
Commission Meeting

of

STATE HOUSE COMMISSION

LOCATION: Committee Room 1
State House Annex
Trenton, New Jersey

DATE: May 9, 2019
9:00 a.m.

MEMBERS OF COMMISSION PRESENT:

Justin Braz, Chair
Senator Bob Smith
Senator Gerald Cardinale
Assemblyman Robert J. Karabinchak
Assemblyman John DiMaio
Catherine Z. Brennan
David Ridolfino



ALSO PRESENT:

Robert J. Shaughnessy Jr.
Commission Secretary

Gary A. Kotler, Esq.
Commission Counsel

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

	<u>Page</u>
Judeth Piccinini Yeany, Esq. Bureau Chief Legal Services and Stewardship Green Acres Program Department of Environmental Protection State of New Jersey	7
Lauren R. Staiger, Esq. Borough Attorney Borough of Seaside Heights	7
Tim Dillingham Executive Director American Littoral Society	10
Andrew J. Provence, Esq. Counsel American Littoral Society	11
Jeff Tittel Executive Director New Jersey Chapter Sierra Club	22
Robert Moss Private Citizen	27
Christopher Chianese Director Division of Property Management and Construction Department of the Treasury State of New Jersey	38
Danielle Bursk Director Artist Services New Jersey State Council on the Arts Department of State State of New Jersey	41

TABLE OF CONTENTS (continued)

	<u>Page</u>
James Cann Real Estate Appraiser 3 Division of Right of Way and Access Management Department of Transportation State of New Jersey	50
Virginia Rettig Manager Edwin B. Forsythe National Wildlife Refuge U.S. Fish and Wildlife Service U.S. Department of the Interior	59
Robert Kelly, Esq. Deputy Attorney General Department of Law and Public Safety Office of the Attorney General State of New Jersey	Executive Session only
APPENDIX:	
E-mail, addressed to State House Commission from Jean Public	1x
Letter, addressed to State House Commission from Lauren R. Staiger, Esq.	3x
Letter, plus news article, addressed to State House Commission from Andrew J. Provence, Esq.	5x
Letters, addressed to Robert J. Shaughnessy, Jr. from Robert Moss	11x

TABLE OF CONTENTS (continued)

APPENDIX (continued)

	<u>Page</u>
Letter, addressed to Robert J. Shaughnessy, Jr. from R.S. Gasiorowski, Esq. Gasiorowski and Holobinko Attorneys at Law	15x
Request for Approval Documents submitted by Christopher Chianese	17x
pnf: 1-68	

(Assemblyman John DiMaio attended the State House Commission meeting of May 9, 2019, via teleconference)

JUSTIN BRAZ (Chair): Thank you everyone for being at today's -- May 9 -- hearing of the State House Commission.

We're waiting on Senator Smith, but we wanted to get started and respect everybody's time.

Mr. Shaughnessy, could you please do the roll?

MR. SHAUGHNESSY (Commission Secretary): Yes, thank you.

Initially, we're in compliance with the Open Public Meetings Act. Notice of this meeting was given on April 17, 2019, by way of notice filed with the Secretary of State, delivered to the State House Press Corps, and posted in the Office of the State House Commission.

I'm now going to call to order, and the roll.

Deputy Chief of Staff Braz.

MR. BRAZ: Here.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Here.

MR. SHAUGHNESSY: Director Ridolfino.

MR. RIDOLFINO: Here.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Here.

MR. SHAUGHNESSY: Senator Smith, I understand, is on the way.

Assemblyman Karabinchak.

ASSEMBLYMAN KARABINCHAK: Here.

MR. SHAUGHNESSY: Assemblyman DiMaio. (no response)

Note that Assemblyman DiMaio is participating by phone, and we have technical difficulties.

It should be noted, as we begin, that we received public written comments from Jean Public.

I am noting that Assemblyman DiMaio is participating by phone today; thank you, Assemblyman.

And we have a quorum.

I was just noting that we received several public written comments from Jean Public. They have been distributed to the members present and will be incorporated into the Commission's records.

Under Old Business, the first item is approval of the December 10, 2018, State House Commission meeting minutes.

Do any members have any comments or questions with regard to those? (no response)

Hearing none, may I have a motion to accept those minutes?

MS. BRENNAN: So moved.

MR. BRAZ: Second.

MR. SHAUGHNESSY: Motion and second.

All in favor? (affirmative responses)

Any opposed? (no response)

Any abstentions? (no response)

Those are approved.

Next, on to No. 2 on the Old Business agenda.

RPR 16-03C, 541 North Main Road, Block 2501, part of Lot 44, Vineland, Cumberland County.

Treasury, on behalf of the Department of Human Services, recommends the disposal of a single family dwelling, located on the grounds of the Vineland Developmental Center, that has been declared surplus to the Department's needs.

The Commission previously approved the Department's request to auction this property, via an Internet auction, for the appraised value of \$122,500. After an unsuccessful auction and deterioration of the building, the Department is requesting approval to dispose of the property, via Internet auction, for the re-appraised value.

The property will be sold, via Internet auction, with the minimum bid being the re-appraised value of \$86,000.

Any questions or comments concerning that? (no response)

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

Hearing none, may I have a motion, please?

MR. BRAZ: Motion.

MR. SHAUGHNESSY: Second?

MS. BRENNAN: Second.

MR. SHAUGHNESSY: Motion and second.

I'll call the roll.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Director Ridolfino.

MR. RIDOLFINO: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Assemblyman Karabinchak.

ASSEMBLYMAN KARABINCHAK: Yes.

MR. SHAUGHNESSY: And Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: Thank you; that is approved.

On to No. 3; and I am reminded that our Chair is abstaining on this matter.

It's Route 21, Section 4, Parcel VX202B2, adjoining block 1086, Lot 9, Passaic, Passaic County.

DOT is requesting approval to convey a vacant piece of excess land, as previously described, having an area of approximately 1,975 square feet, to the only adjoining property owners, Felix and Carmen Sanchez, for assemblage to their adjoining commercial property.

This matter was presented previously to the Commission, but was tabled pending additional information from DOT. That information has been obtained in support of the reduced appraisal due to a reserved construction and maintenance easement now being required by DOT. The matter is being re-presented to the Commission; and again, the property will be conveyed to Felix and Carmen Sanchez for \$23,000, which is the current appraised value.

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

Hearing none, does any member of the public want to be heard on this matter? (no response)

Hearing none as well, may I have a motion?

MS. BRENNAN: Motion.

MR. SHAUGHNESSY: Thank you; second?

SENATOR CARDINALE: Second.

MR. SHAUGHNESSY: Deputy Chief of Staff Braz.

MR. BRAZ: Abstain.

MR. SHAUGHNESSY: Abstains; pardon me.

Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Director Ridolfino.

MR. RIDOLFINO: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Assemblyman Karabinchak.

ASSEMBLYMAN KARABINCHAK: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: That matter is approved.

We are now moving on to No. 4 under Old Business.

The project is Seaside Heights Borough Public Beach, Block 99.02, part of Lots 1 and 1.01, Borough of Seaside Heights, Ocean County.

We have received, and certain correspondence has been distributed to the members concerning this matter.

As the members may recall, on June 30, 2016, the Commission approved DEP's request to allow the Borough of Seaside Heights to transfer, or dispose of, approximately 1.37 +/- acres of Borough-owned park land, located on the Borough's public beach, to the adjacent private owner of the Casino Pier amusement pier.

The Commission's approval required the Borough to house the carrousel in a sheltered location -- in which it can be made available as a public recreation amenity -- no later than June 30, 2019, of this year.

