were only a fraction of the statutory amount, but that has been ramping up, and in the last few years here the actual contributions have been at or even above in one year of the statutory amount. And, that level of contributions is what's needed to eventually close the gap between the assets and the liabilities.

MS. CRANNA: OK, we're now going to get into the valuation results for this year. We're going to jump to page 12.

This just shows the membership of the system, so you had 390 active, contributing judges as of 7-1-22. You had a few judges who are still considered active; they are not contributing anymore, but they haven't quite made to become deferred (indiscernible) or retired. You have nine members who have stopped working, and they're due a future benefit. And, you've got 678 retirees -- judges who have been retired and are receiving benefits -- for a total of 1,081 members. The payroll is approximately \$77 million, and you paid out annual retirement allowances of \$65.3 million.

Page 13 shows you the assets and liabilities this year compared to last year. So, you have a liability as of 7-1-22 of \$867.6 million. Your asset value is \$272.4 million, and that leaves an unfunded liability, or the difference between your assets and liabilities, of \$595.2 million. So, that funded ratio that Jonathan just spoke about -- so, you have enough assets to cover 31.4% of your liabilities, on an actuarial value basis, and if I compare that to market value, you have current market value of assets sufficient to cover 28.6% of liabilities.

I am going to jump now to page 15, that shows the actual contribution requirements of the system for Fiscal Year 2024. So, the gross normal cost -- this is the value of all the benefits that Chip spoke about of

current active judges accruing benefits -- that was \$26.1 million. Your -- the members, the actual judges, are expected to contribute \$8.7 million during that year, so the state's portion is \$17.4 million. We then have to take that unfunded liability, the difference between your assets and liabilities, and that needs to get amortized over 27 years in conjunction with your state statutes, so that portion of the contribution is \$49.7 million. So, the total contribution for Fiscal Year 2024 is \$68.3 million. And, it is -- our understanding is that the State is expected to contribute that full amount this year. I did listen to Governor Murphy's address, and it's anticipated that the full amount would be contributed for Fiscal Year 2024.

We just want to highlight one more thing, and that would be projections, because, you know, we know how you got here; we know what the contributions is; but we do want to just take a peek ahead to see what's anticipated for the future.

MR. CHIPKO: And, so, this is on line 7 of slide 17, and we're talking about the baseline projections for the system.

So, when we develop these liabilities, we have a lot of assumptions, including that 7% investment return assumption. And, so, what happens to the system if those assumptions are exactly met? That's what this projection is showing here. In the top graph, we're showing the assets and the liabilities. The liabilities, again, are in the gray bar, and the assets are the lines. You can see we're starting off at about 31%, the ratio at the top of the graph, and over the next 30 years we'd expect the assets to increase over time to come in line with liabilities, and slowly but surely fill the gap.

And, the reason that gap is closing is because of the contributions, which are shown at the bottom half of the screen. We've got the -- in purple, we're showing the member contributions; in yellow, the State's contribution. Those are the full statutory amounts. And, you can see that the statutory amounts do gradually increase over time. And, they would be needed to fill the gap between assets and liabilities.

MS. CRANNA: Now, this does assume that your investments continue to earn 7% a year, as expected, and that the State continues to put in 100% of the required contributions.

MR. AKHTER: Any questions?

MR. BINDER: I have one question.

So, if the State had made the full payment over the prior whatever number of years that we were 100% funded, what would be the full payment today?

MS. CRANNA: If you were fully funded, then that payment would drop down to that normal cost requirement, which, if you look on page 15, that would be about \$17.4 million.

MR. BINDER: So, it would be 17 instead of the 68?

MS. CRANNA: Right, so the bulk of what you're paying now is really because the State has, historically, not made the full contribution. The State has also been gradually lowering that rate of return assumption; it started out much higher, but you've taken some risk off the table, and have been gradually lowering it to a more reasonable asset return assumption, so that also contributed a little bit.

MR. CHIPKO: One other factor, too, is over the past 20 years, the investment returns have not kept up with the assumption. So, that

created a shortfall that also had an impact -- an upward impact -- on contribution amounts.

ASSEMBLYMAN MORIARTY: Why are we getting faulty assumptions?

