
Commission Meeting

of

STATE HOUSE COMMISSION

LOCATION: Committee Room 13
State House Annex
Trenton, New Jersey

DATE: September 17, 1998
9:30 a.m.

MEMBERS OF COMMISSION PRESENT:

Cynthia E. Covie, Chairman
(Representing Governor Christine Todd Whitman)
Senator Walter J. Kavanaugh, Vice-Chairman
Assemblyman Anthony Impreveduto
Assemblyman Leonard Lance
James A. DiEleuterio Jr.
Elizabeth Pugh

ALSO PRESENT:

Edward R. McGlynn, Secretary
Michael J. Haas, Counsel



Meeting Recorded and Transcribed by
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APPENDIX:

CYNTHIA E. COVIE (Chairman): Good morning. I'd like to open this meeting of the State House Commission. My name is Cynthia Covie, designee on behalf of Governor Christine Todd Whitman. I'd like to ask for a statement regarding the Open Public Meetings Act.

MR. HAAS (Counsel): In compliance with Chapter 231 of the Public Laws of 1975, notice of this meeting was given by way of notice filed with the Secretary of State, provided to the State House Press Corps here in the State House, and it was also posted at the Offices of the State House Commission in the State House, Trenton, New Jersey.

MS. COVIE: Thank you.

Mr. Secretary, can we have a roll call, please?

MR. McGLYNN (Secretary): Senator Kavanaugh?

SENATOR KAVANAUGH: Here.

MR. McGLYNN: Assemblyman Impreveduto?

ASSEMBLYMAN IMPREVEDUTO: Here.

MR. McGLYNN: Assemblyman Lance?

ASSEMBLYMAN LANCE: Here.

MR. McGLYNN: Director Covie?

MS. COVIE: Here.

MR. McGLYNN: Treasurer DiEleuterio?

TREASURER DiELEUTERIO: Here.

MS. COVIE: Thank you.

At this time, I'd like to turn over the agenda to our Vice-Chairman, the Honorable Senator Walter Kavanaugh.

SENATOR KAVANAUGH: Thank you very much.

What we'll do is-- The agenda is available, and under Old Business, could we have a motion for acceptance of the meeting of June 25?

TREASURER DiELEUTERIO: So moved.

ASSEMBLYMAN IMPREVEDUTO: Second.

SENATOR KAVANAUGH: Moved and seconded.

Roll call.

MR. McGLYNN: I'm sorry. Who seconded it?

SENATOR KAVANAUGH: The Treasurer-- The Assemblyman.

MR. McGLYNN: Thank you.

Senator Kavanaugh?

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Assemblyman Impreveduto?

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Assemblyman Lance?

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Director Covie?

MS. COVIE: Yes.

MR. McGLYNN: Treasurer DiEleuterio?

TREASURER DiELEUTERIO: Yes.

SENATOR KAVANAUGH: So moved. It's passed with the proper number of votes.

What we'll do is go through under the Old Business-- If you would start, what we could do is have one vote on No. 1 through No. 5. Anyone can indicate if they're going to dissent on any of the numbers, but if you can read through No. 2 to No. 5, each item, and then we'll vote on it.

MR. McGLYNN: All together. Okay.

2. The New Jersey Department of the Treasury, on behalf of the Department of Law and Public Safety, requests approval to dispose of a residential condominium unit located in Hamilton Township, Mercer County.

3. The New Jersey Department of the Treasury requests approval to lease a cottage on the grounds of Marlboro Psychiatric Hospital to New Hope Foundation for the operation of a residential drug rehabilitation center.

4. The New Jersey Department of the Treasury requests approval to lease a cottage on the grounds of Marlboro Psychiatric Hospital to Discovery House for the operation of a residential drug rehabilitation center.

5. The New Jersey Department of the Treasury requests approval to lease the entire building known as Spring Run Cottage on the grounds of North Princeton Development Center to Eden Institute.

SENATOR KAVANAUGH: Is there any member of the public who is in opposition to any of those? (no response)

If not, could we have a motion for acceptance, please?

ASSEMBLYMAN IMPREVEDUTO: Moved.

SENATOR KAVANAUGH: Moved by Assemblyman Impreveduto.

TREASURER DiELEUTERIO: Second.

SENATOR KAVANAUGH: Seconded by the Treasurer.

Roll call.

MR. McGLYNN: Senator Kavanaugh?

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Assemblyman Impreveduto?

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Assemblyman Lance?

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Director Covie?

MS. COVIE: Yes.

MR. McGLYNN: Treasurer DiEleuterio?

TREASURER DiELEUTERIO: Yes.