The Borough now seeks a two-year extension of time, to June 30, 2021, to comply with the Commission's condition to house the carrousel, and the DEP's condition to file a formal nomination form to seek the listing of the carrousel on the National Register of Historic Places. The DEP does not object to either of these requests.

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

MS. BRENNAN: Can I please get clarity on why we're taking this action today, and what the necessity of the June 30 deadline is, given the time it's going to take for the Borough to resolve its issues with the carrousel?

MR. BRAZ: If I may -- Senator Smith, welcome.

SENATOR SMITH: Do something about traffic on Route 1.
(laughter)

MR. SHAUGHNESSY: Thank you; and welcome, Senator Smith.

SENATOR SMITH: Thank you.

MR. SHAUGHNESSY: In response to the Deputy State Treasurer's question, I think we have Judeth Yeany from the DEP.

J U D E T H P I C C I N I N I Y E A N Y, Esq.: I'm Judeth Yeany, from the Green Acres Program at the DEP.

The Commission's original approval of this matter imposed that deadline. The building was supposed to have been constructed and available to the public by June 30 of this year; and the Borough has not commenced construction of the building. So the Borough is requesting an extension of a condition imposed by the Commission as part of that June 30, 2016, approval.

MR. BRAZ: Ms. Yeany, what was the reason for the delay?

MS. YEANY: The Borough -- one of the attorneys for the Borough is here and I think could address that better than we could.

L A U R E N R. S T A I G E R, Esq.: (off mike) Yes.

Hi.

MR. SHAUGHNESSY: Yes, please come on up and introduce yourself.

MS. STAIGER: Sure.

Hi, my name is Lauren Staiger; I'm an attorney for the Borough of Seaside Heights.

There are a number of factors that played into our inability to meet this deadline. The first is-- I'm not sure if you're aware, but this has been a matter that has been heavily litigated. In fact, litigation started in May of 2016, with an initial appeal of the DEP Commissioner's approval of the project. It then went on to an appeal two days before the Commission actually heard this matter, related to the ordinance that authorized the land

exchange; and has continued to be litigated, from that point, through a variety of individuals and entities.

It was finally decided, by the Appellate Division, in July of 2018. Then there was a petition for certification to the Supreme Court that was not decided until January 22 of this year.

So given the inability to know what was going to happen, the Borough was not really in a position to use taxpayer dollars to start the construction until it knew that this was no longer an issue.

There are also other considerations that played into it. There is the financing itself, which-- The Borough had always intended to apply for grants, which were unavailable until this year through the DEP Green Acres project. And they have already applied for it; they understand that it's not the full amount. They are willing to move forward -- they understand that they are probably going to have to bond to be able to finance this construction.

They also are seeking other financing options as well; and grant options. There is a State Historic grant option that they have applied for. But again, given the uncertainty that was associated with litigation, they really couldn't move substantially forward until that was no longer an issue.

Since then, they've already-- Since January, they have hired an architect; they do have a rendering. As I said, they did apply for grant opportunities. I don't know if you're aware, but there were originally two, six-month extensions that were available. We are requesting those, as well as additional, to basically buy back those two-and-a half-years that we lost as a result of litigation.

MR. BRAZ: So would the extension be in addition to this two-year extension that you're requesting; or is the same process similar?

MS. YEANY: If I could clarify something.

When we presented this to the Commission -- when our Commissioner signed off on this and referred it over to the Commission -- we had said, in our approval, that we wanted the Borough to make its best efforts to house the carousel, but it was under the strict condition of our approval.

In that context, we talked about giving them an extension if they were making progress. But again, when it came down to it, it was not -- we did not tell the Borough they had to build a building.

So my interpretation of the Commission's condition was it was a straight two-year -- there was no discussion of extensions. In fact, I think the Senator expressed concern about exceeding that two years.

So I don't think you need to talk about extensions. I think the deadline was June 30 of this year; the Borough is obviously not going to make that, and Commission has to make a decision on the request.

MR. BRAZ: And outside the hiring of architects, when is the date you think the project will commence?

MS. STAIGER: We don't know, and that's because there are a few other factors that play into it.

The carousel itself -- it's going to be approximately \$1.5 million to restore and repair the carousel. We are in the process already; we have somebody who came in to remove the band organ to start working on that. But there are, from what I understand, only two companies in the United States that can actually perform this type of work. We did submit,

or go out for proposals; we expect to receive them soon and be able to move forward from either of those two. From what I've been told, it's probably just going to be one, because I think the other company is not accepting any new work at this point; and they have advised us that they can't even start until -- the earliest would be fall of this year. That's just the carousel itself; that's not moving forward with the construction of the building, which does require a CAFRA permit, which is in the process of being applied for right now. In fact, the PO -- I believe we're waiting for it to be signed by the State so that we can formally submit that permit application.

We expect to get this done within the two years. I just don't have a strict timeline for you, because there are so many considerations that play into it. I mean, ultimately, I can say it has been -- from the beginning, we have said -- the Borough has said that the impetus for this entire project is to save and preserve the carousel. We recognize the historical aspect of it, the nostalgia that's associated with it. We have every intention of building a facility for it to be housed, and for the public to be able to see it. We just lost a few years with this litigation, and are just asking for the extension.

MR. SHAUGHNESSY: Do any other members have any questions or comments with regard to this matter? (no response)

MR. BRAZ: Thank you.

MR. SHAUGHNESSY: Hearing none, are there other members of the public who would like to be heard concerning this matter?

Okay, please step up and identify yourselves.

TIM DILLINGHAM: Good morning, Mr. Chairman, members of the Commission.

My name is Tim Dillingham; I'm the Executive Director of the American Littoral Society. We are a coastal conservation organization based in Highlands, New Jersey.

We thank you for hearing this matter about the non-compliance on the part of the Borough with the conditions that the Commission established around this transfer.

You know we were in opposition to this; and obviously, the failure to meet the conditions that the Commission established continues to deprive the public of the compensation that they were due as part of this deal.

I have with me Andrew Provence, of Litwin and Provence, who serves as Counsel to the American Littoral Society. And I would like to ask him if he could offer some comments for your consideration.

A N D R E W J. P R O V E N C E, Esq.: Good morning, and thank you for hearing us.

We did challenge the State House Commission's action. And although the case -- the decision was affirmed, it was modified; because the Appellate Division agreed with us that you can't trade park land for objects. And the way that they modified your decision was to require that the carousel be housed on the boardwalk -- the parking lot parcel, that was part of the transaction, within three years. It was a hard-and-fast condition. So at each level, the condition got slightly more rigorous on the Borough of Seaside Heights.

And as you heard, they're not going to meet the deadline; they're not even close. In 2016, Senator Smith-- You know, one of the worst things in life is when your gut's telling you something, and somebody

convinces you to do otherwise. And the Borough of Seaside Heights came here and said they would get it done in three years; they didn't. They told this Commission that they would solicit Coca-Cola, Pepsi-Cola, and any other corporate entity out there that would have an interest in saving this historic carousel.

We recently filed an OPRA request for such solicitations. The response was, there are no documents, there are no records to that effect.

They told you that they would involve Ocean County and the Ocean County Historical Society. That was part of our OPRA request. We were told no documents exist.

Senator Smith, you advised Seaside Heights that you had just personally helped make 5 percent of the Open Space money available for historic preservation. Part of that OPRA request was to see if they had applied for such funds; and they had -- in March of 2019, three years later.