SENATOR TESTA: Assemblyman, you took my question.
(laughter)

MS. CRANNA: That actual -- the investment return assumption is actually set by the Treasurer. We don't usually -- we can opine on it, but that is set by the Treasurer. And, now, it *has* been coming down over the years, so it's now down to 7%. Historically, it had been much higher.

MR. BINDER: Where was it at the start of the administration?

MS. CRANNA: It was over 8% at one point--

MR. CHIPKO: No, if--

MS. CRANNA: Well, if you go back to -- in 2013, at the 10-year projection, it was 7.9%, and it has been gradually coming down over time.

MR. AKHTER: What was the actual return?

ASSEMBLYMAN MORIARTY: This past year was -10%?

MS. CRANNA: If you look on page six, we actually show what the returns have been over the -- since going back to 2000 --

ASSEMBLYMAN MORIARTY: I mean, a few years ago, it should have been over 7%, right?

MR. CHIPKO: It depends on what time period you're looking at.

MR. AKHTER: Right, but over a 10-year period you're talking about, what was the combined actual rate versus what the expected was? Do we have that combined?

MR. CHIPKO: I have that in the full report, and we're pulling that up right now.

MR. AKHTER: Thank you.

MR. BINDER: While you're doing that, could you explain the smoothing process that gets used to --

MS. CRANNA: Sure.

What the actuarial value of assets does is it smooths your asset gains and losses. So, we look at your market value, we compare it to what we expected that actuarial value to be, and we only recognize 20% of that difference.

MR. BINDER: Thank you.

MS. CRANNA: And, that's just so that the contributions won't fluctuate as much. With that negative return this year, you would have seen contribution amounts much higher if we didn't use that smoothing mechanism.

MR. BINDER: And, in the prior year when we had significant high investment returns--

MS. CRANNA: It would have been much lower, so we try to smooth it so that it's easier to set budgets.

MR. BINDER: Thank you.

MS. CRANNA: And, that's common among public retirement systems.

ASSEMBLYMAN TESTA: Similar to Assemblyman Moriarty's question, I mean-- Obviously, what stuck out to me most was on page three, the top market asset return was -8.42% compared to the 7% assumed return. By my quick math, it's almost a -15.5%.

MS. CRANNA: That's right.

SENATOR TESTA: I mean, can you explain why we would be that far off?

MR. CHIPKO: Well, the 7% is intended to be a long-term assumption, so think 20, 30 years. In any one given year, you could deviate quite far from that mark. So, it's -- we do valuations every year, so we do need to evaluate on a short-term basis like that. But, to think about whether 7% is appropriate, it's really best to look over a very long period of time.

MS. CRANNA: And, the market--

ASSEMBLYMAN MORIARTY: I mean, actually, 7% would be reasonable and maybe even low if you were looking at 100 years of the stock market. If you picked any 25-year period of the stock market, including with the depression--

SENATOR TESTA: Or '89. (laughter)

ASSEMBLYMAN MORIARTY: --or in the '20s -- yeah.

MS. CRANNA: And, it depends on where your asset allocation is.

ASSEMBLYMAN MORIARTY: It would be, probably, higher than 7% -- closer to 10%.

MS. CRANNA: And, it depends on what your asset allocation is as well.

ASSEMBLYMAN MORIARTY: Right; what you're buying, exactly.

MS. CRANNA: Right, right. And, as everybody saw, just, the market has been so volatile the last several years.

ASSEMBLYMAN MORIARTY: I just meant if you were buying the whole market.

MS. CRANNA: Right.

MR. CHIPKO: I apologize, my--

MS. CRANNA: Do you need to get mine out, or--

MR. AKHTER: You can get back to us with that; that's a quick (indiscernible)

MR. CHIPKO: I actually do have it now.

MS. CRANNA: OK.

MR. CHIPKO: This is on the full valuation report that we include a number of asset measures. So, this is on page 37 of the full Actuarial Valuation Report.

So, over the last 10 years, the investment return assumption has been 7.58% per year, and the market value return has been 7.4%.

MR. AKHTER: So, it's been pretty close.

MS. CRANNA: Yes, it's--

MR. CHIPKO: That's about as close as you'll--

ASSEMBLYMAN MORIARTY: That's if you smooth it out?

MR. CHIPKO: Yes.

MS. CRANNA: Yes.

MR. AKHTER: Over 10 years.

MS. CRANNA: Right.