MR. McGLYNN: Director Pugh?

MS. PUGH: Yes.

SENATOR KAVANAUGH: Under Old Business, Nos. 2 through 5, received proper number of votes to release.

Next, move through the New Business, and in the same manner, we'll move from No. 1 through No. 15.

If you would read them, Mr. Secretary.

MR. McGLYNN: 1. The New Jersey Department of the Treasury requests approval to dispose of the power plant and associated lands at North Princeton Development Center to Public Service Electric and Gas.

2. The New Jersey Department of the Treasury requests approval to grant a road easement to Montgomery Township for Main Boulevard and Larocque Circle at North Princeton Development Center.

3. The New Jersey Department of the Treasury requests approval to dispose of a former employee residence located on the grounds of the North Princeton Development Center.

4. The New Jersey Department of the Treasury, on behalf of the Department of Health and Senior Services, requests approval to dispose of the Chelsea School.

5. The New Jersey Department of the Treasury, on behalf of the Department of Education, requests approval to lease between 800 and 1000 square feet of office space in Building 29 located in the Marie H. Katzenbach School for the Deaf.

6. The New Jersey Department of the Treasury, on behalf of the Department of Corrections, requests approval to provide an easement to Public Service Electric and Gas to provide a gas line for the Albert C. Wagner Youth Correctional Facility located at Block 105, part of Lot 2, in Chesterfield Township, Burlington County, New Jersey.

7. The New Jersey Department of the Treasury, on behalf of the Department of Military and Veterans' Affairs, requests approval to provide an easement to Public Service Electric and Gas to provide a gas line for the Military and Veterans' Affairs headquarters located at Block 2312, Lot 8, in Lawrence Township, Mercer County, New Jersey.

8. The New Jersey Department of the Treasury, on behalf of the Department of Human Services, requests approval to dispose of 2.54 acres and three residences to Mercer Street Friends, who plan on using the property for a charter school.

9. The New Jersey Department of the Treasury, on behalf of the Department of Human Services, requests approval to dispose of 7.82 acres and five residences to Mercer Street Friends, who plan on using the property for a charter school.

10. The New Jersey Department of Transportation, Bureau of Right of Way, Property Management Unit, requests approval to sell 0.255 of an acre of vacant land.

11. The New Jersey Department of Transportation, Bureau of Right of Way, Property Management Unit, requests approval to sell 0.322 of an acre of vacant land.

12. The New Jersey Department of Environmental Protection, Green Acres Program, on behalf of the Township of Denville, requests approval to divert 0.660 acres of Den Brook Park that is required for a sewage pump station.

13. The New Jersey Department of Transportation, Division of Design Support, requests approval to grant a license to Sprint PCS to install a 100-foot monopole on a parcel of vacant land in North Brunswick, New Jersey.

14. The New Jersey Department of Transportation, Bureau of Right of Way, Property Management Unit, requests approval to sell 1.5 acres in Hanover Township.

And I think that's it.

SENATOR KAVANAUGH: Thank you.

Is there anyone here with negative comments on anything under New Business from No. 1 through No. 14? Negative comments? (no response)

ASSEMBLYMAN IMPREVEDUTO: Move Nos. 1 through 14, Mr. Chairman.

SENATOR KAVANAUGH: Been moved.

TREASURER DiELEUTERIO: Second.

SENATOR KAVANAUGH: Seconded.

Roll call, please, on New Business, Nos. 1 through 14.

MR. McGLYNN: Senator Kavanaugh?

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Assemblyman Impreveduto?

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Assemblyman Lance?

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Director Covie?

MS. COVIE: Yes.

MR. McGLYNN: Treasurer DiEleuterio?

TREASURER DiELEUTERIO: Yes.

MR. McGLYNN: Director Pugh?

MS. PUGH: Yes.

SENATOR KAVANAUGH: We have received the proper number of votes in New Business, No. 1 through No. 14 -- been accepted and released.

We next-- Is there any other comment at all from anyone? (no response)

If there's nothing else there, we now move to the judicial retirement system.

Mr. Secretary.

MR. McGLYNN: Yes, Mr. Chairman. We need approval of the minutes of the meeting, which was held on June 25, 1998.

SENATOR KAVANAUGH: Motion by Assemblyman Impreveduto, seconded by Assemblyman Lance.

MR. McGLYNN: Senator Kavanaugh?

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Assemblyman Impreveduto?

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Assemblyman Lance?

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Director Covie?

MS. COVIE: Yes.

MR. McGLYNN: Treasurer DiEleuterio?

TREASURER DiELEUTERIO: Yes.

MR. McGLYNN: Director Pugh?