DEP told you that the carousel was already certified on the New Jersey Register of Historic Places. It was certified as *eligible*, but it's not anymore. And here's why: it moved. The certification was good for where it was, on Casino Pier, specifically in a round housing structure that had been erected in about 1932. So the Borough was recently advised, by the Historic Preservation Office, that it is not eligible for Federal listing or State listing until the carousel is placed in its new location and it is reassembled and ready to go.

So even after they -- even assuming they find the funding, even assuming the construction goes on the seven-month time frame that they've established and is completed, they still, then, have to go and meet the

historic preservation requirements that were set three years ago. And basically, no movement has happened there; actually, it's gone backwards.

And so our plea to you is this. What about the public? The public -- this was the key part of the consideration for the loss of 1.37 acres of beach -- that they would have carousel amenity -- public amenity on the boardwalk within three years; and that's not going to happen. It was an expressed condition of the disposal, it was an expressed condition of your approval, and it's not going to be met.

So how do we make the public whole? Our recommendation, our request to this Commission is to remand this matter to DEP to figure that out.

What's the rental value for the beach until the carousel is made available? Perhaps there is an opportunity to acquire or encumber beach- or boardwalk-fronting parcels to enhance the public's experience. Perhaps there are future projects -- plans for beach access and a municipal public access plan that can be moved on in the interim -- something -- because right now, the public loses. It was essentially a deal, and the public's not getting the benefit of that deal.

And so we ask that you remand to DEP for further consideration, and a recommendation as to what additional compensation the public will receive as a result of this unacceptable extension.

Thank you.

MR. SHAUGHNESSY: Thank you.

MR. BRAZ: Deputy Treasurer.

MS. BRENNAN: Is DEP -- would DEP like to respond?

MS. YEANY: So as I indicated before, the DEP Commissioner did not require the Borough to house the carousel. The DEP's approval talked about making best efforts; but in the end, did not require that. So I don't know that a remand to us on that particular point would be appropriate.

Also, my understanding is that, until a couple weeks ago, the carousel was available to the public. I believe the Borough took title -- and Ms. Staiger might be able to clarify this -- the Borough took title to the carousel, but the prior owners -- the Casino Pier left it in place and made it available to the public until just a couple weeks ago, when it was essentially roped off in anticipation of the restoration work that's going to happen. I think there probably was an expectation that it would have to be taken offline for some period of time to be moved to its new location.

So I can't say whether the time between a couple of weeks ago and when this building is built is unreasonable under those circumstances.

So as far as a remand, it would be a remand for something we didn't impose. It was the Commission's condition, not the DEP's; because under our statute, diversion of Green Acres-encumbered property is a dual approval. The Commissioner has to approve and the Commission approves. Generally, we go first; we make a recommendation to our Commissioner, he or she signs off on it. We take that summary that we've prepared for a Commissioner, and we request that the Commission put it on their agenda. But you're free to make whatever decision and impose whatever conditions you want, which is what happened in this case.

So as far as additional compensation, you know, it's related to a condition that we didn't impose. So the most we felt we could say at this

point was, we didn't object because, practically speaking, if it's May and the deadline was June and the building's not built yet, the building's not getting built by June 30. So I think a decision has to be made as to what's reasonable at this point.

MR. PROVENCE: May I respond briefly?

MR. BRAZ: Yes, please.

MR. PROVENCE: What I'm hearing is that DEP is not going to honor the condition that was imposed by the Appellate Division in a written decision. That, to me, is remarkable. DEP may have decided, back when, that it wasn't going to impose a condition; but that's water under the bridge. You guys added the condition, and then the Appellate Division, again, made it even more firm. So that's what binds us; that should bind everyone in this room.

MS. YEANY: I don't think that's accurate. Of course we're going to (indiscernible) the condition imposed by the Commission, as modified by the Appellate Division; but I don't think we consider it to be our condition to enforce, because we didn't impose it.

MR. BRAZ: Excuse me, if I may.

Mr. Kotler, could we have some clarification?

This extension would keep the original Commission's decision with the condition of a permanent location for the carousel. So, essentially, what this Commission is deciding today is whether we are going to honor the State House Commission's original approval, with the condition for public access to the carousel in a permanent location.

Do we understand this correctly?

MR. KOTLER (Commission Counsel): Yes, that would be my understanding. I'm not sure I agree with Counsel about what the Appellate Division decided; it certainly decided that it would be in that specific location. But I don't think that it affects the ability of this Commission, and the authority that it has, to consider an extension of the timeline.

If the Commission does not feel it appropriate to extend the time, then I disagree with Ms. Yeany -- this would go back to DEP because they ultimately control this process and they would have to abide by the Commission's original decision and go through with any enforcement actions that they feel appropriate, based on this dual approval that occurred a few years ago.

MR. BRAZ: Thank you.

MR. SHAUGHNESSY: Any other members of the public--

SENATOR CARDINALE: Yes, I have a question.

MR. SHAUGHNESSY: Okay; Senator Cardinale.

SENATOR CARDINALE: I understand that what's before us is a simple extension of time to comply with the conditions. And maybe I missed something in the testimony that we got from the two lawyers -- one of the principal reasons for the failure to comply in a timely fashion was that there was litigation seeking to overturn essentially the approval that had been obtained by Seaside Height.

Now, I think it's perfectly reasonable for a public body to hold off its action pending the outcome of litigation. I served as a local public official, and I would have considered it very inappropriate for me to expend public funds while something is before the courts.

So all of these other things that people are talking about -- where it's going to be housed and so forth -- I don't think those are the issues before us here today. The issue is, should we grant an extension.

And it also occurs to me that since our prior action triggered litigation, what guarantee do we have now that whatever action we take will not be, again, delayed by litigation, or by a party who obviously disagrees with the overall decision that this Commission made some years ago?

So I'm inclined to dismiss, unless we have-- And I don't think that we can get it, because it might not just be the Littoral Society; it might be some other group that would bring litigation that would delay this. I think it's unfortunate that we have a system that permits litigation to go on -- interminably sometimes -- in areas that hurt the taxpayer. And I think it hurts the taxpayer greatly to have to defend these litigations; and it seems to me that this is simply a ploy.

So I would urge that we grant the extension, and make it clear that if litigation is brought to prevent the proper execution of this condition, that additional extensions will be granted automatically until the end of that litigation. And I think that might deter people from litigating on a basis that is less than meritorious.

MR. BRAZ: Thank you, Senator.

MR. PROVENCE: I'd like to respond to that; may I respond to that?

SENATOR CARDINALE: I would love for you to respond to that, Counsel; yes.

MR. PROVENCE: Your decision was modified, sir. The State House Commission decision was modified because it was incorrect. It allowed for the change of a -- the trade of an object for beach.

What the Appellate Division did to save the deal was to impose an additional condition, which was to require that it not be located somewhere along the beach, but on a specific parcel in the trade, to make it consistent with the Garden State Preservation Trust Act. Without that modification, your decision was against the law.

And that's why we brought the litigation. It wasn't frivolous, it wasn't some ploy.

And now, any litigation that might be brought in the future-- You guys set a condition. Does that condition mean something, or does it not? Does a timeline to establish this as a public amenity mean anything, or is it simply something that can be pushed along? That's our concern.

SENATOR CARDINALE: Counselor, let's talk about your timeline.

When did you file the litigation?

MR. PROVENCE: Immediately; and there was litigation before.

SENATOR CARDINALE: So what does *immediately* mean?

MR. PROVENCE: Within 45 days.

SENATOR CARDINALE: Within 45 days of this Commission's action.