MR. CHIPKO: Average over 10 years.

MR. AKHTER: OK.

Are there any other questions?

ASSEMBLYMAN MORIARTY: What's the outlook ahead? I mean, what could -- you do stress tests, so what would be the biggest stress? I mean, if 100 people retired next year, and we didn't add any more judges to start paying?

MR. CHIPKO: That can be -- you know, most of the time, the biggest stressor to a system is the investment return. So, sort of like that year you had -- just had -- where you had that big -8% return.

But, for your system -- or, this system in particular -- because the plan is sort of poorly funded, the investment return doesn't have as big an impact as if you were fully funded. So, the way to think about it is we don't have a whole lot of money right now, so there's not a whole lot to gain or lose from good or poor -- it doesn't have that much of an impact.

But, over time, as the plan accumulates more assets; as the State contributes more into the fund and the assets grow to meet the liabilities, you're going to see more volatility to this plan probably from the asset return, from one year to the next.

MS. CRANNA: And, just so you know, chapter 277 of Public Law 2017, it actually does require stress testing. So, in our reports, there's a number of stress testing graphs in there that you can see what happens if the investments do better or worse than what the expectation is.

So, that is included in the reports.

MR. CHIPKO: Yes, starting on page 21 of the full Valuation Report.

ASSEMBLYMAN MORIARTY: In relation to -- are you familiar with other pension funds at the State?

MS. CRANNA: Yes.

ASSEMBLYMAN MORIARTY: In relation to them, where are we? In terms of--

MS. CRANNA: This one is not as well-funded as some of the other ones. PERS is slightly better funded, but PERS also has that local component, the local governments were required to put in 100%, whereas the State did not. So, PERS is, in aggregate, is better funded than the system. Teachers is also more poorly funded, because again, those were all State contributions as well.

Now, our understanding though is that since 2022, the State did put in, actually, 107% of the required contribution, and it's anticipated to put in 100% both for Fiscal Year 2023 and Fiscal Year 2024. So, assuming they're going to stick with that schedule and continue to make 100%, you can see from that one projection that it is anticipated that you will gradually improve the funding of the system.

MR. AKHTER: So, if I can summarize, you're saying it's very important to actually make the full payment into the system?

MS. CRANNA: Correct--

MR. CHIPKO: Yes--

MS. CRANNA: --yes.

MR. AKHTER: And, as the budget is now in the Legislature's hands, I think it's a good note to end on.

Any other thoughts here? Questions? (no response)

Thank you so much for the presentation.

MS. CRANNA: Thank you.

MR. CHIPKO: Thank you.

MR. AKHTER: Do we have to accept that, or is that-- I'll accept the motion to accept the report.

MR. BINDER: Motion.

ASSEMBLYMAN MORIARTY: Second.

MS. ZULLA: Deputy Akhter.

MR. AKHTER: Yes.

MS. ZULLA: Deputy Binder.

MR. BINDER: Yes.

MS. ZULLA: Lynn Azarchi.

MS. AZARCHI: Yes.

MS. ZULLA: Senator Smith.

MR. AKHTER: He was a yes.

MS. ZULLA: Sorry.

Senator Testa.

SENATOR TESTA: Yes.

MS. ZULLA: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MS. ZULLA: Assemblyman DiMaio.

SENATOR TESTA: He left a yes.

MS. ZULLA: Got it.

MR. AKHTER: Thank you all, appreciate the time.

MS. ZULLA: You have to adjourn as JRS.

MR. AKHTER: Sorry -- I'll accept the motion to adjourn.

ASSEMBLYMAN MORIARTY: I make that motion.

MR. BINDER: Second.

MS. ZULLA: Do I need to call again?

UNIDENTIFIED SPEAKER: Yes.

MS. ZULLA: OK, calling roll again.

MS. ZULLA: Chairman Akhter.

MR. AKHTER: Yes.

MS. ZULLA: Deputy Binder.

MR. BINDER: Yes.

MS. ZULLA: Lynn Azarchi.

MS. AZARCHI: Yes.

MS. ZULLA: Senator Smith -- sorry.

Senator Testa.

SENATOR TESTA: Yes.

MS. ZULLA: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MS. ZULLA: Assemblyman DiMaio.

MR. AKHTER: Thank you.

(MEETING CONCLUDED)