MS. PUGH: Yes.

SENATOR KAVANAUGH: The proper number of votes, released.

You have the financial statements in the packet for information purposes, also the death claims, retirements, and terminations.

Is there any other comments from any member of the Commission or from the public? (no response)

If not, the next item of business is the matter of the pension of Michael Imbriani, former Judge of the Superior Court. It's been on the agenda several times. We didn't have the proper number of people for a quorum. The Governor has recused herself from this matter, and Senator Lynch has recused himself from this matter.

We do have here -- unless I hear or understand different from any other member that makes up the quorum today, you have had a lot of discussion on it. We have had briefs on it. We've discussed it, gone over it. There is a case of *Masse v. The Board of Trustees*-- The concern that is being expressed today is that there has been individuals who feel that Judge Imbriani should be reduced or eliminated from the pension system. There is *Masse v. The Board of Trustees*, which affirmed the granting of a full pension to a person convicted of impairing the morals of a child and contributing to her delinquency because sanctions for his improper conduct are fully covered with the penal code, and additional punishment of forfeiture of his pension is not warranted. To forfeit a pension, there must be some nexus between misconduct and the public employment. So that this is one thing that the board here has reviewed.

Is there any other comments from any other members?

ASSEMBLYMAN IMPREVEDUTO: I think-- Let's be clear that Judge Imbriani was not accused of that.

SENATOR KAVANAUGH: No. No.

Any comments from any members? Is there a motion one way or any type of suggestion by a member?

ASSEMBLYMAN IMPREVEDUTO: I would move to restore his pension.

SENATOR KAVANAUGH: Maintain?

ASSEMBLYMAN IMPREVEDUTO: Maintain his pension.

TREASURER DiELEUTERIO: Second.

SENATOR KAVANAUGH: It's been moved and seconded.

ASSEMBLYMAN LANCE: Mr. Chairman?

SENATOR KAVANAUGH: Yes, Assemblyman Lance.

ASSEMBLYMAN LANCE: I have concerns with that. I read the information provided us in a brief from Mr. Haas, and I would be interested in a discussion on a reduction of pension based upon prior precedent. I don't know whether it's appropriate to discuss that now or whether we going to-- There is a motion on the floor, but I personally am not in favor of retention of full pension.

SENATOR KAVANAUGH: Any other member to discuss it? (no response)

So if there is any discussion, we could move for executive session.

MR. McGLYNN: Is there a desire--

SENATOR KAVANAUGH: We have to withdraw the motion?

MR. McGLYNN: That is correct.

ASSEMBLYMAN IMPREVEDUTO: I withdraw the motion made to maintain the pension.

SENATOR KAVANAUGH: Assemblyman Lance makes a motion to move to executive session.

ASSEMBLYMAN LANCE: So moved.

SENATOR KAVANAUGH: Is there a second?

ASSEMBLYMAN IMPREVEDUTO: Second.

SENATOR KAVANAUGH: Moved and seconded.

All in favor? (affirmative responses)

MR. HAAS: Can I just make a note that the reasons we're going into executive session is to receive attorney-client advice, which gives us the reason for going--

SENATOR KAVANAUGH: Yes.

MR. HAAS: Okay. Just for the record.

(EXECUTIVE SESSION)

AFTER EXECUTIVE SESSION:

SENATOR KAVANAUGH: I'd like to recognize Assemblyman Lance.

ASSEMBLYMAN LANCE: Thank you, Mr. Chairman.

I move that Judge Imbriani's pension be reduced to be recalculated by the appropriate authorities for his service beginning from the date he entered into judicial service to that point when the bulk of his misconduct began in 1989. And that would mean a reduction. That would not be a full pension because he had not attained 15 years of honorable service, but to be recalculated from the beginning of his judicial service until that date in 1989, when it has been established that the bulk of the misconduct began.

SENATOR KAVANAUGH: It's been moved by Assemblyman Lance, and I will second that motion.

Could we now have a roll call, please, on the motion as stated by Assemblyman Lance on the reduction of Judge Imbriani's State pension.

MR. McGLYNN: Director Pugh?

MS. PUGH: No.

MR. McGLYNN: Treasurer DiEleuterio?

TREASURER DiELEUTERIO: No.

MR. McGLYNN: Assemblyman Lance?

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Assemblyman Impreveduto?

ASSEMBLYMAN IMPREVEDUTO: No.

MR. McGLYNN: Senator Kavanaugh?

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Motion loses three to two.

SENATOR KAVANAUGH: Motion fails.

Thank you very much for being here. We'll let you know when the next meeting is. Thank you.

(MEETING CONCLUDED)