MR. PROVENCE: In 2016.

SENATOR CARDINALE: And when was the decision rendered by the court?

MR. PROVENCE: I believe--

UNIDENTIFIED MEMBER OF AUDIENCE: (off mike) July 30, 2018.

MR. PROVENCE: It was 2018. The Appellate Division does not move with--

SENATOR CARDINALE: It was 2018.

MR. PROVENCE: Yes.

SENATOR CARDINALE: So what was the time delay? How much of the three years was consumed by the litigation?

MR. PROVENCE: Well, you have the date; it's a year-and-a-half.

SENATOR CARDINALE: A year-and-a-half; so half of that time.

As I understand it, they're looking for a two-year extension. That's approximately the time that was lost in the litigation.

MR. PROVENCE: A little bit later, yes.

SENATOR CARDINALE: A little bit bigger; but approximately. It's in that neighborhood. Would you be happy if instead of giving them two years, gave them a year-and-a-half?

MR. PROVENCE: Listen, the public should be compensated-- They could have arranged for funding; there are steps that could have been taken while the litigation was going on. But they're using-- You know, you can't just throw up your hands when someone sues and do nothing.

SENATOR CARDINALE: Have you ever had to make decisions about expenditures of public funds?

MR. PROVENCE: We have represented a municipality, yes.

SENATOR CARDINALE: And would you advise your municipality to go forward in the face of litigation that you didn't determine and expend public funds?

MR. PROVENCE: No, but I would advise them to be prepared.

SENATOR CARDINALE: As a taxpayer; not as a public official.

MR. PROVENCE: What I would advise them--

SENATOR CARDINALE: But as a taxpayer, I would consider a public official who spent public money in the face of litigation, which might wipe out the value of that expenditure -- I would consider that irresponsible.

Now, I understand that lawyering is an industry, and it has its own sets of rules, many of which work against the public's monetary interest.

SENATOR SMITH: Careful, there. (laughter)

SENATOR CARDINALE: I'm not a lawyer, but if I conducted my dental practice in a -- there is no real comparison -- I cannot act if an insurance company says, "Wait a minute; you have to get pre-approval." And if I -- and that's the only analogous thing I can say -- if I go forward without having that closed, it's my responsibility and I'm probably going to lose. And in the case of many insurance companies, frankly, they say, "If you do go forward, then we will not give you the approval."

The Borough is under a problem, and you're creating that problem.

MR. PROVENCE: I disagree; sorry.

SENATOR CARDINALE: When you litigate, you create a problem. They can't go forward and expend public funds and still be considered responsible by the taxpayers. So I think it's reasonable for them to ask for an extension. And if you decide you're going to go and litigate that extension, I think it would be reasonable for us to say, right in the resolution that we pass, that there would be an automatic extension if there is further litigation -- to deter you.

MR. PROVENCE: Yes, thank you.

I just -- a quick response.

SENATOR CARDINALE: That's my opinion; that's only my opinion.

MR. PROVENCE: They didn't have the monies to spend when we litigated, okay? They told you guys that they were going to approach industry and solicit funds; because it's a significant amount of money to build a museum structure, and it's \$1.5 million to repair the carousel.

They didn't do any of that; they didn't have the money, okay? They said they were going to go try to get it; there's nothing in the records -- any kind of solicitations.

Our briefs, by the way, were -- the briefing schedule was completed in the middle of 2017; so it sat with the court for a year. We don't control that.

MR. BRAZ: Mr. Tittel, would you mind--

SENATOR CARDINALE: But how much did the Borough spend in defending its litigation?

MR. BRAZ: Senator, my apologies.

Real quick -- Mr. Tittel, would you mind allowing the Borough attorney to take your seat for the time being, and we'll bring you up?

J E F F T I T T E L: Yes; I mean, I've been waiting for, you know, like--

MR. BRAZ: No, we'll be happy to take your testimony.

MR. TITTEL: Only some real other legal points--

MR. BRAZ: Senator, my apologies for interrupting.

Please move forward.

MS. STAIGER: Thank you; I appreciate that.

MR. BRAZ: Senator, your point?

SENATOR CARDINALE: How much money did the Borough expend in defending this litigation?

MS. STAIGER: I'm sorry, I don't have those -- I don't have the figures on hand.

I just -- what I wanted to--

SENATOR CARDINALE: Can you give us a ballpark figure?

MS. STAIGER: I'm not the one who was responsible in litigating it, so I honestly can't give you a ballpark figure. I do not know.

SENATOR CARDINALE: Would you say it was more than \$1,000?

MS. STAIGER: I'm sure it was a lot of money. I apologize; I just don't -- I don't know; I'm not the one who litigates it. I represent them in a different capacity. I know there was--

SENATOR CARDINALE: You're familiar with the costs of litigation.

MS. STAIGER: Honestly, I'm not a litigator. I do not-- I'm sorry; I represent the public entities, but I don't do it in the litigation aspect. I'm sure there were a lot of resources that went into it.

What I wanted to just rebut was, you know, Counsel did state that now there is this requirement that it be housed on the replacement parcel. I want to remind you that that requirement didn't come into play until less than a year ago. So the Borough could have, if it wanted to -- it wouldn't have been prudent practice, but it could have started to expend those funds to be able to house the carousel -- in accordance with the condition that you imposed -- which was just somewhere on the boardwalk. It could have been in a different location, and then turn -- come around to find out that the Appellate Division wants it on that replacement parcel.

So it really was -- as you stated, Senator, it was the prudent practice to wait; because then -- now we know where it definitely has to be housed.

The other thing is, to Ms. Yeany's point -- I did want to clarify that, yes, this has been open, and available, and made available to the public this entire time. It has not moved; it was running and operating up until very recently -- which was in March, when it had to be shut down because there are concerns as to the structural integrity of the carousel. It's a very expensive and intricate piece of equipment, and the continual wear and tear, without the necessary repairs, was going to cause issues. So it was decided that it would stop.

But it's roped off; it's still available, and the public is still able to see it. And it will be until we are able to move it to a warehouse and have it worked on; and then, ultimately, placed in its final location.

SENATOR CARDINALE: Thank you.

MS. STAIGER: Thank you.

SENATOR SMITH: Before you leave--

MS. STAIGER: Sure.

SENATOR SMITH: --has the property been conveyed to the Borough?

MS. STAIGER: Yes; all of the other conditions have been met, so the property has been conveyed. I should say everything but the -- as was mentioned before -- the application for the Federal Registry. Unfortunately, we cannot continue with that application; the process has started, but we cannot continue with the application process until it is in its final location. So unfortunately, we're kind of at a standstill at that point -- with that condition. Everything else has been completed.

Any other questions?

MR. BRAZ: Mr. Ridolfino.

MR. RIDOLFINO: Yes, just a real quick question; just a clarification.

MS. STAIGER: Sure.

MR. RIDOLFINO: So the Appellate's decision basically modified the decision of this body; and basically said that the carousel has to be on that parcel, or a piece of that parcel.

MS. STAIGER: Yes, yes.

MR. RIDOLFINO: So you guys need this extension to, basically-- I mean, obviously, there's litigation going on and whatnot.

MS. STAIGER: Yes.

MR. RIDOLFINO: But it's your intention and the Borough's intention to comply with all decisions, and make sure that whatever you're building is going to be built, as determined by the Appellate.

MS. STAIGER: Of course; yes.

MR. RIDOLFINO: Okay.

MS. STAIGER: That's our intention.

MR. RIDOLFINO: Thank you.

MR. BRAZ: Any further questions for the Counselors? (no response)

Mr. Tittel, thank you for your patience.

Thank you.

MS. STAIGER: Thank you.

MR. TITTEL: Thank you.

Jeff Tittel, representing the New Jersey Sierra Club.

This is one of those situations where, you know, a bad decision seems to keep getting worse.

You took a piece of property -- you know, 1.36 acres -- that can be enjoyed by thousands of people, on a weekly basis during the summer, and you basically turned it into private development.

The main reason wasn't the replacement property; it was the carousel. The other piece of property they gave is under water every time it rains; and the piece where the carousel is supposed to go is the only thing of real value, as is building the carousel. And that delay means that the public has been denied the right to use property, for a few years, that was part of the Public Trust Doctrine, that was titled, that belongs to everyone -- basically in exchange for this carousel. And now the public is going to wait

a few years for that, and the public should be compensated for that loss of use.

One of the other things that I find fairly disturbing is that they were supposed to go out and find the money, whether it was Pepsi-Cola or the town bonding. Now they're looking to come in for Historic Preservation money, which means that the public is going to be paying for the mitigation of taking away public land. That's like being pulled over by a cop and getting a speeding ticket, and picking the cop's wallet to pay the ticket. The compensation needs to come from the town and how they raise the money, not from the public. We have a lot of historic buildings in the state that are falling down, and I find that part the most troubling of what I've heard here today.

And just finally, I've been involved in a lot of litigation, Senator Cardinale; and many times the State of New Jersey and towns move forward with whatever it is, because they figure that even if they lose they win. Because, you know, like when we sued over Xanadu in the wetlands, the State moved forward to fill them in. And even though we won our lawsuit -- well, they were getting a parking deck built, and no judge was going to make them rip it down.

So the town could have been doing a lot more during this period that they decided not to do. But I think -- I'm very concerned about them wanting to use public money to build a carousel to, basically, make up for their diversion.

Thank you.

MR. BRAZ: Thank you.

Any questions for Mr. Tittel? (no response)

Thank you, sir.

Is there anyone else who would like to testify?

Yes, please.

R O B E R T M O S S: Good morning.

Robert Moss, M-O-S-S.

MR. BRAZ: Good morning.

MR. MOSS: I am going to-- Since we had a lot of interesting remarks, I am going to throw away my notes, mostly, and just try to keep this very brief.

The Counsel for DEP did note that the litigation started -- part of the litigation started before the State House Commission meeting that approved the transaction, including a specific deadline for building the building to house the carousel. That is also my recollection, having been a party to that litigation. Stephen Melvin -- and I was joined in -- went to court, went to the Law Division challenging -- somebody mentioned it here -- the statute; the use of the statute that Seaside Heights employed to get the transaction started. So they did -- they were not challenging the State House Commission decision.

And what my point is, they were in court before the State House Commission; and then that was combined, of course, with the other one, and ended at the same time.

And so my first remark is, at the time this body imposed a definite deadline on building the carousel, Seaside Heights knew that it was in court already. Why didn't they say something then?

And now we hear other excuses -- contractors not available, no strict timeline -- all this should have been brought up at the time this body imposed a deadline.

As we have heard here, DEP was going to let it go with an intention; and that's a big difference from a specific deadline. Once that change was made here, Seaside Heights had the option of saying, "Wait a minute, wait a minute. We have to rethink this thing," and all sorts of stuff could have been, and maybe should have been, rethought, including their arrangement with Casino Piers. Casino Piers was confident enough, I should say -- I heard their Counsel stand in front of a judge and say, "We'll take this down if we lose," meaning-- No, no, they started building their roller coaster.

So-- Sorry, I lost my train of thought.

But Seaside Heights didn't say anything, and just went ahead on this. I don't know what they're assuming; they thought it would be easy, I guess. And now they want -- as Jeff Tittel said -- they want taxpayer dollars. Conditions of approval are part of the compensation package -- they modify and clarify the compensation package. Green Acres funds cannot be used to fund a compensation package, as Jeff said. That means we, the taxpayers, are paying for our own loss, which would be the disposed beach parcel.

Thank you very much.

Questions?

MR. BRAZ: Any questions for Mr. Ross (*sic*)?

Thank you, sir; we appreciate your time.

MR. MOSS: Moss.

MR. BRAZ: Moss; my apologies.

MR. MOSS: M-O-S-S. North side of the tree; I heard that all my life growing up. (laughter)

MR. BRAZ: Any questions or comments from members of the Commission?

SENATOR SMITH: I'd like to hear from our lawyers as to what our alternatives are. I don't know if that's public session or private session.

MR. BRAZ: Mr. Kotler.

MR. KOTLER: Perhaps we should take it into Executive Session.

MR. SHAUGHNESSY: Okay; so may I have a motion to go into Executive Session to discuss, or receive advice from the Attorney General's Office concerning this matter.

So I need a motion and a second on that.

MS. BRENNAN: Motion.

MR. BRAZ: Second.

MR. SHAUGHNESSY: Okay, we have a motion on second

All in favor? (affirmative responses)

Any opposed? (no response)

Any abstentions? (no response)

Okay, we're going to go into, hopefully, a brief Executive Session. Unfortunately, we're going to ask people to leave the room, and we'll invite everyone back as soon as it's over, and return to Public Session.

MR. KOTLER: And this will remain confidential as long as that confidentiality is required.

MR. SHAUGHNESSY: Thank you, Counsel.

MR. BRAZ: Thank you, everybody. We'll reconvene shortly.

(State House Commission goes into Executive Session)

(State House Commission returns to Public Session)

MR. SHAUGHNESSY: Thank you for your patience.

We are now back in the Public Session, with regard to the State House Commission.

And consistent with certain consensus and discussion from the Executive Session, I understand there will be a vote in the Public Session concerning this matter.

The Commission, as I understand it, is extending the approval for six months, or until December 31, 2019, subject to certain other parameters. First, that the location of the carousel will be consistent with the decision of the Appellate Division. Second, that the Borough of Seaside Heights will return, within the allotted extension time or before, to the Commission with a plan to get the museum situated, and constructed, and to have funding in place; or at least a plan for funding to be in place within those six months.

The DEP, in consultation with the Office of the Attorney General, will evaluate any remedies and any damages, if any that may occur, or have occurred, as a result of a breach of the conditions of the approval.

(confers with Counsel)

Pardon me; but with regard to the historic -- the Federal historic designation of the carousel, that too will be extended accordingly or appropriately, based upon the relocation of the carousel.

(confers with Counsel)

And that will be extended for the six-month period as well, at this point.

So that's my understanding of the approval. I don't know if any members have any further clarifications to it.

MR. RIDOLFINO: The only thing that I would clarify is that that financing plan shouldn't be, when they come back in six months, that "We plan to apply for this" or "We plan to apply for that."

MS. BRENNAN: Right.

MR. RIDOLFINO: Those applications should be at least in place, even if they haven't been decided on yet.

SENATOR SMITH: And also, what happens if the applications -- whatever they may be -- are unsuccessful? And also, that plan has to include real funding, you know? You can make an application for this or that; doesn't mean you get it. The Borough made representations to this Commission; how are you going to fund it? Then you better have a real funding plan. And we expect -- the reason it's a six months thing is we want to keep a leash on this; we want to get the promises kept that were made as part of this diversion.

And that's why a short leash, and come back with a real plan. And at that point, the Commission will be in a position to evaluate whether this is really going to happen; or whether other actions have to be taken, which will not be pleasant.

So I'd like to move that motion.

MR. SHAUGHNESSY: Thank you, Senator Smith.

Is there a second to the motion?

MR. BRAZ: Second.

SENATOR CARDINALE: I will second it, but I would like to make a suggestion--

MR. SHAUGHNESSY: Some discussion?

SENATOR CARDINALE: --that we change one portion of it. Because it's confusing; and when you say *six months* and then you also say *December 31* -- which is not six months. I think we should just make it December 31, and not get someone litigating over whether six months -- whether we knew what we were doing.

MR. BRAZ: That's a good point, Senator.

MR. SHAUGHNESSY: Thank you for clarification, Senator.

So that will be--

MR. KOTLER: Senator Smith, do you renew your motion, as amended, now?

SENATOR SMITH: Absolutely; Senator Cardinale is absolutely on target.

MR. KOTLER: And do you second that as amended?

SENATOR CARDINALE: Yes.

MR. KOTLER: Okay, thank you.

MR. SHAUGHNESSY: So we have a motion and second.

I'll call the roll.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Director Ridolfino.

MR. RIDOLFINO: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Assemblyman Karabinchak.

ASSEMBLYMAN KARABINCHAK: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: Thank you; that matter is approved.

We're on to No. 5 under Old Business.

It's Parker Press Park, Block 542, Lots 1 through 16 and 32, from 1996; Block 542, part of Lot 1, 2019, Township of Woodbridge, Middlesex County.

DEP, on behalf of the Township of Woodbridge, seeks clarification of a March 19, 1996 State House Commission approval that allowed the Township to divert a 0.48 acre portion of Parker Press Park for use by New Jersey Transit as a commuter parking lot.

At the time, the Township presented the diversion as a 30-year lease. DEP's review of the documentation underlying the request has established that both sides of the original transaction were valued in fee, rather than for the lease value, which was sufficient to meet the standards

for a release of the Green Acres restrictions from the parking lot in perpetuity.

And I just want to note that I believe, in the members' materials, the Green Acres restriction provides that an area containing six dedicated parking spaces in the park is excluded from the release of Green Acres restrictions. As a result, I think six parking spaces are to remain.

Thank you, Counselor.

So on this basis, NJDEP recommends approval of the Township's request -- essentially that the Green Acres restrictions were released in perpetuity.

Any members have any questions or comments on this matter?

(no response)

Hearing none, does any member from the public wish or need to be heard? (no response)

Hearing none, first may I have a motion?

SENATOR SMITH: Motion.

MR. SHAUGHNESSY: Thank you, Senator.

MR. BRAZ: Second.

MR. SHAUGHNESSY: Second; thank you.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Director Ridolfino.

MR. RIDOLFINO: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Assemblyman Karabinchak.

ASSEMBLYMAN KARABINCHAK: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: That matter is approved; thank you very much.

And the last Old Business--

Oh, pardon me; we're on to New Business, the Department of Treasury requests.

No. 6 on the agenda: RPR 18-15, Block 225, Lot 10, Township of Secaucus, Hudson County.

Treasury, on behalf of the New Jersey Department of Children and Families, is requesting approval to dispose of 3.36 +/- acres of surplus land and improvements, located at 40 Mill Ridge Road in Secaucus, via direct sale to either the Township of Secaucus or the Secaucus Board of Education, as they determine.

The property will be sold for the negotiated sale price of \$1.8 million, the appraised value.

In the event that the above direct sale does not occur as stated above, Treasury will dispose of the property, via Internet auction, at the minimum starting bid price of \$1.8 million.

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

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

Hearing none, may I have a motion on this?

MR. BRAZ: Motion.

MR. SHAUGHNESSY: Thank you, Chair.

SENATOR CARDINALE: Second.

MR. SHAUGHNESSY: Thank you, Senator Cardinale.

I'll call the roll.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Director Ridolfino.

MR. RIDOLFINO: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Assemblyman Karabinchak.

ASSEMBLYMAN KARABINCHAK: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: That matter has been approved.

On to No. 7 on our agenda, arts inclusion projects.

No. 7: Treasury, Division of Property Management and Construction, is requesting certain approvals concerning the expenditures for mandatory arts improvement projects in certain State buildings.

Well, let me begin by-- N.J.S.A. 52:16A-29 et seq. requires that expenditure for recommendations concerning the inclusion of artistic designs in State buildings shall be approved by the State House Commission.

No. 1 is a request concerning the Health Building, which is located on Willow; that's the correct address. And I will add there were amended pieces of paper; 55 North Willow Street, City of Trenton, Mercer County. The proposed art budget is \$351,000 for site-appropriate artwork, a terrazzo floor, and stipend for shortlisted artists to prepare their presentations.

The second building is the new Taxation Building at 3 John Fitch Way, the City of Trenton, Mercer County. The proposed art budget is \$399,000 for site-appropriate artwork, relocation of existing "New Jersey on Parade" installation from New Jersey Transit, and stipend for a shortlist of artists to prepare their presentations.

So these are mandatory approvals for the State House Commission, and we seek consideration of those today.

Do any members have any questions or comments concerning these matters? (no response)

Hearing none, do any members of the public--

SENATOR CARDINALE: Yes; by the way--

MR. SHAUGHNESSY: Yes, Senator Cardinale.

SENATOR CARDINALE: I am aware that art is valuable and important.

But we have so many other needs in this state that are unmet that I think these very substantial sums of money we're talking about -- well over half a million dollars -- that I don't feel comfortable (indiscernible).

MS. BRENNAN: Can I ask Director Chianese to please come up and present to the Commission the work that has gone into this project, and the vetting that has gone into a review of the artwork for the new buildings?

CHRISTOPHER CHIANESE: Good morning.

I'm Chris Chianese; I'm the Director of Property Management and Construction in Treasury.

For the arts inclusion part of the Health and Taxation buildings, a committee was formed; and it's made up of the architect, employees of Treasury, EDA, the Arts Council, the agencies that will be inside of the buildings, and the public members.

While the solicitation of artists is being conducted via a web-based system called CaFÉ -- which stands for *Call For Entry* -- CaFÉ advertises the request and allows artists to submit their qualifications, images of artwork, and a brief narrative. The process resulted in 259 expressions of interest for the artwork; and each Committee member scored the artwork to come up with a list of three or four for every opportunity that we had made available to the artists.

MR. BRAZ: Director, did this add in any additional costs to the project -- to the total project cost?

MR. CHIANESE: I'm sorry?

MR. BRAZ: Is this adding any additional cost to the total project cost?

MR. CHIANESE: No, it has not added to it, because we budgeted for 1.5 percent of the artwork. And what we're going to spend is about 0.48 percent of the construction for the artwork. So actually, the amount that we're -- the expense should be less.

MR. BRAZ: So under budget for this specific portion. So the 1.5 percent was included in the original approval from the State House Commission for this set-aside, for lack of a better term?

MR. CHIANESE: Yes, it was.

MR. BRAZ: All right; thank you.

MR. RIDOLFINO: And this set aside is statutory, right?

MR. CHIANESE: We set aside part of our budget; but statutorily, we're asked to commit up to 1.5 percent for the expenditures.

SENATOR SMITH: Is it up to, or is it 1.5 percent?

MR. CHIANESE: It is not to exceed 1.5 percent.

SENATOR SMITH: All right; so there's flexibility.

MR. CHIANESE: Yes.

SENATOR SMITH: I think Senator Cardinale's question was, we're spending money on--

ASSEMBLYMAN DiMAIO: If I could just jump in here.

Is that amount required to be spent, or is it optional?

MR. CHIANESE: It is optional, because it is not to exceed 1.5 percent. So--

SENATOR SMITH: Right, but you're not allowed to do zero. We did a statute -- and it has to be about 10 years old -- where the public

policy consideration was that government shouldn't make totally ugly buildings. There should be at least a percentage of money used to make the building aesthetically enhanced.

So I don't think you have a choice of saying zero; and I think that's what's -- and I'm not going to put words in Senator Cardinale's mouth -- but I think he was saying, in light of all other priorities, could we be using the money for better purposes. And I think the answer to that is, it's statutorily required. We passed a law that said, "You have to invest in some art enhancement to every public building." And what I think you just said is, that the up to 1.5 percent -- you actually cut it back to 0.48 percent.

MR. CHIANESE: That is correct.

SENATOR SMITH: Okay; thank you.

SENATOR CARDINALE: Senator, I was here when Gerry Stockman put that Bill in. It was more than 10 years ago.

SENATOR SMITH: How long?

SENATOR CARDINALE: It was more-- And Gerry Stockman was the sponsor. I believe I was on the State Government Committee at that time, and I think it came through that Committee. So I'm familiar with the general object of the legislature in doing that. But that was in times that were very different from the financial times that we're in today.

It was at a time when our pension was very well funded; it was at a time when we had no structural budget deficits. We are in very different times today, and the question that the Assemblyman asked on the phone is, I think, very pertinent. Is it mandatory that we spend this amount, or did that legislation say you could spend up to a certain amount? My understanding is that -- and I may be wrong, because it's a long time

ago, and I didn't take the trouble to look that up before this meeting -- the general objective of that statute is something that I support; I believe I voted for it. Though it is now a different world; do we have the option of not doing any of this, or of doing even less, even if we have to do something?

MR. CHIANESE: I believe the intent of the statute was to make a contribution of artwork to the buildings, and to make the buildings more attractive to the occupants, as well as the passersby, the visitors, as well as the neighborhoods that our buildings will reside in.

I'm unsure if zero is an option; and the statute isn't clear if zero is an option. It says "up to 1.5 percent." I believe that it is there to create a contribution of some level to projects for art.

ASSEMBLYMAN DiMAIO: I have another question, if I may.

Why is the terrazzo floor considered an art option, rather than a more durable floor surface? Is there something design-wise that is going to be in that terrazzo floor; or is it just a terrazzo floor?

MR. CHIANESE: I'm going to ask Danielle Bursk from the Arts Council to step up, and she can comment.

MR. BRAZ: Good morning.

DANIELLE BURS K: Good morning.

I'm Danielle Bursk; I'm the Director of Artist Services with the State Arts Council. We're a Division of the Department of State.

When the art selection Committee met, we reviewed the plans for the buildings and looked at all of the different opportunities for arts enhancements within the spaces.

The terrazzo floor was something that we thought would be a great opportunity for an artist to enhance the space, because artists will

design the floors with different designs and inlays. And then it will be put in and installed by a terrazzo floor expert. It is an--

ASSEMBLYMAN DiMAIO: So it will have designs; it won't just be a straightforward terrazzo floor.

MS. BURSK: Correct; that's an established public arts venue -- terrazzo floors.

SENATOR CARDINALE: I have a question for you.

Could we limit the expenditure to the terrazzo floors?

MS. BURSK: Honestly, the terrazzo floor is one of the least expensive of the projects; and it would have to be installed whether it was an art installation or just a plain terrazzo floor.

SENATOR CARDINALE: That's my point. The terrazzo floors are a functional thing; we're going to have to have a floor one way or another.

Would it satisfy the statute if we simply did the terrazzo floors and eliminated the other items?

MS. BURSK: I think we'd need to talk to the Attorney General's Office about interpreting the statute. We encourage -- and if you look around, even in this building itself -- that public arts inclusion is very important in all the State buildings.

SENATOR CARDINALE: Well, I share that view; but you also heard what I had to say about the budget priorities.

MS. BRENNAN: If I could interject.

The bonds have already been issued for these buildings. The State has not built new public work spaces in the City of Trenton in a very long time. This is an investment in the future of the City of Trenton, as

well as in the State workforce. And I would strongly encourage -- given the vetting and the thought process that has gone into these projects by the Department of Treasury -- I would respectfully ask the members of the Commission to support this project -- these projects.

MR. BRAZ: And Senator Smith and Senator Cardinale both brought up the statute.

Mr. Kotler, can you please read the specific line?

MR. KOTLER: All right; yes.

This is from -- I have a copy of that provision, N.J.S.A. 52:16A-31, subsection *a*.

“Whenever a new public building is to be constructed at the expense and for the use of the State, the contracting officer shall, together with the architect whom he has engaged, consult with the council regarding the elements of fine arts to be included or incorporated in the design of such building or buildings.”

Subsection *b* says, it “shall be approved by the State House Commission.”

Subsection *c*, which goes to the Senator’s question, “The total estimated cost of the fine arts elements included in such plans and specifications for a public building or group of public buildings for the purpose of implementing the design thereof in accordance with the purposes of this act shall not exceed 1.5 percent of the total estimated cost of the construction of such building or group of buildings.”

SENATOR CARDINALE: So obviously there is no minimum. But to the Senator’s point, it can’t be zero.

MR. KOTLER: Right, because it does seem, in subparagraph *a*, to be a mandatory requirement to discuss the element of fine arts to be included in the building.

SENATOR CARDINALE: That's how I--

MS. BRENNAN: Unless it is significantly below--

SENATOR SMITH: Right; 0.48, yes. I mean, you have not gone wild, in terms of the artistic features of the building, but you've tried to enhance it. Point-four-eight seems to be a pretty reasonable number. And while times are different, they get better, they get worse; we live in economic cycles. And having attractive State buildings is not the worst thing.

So if we're done on it, I'd like to move that we approve.

MR. SHAUGHNESSY: We have a motion.

MR. BRAZ: Second.

MR. SHAUGHNESSY: Counsel reminds me -- is there anyone here in the public who would like to be heard on this matter? (no response)

Thank you, Counselor.

Hearing none, so we have a motion by Senator Smith to approve these matters; and this is for both buildings -- the Health Building, as well as the Taxation Building.

Is there a second to that motion?

MR. BRAZ: Second.

MR. SHAUGHNESSY: Okay, Mr. Chair; thank you.

So we have a motion and a second; I'll call the roll.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Director Ridolfino.

MR. RIDOLFINO: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: No.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Assemblyman Karabinchak.

ASSEMBLYMAN KARABINCHAK: Yes.

MR. SHAUGHNESSY: And Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: No.

MR. SHAUGHNESSY: Okay, so we have five yeas and two nays. Okay, so that matter has been approved.

Moving on now to No. 8--

SENATOR SMITH: Prior to moving on to No. 8--

MR. SHAUGHNESSY: Yes, sir.

SENATOR SMITH: --I'm going to note, for the record, that I'm abstaining from any discussion on this.

When I read the background materials, I did not see ultimately who was going to be the billboard company that's using this. And way back, in a prior life, I represented a billboard company. So not knowing who that is, I'm going to abstain from any discussion.

MR. SHAUGHNESSY: Okay, your abstention is noted, Senator Smith.

Thank you very much.

Okay, so launching into the two Department of Transportation requests -- we'll do them separately, as 8(a) and then 8(b).

8(a) -- approval of Outdoor Advertising Waiver, Block 159, Lot 1, Secaucus, Hudson County.

DOT, on behalf of the Town of Secaucus, requests a waiver from outdoor advertising regulations to allow issuance of a one-sided digital, multi-message outdoor advertising permit for an off-premise sign.

The Town of Secaucus's application proposes the erection of a single-sided multi-message sign, 60 feet wide and 16 feet high, with 960 square feet of advertising space. The sign would be installed along New Jersey Route 3.

DOT initially denied the application for the sign because the location of the sign did not meet New Jersey regulatory requirements.

A waiver is required from these spacing requirements to issue a permit for this sign. DOT has granted that waiver, subject to the approval of this Commission, based on its findings that the signs would offer a benefit to the town of Secaucus, as well as additional services at no cost to the taxpayers.

In addition to the general revenue purposes, a digital sign at the location gives the Town of Secaucus the instant ability to notify motorists of any emergency and traffic situations that arise; as well as amber alerts, silver alerts, and other emergencies that may affect the town and the region.

So that's the matter for consideration by the Commission.

Does any member have any questions or comments concerning this? (no response)

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

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

MR. BRAZ: So moved.

MR. SHAUGHNESSY: Thank you; and a second?

SENATOR CARDINALE: Second.

MR. SHAUGHNESSY: Motion and second.

I'll call the roll.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Director Ridolfino.

MR. RIDOLFINO: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith, you're noted as abstaining; thank you.

Assemblyman Karabinchak.

ASSEMBLYMAN KARABINCHAK: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: That matter is approved.

Now, on to 8(b) for consideration.

The project is approval of Outdoor Advertising Waiver, Block 107.02, Lot 1.01, East Rutherford, Bergen County.

The DOT has determined that it is in the public interest to waive certain outdoor advertising regulations in order to issue seven outdoor advertising permits.

The signs will be located at Block 107.2, Lot 1.01, on land owned by the New Jersey Sports and Exposition Authority. This waiver will permit multi-message signs within 3,000 feet of another sign; it would allow wall signs with a height of more than 30 feet, a width more than 60 feet, or a size area more than 1,200 square feet, and would permit signs within 1,500 feet from variable message signs.

Issuance of this waiver is recommended because there is a demonstrated public benefit, need for the sign, assurance of highway safety, and lack of conflict with Federal regulations and the 1971 Federal agreement regarding outdoor regulations; and subject to the following conditions: One, a before-and-after crash analysis; two, a driver distraction survey; three, NJSEA shall develop a plan to address any complaints; four, all digital signs shall comply with all applicable regulations. And I believe there's a fifth -- review of any increased crashes due to any new signage.

NJDOT has granted a waiver, subject to the approval of this Commission.

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

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

None also.

May I have a motion please?

MR. BRAZ: So moved.

MR. SHAUGHNESSY: Thank you, Chair.

Second; may I have a second?

MR. RIDOLFINO: Second.

MR. SHAUGHNESSY: Second; thank you, Mr. Ridolfino.

I'll call the roll.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Director Ridolfino.

MR. RIDOLFINO: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Assemblyman Karabinchak.

ASSEMBLYMAN KARABINCHAK: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: Thank you, sir.

That matter is approved; thank you very much.

Moving on to the next matter.

No. 9 on the agenda: Route 46, Section 52, Parcel VX94, Block 4801, Lot 10, Township of Fairfield, Essex County.

DOT is requesting approval to sell a property identified as Parcel VX94 of the Route 46, Section 52, to the only interested adjoining

owner, Hob Realty II, LLC. The property is a vacant, triangle-shaped lot containing approximately 0.230 acres, or 10,000 square feet.

The property will be sold by direct sale to Hob Realty II, LLC, for \$130,000, which is the appraised value.

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

MR. BRAZ: Yes; is DOT here on this matter?

MR. SHAUGHNESSY: Someone from DOT, please.

SENATOR CARDINALE: I have a question.

MR. SHAUGHNESSY: Okay, the Senator has a question as well.

SENATOR CARDINALE: Why is it \$130,000? This is on Route 46, and--

J A M E S C A N N: Good morning.

MR. SHAUGHNESSY: Welcome; please identify yourself, for the record.

James Cann, New Jersey Department of Transportation.

MR. SHAUGHNESSY: Thank you.

MR. BRAZ: Thank you, sir.

Senator, go ahead.

SENATOR CARDINALE: It seems like the value is low.

Now, I'm familiar with Route 46 in Bergen County; I don't usually take it all the way up into Fairfield. And it would seem to me that property there is pretty desirable, even when you get up into those more northern areas.

How confident are you in this appraisal?

MR. CANN: Well, I apologize; I have not reviewed the appraisal recently. I did review it, originally, when it came to the Department.

As I recall, we included sales from Fairfield that were on a -- I believe one was on 46, one was right off of 46. And they were current, and they were verified as market, so--

SENATOR CARDINALE: They were comparables.

MR. CANN: So I'm pretty confident, yes.

SENATOR CARDINALE: All right; thank you.

MR. SHAUGHNESSY: Any other members have any questions? (no response)

Hearing none, okay.

Before we move it to a vote, any member from the public wish to be heard? (no response)

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

MR. BRAZ: So moved.

MR. SHAUGHNESSY: Thank you, Chair.

Second?

MS. BRENNAN: Second.

MR. SHAUGHNESSY: Thank you, Deputy State Treasurer.

I'll call the roll.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Director Ridolfino.

MR. RIDOLFINO: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Assemblyman Karabinchak.

ASSEMBLYMAN KARABINCHAK: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: Thank you, sir.

That matter has been approved.

So we're now on to DEP requests, No. 10 on our agenda.

The project is Wawayanda State Park, Block 42, part of Lot 5, Vernon, Sussex County.

DEP requests approval to extinguish an ancient easement that may provide access to a DEP property within Wawayanda State Park.

The access easement extinguishment has been requested by The Land Conservancy of New Jersey, a nonprofit land trust, to enable it to buy a portion of an adjacent property -- Block 42, Lot 2 -- as Appalachian Trail buffer; and then transfer the buffer parcel to the National Park Service free and clear of any encumbrances to title.

DEP does not object to this request, since this request involves extinguishment of a previously unknown and presently unplottable access easement, and will facilitate the acquisition of additional buffer to the Appalachian Trail. No compensation is proposed or requested. All

technical costs, however, of the easement will be borne by The Land Conservancy.

Any members have any questions or comments about this matter?

MR. RIDOLFINO: What is an *ancient easement*? (laughter)

MR. SHAUGHNESSY: I think it's an old easement. (laughter)

MR. BRAZ: Thanks for the clarity.

MR. RIDOLFINO: Thanks for that clarification, Bob.

MR. SHAUGHNESSY: DEP could better answer that question.

MS. YEANY: Well, we're all laughing because my Director asked me the same question when she saw the agenda.

This, literally, is in one of those handwritten deeds from the 1800s. It refers to a structure that doesn't seem to exist anymore; and the title company-- So the easement exists, as far as there are couple of sentences in this deed that seem to have conferred an access right; but nobody can determine where it is. So it literally was from the late 1800s.

MR. SHAUGHNESSY: Any other question by the members?
(no response)

Hearing none, does any member of the public want to be heard before this matter goes to a vote? (no response)

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

MR. BRAZ: So moved.

MR. SHAUGHNESSY: Thank you; second?

MS. BRENNAN: Second.

MR. SHAUGHNESSY: Motion and second.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Director Ridolfino.

MR. RIDOLFINO: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Assemblyman Karabinchak.

ASSEMBLYMAN KARABINCHAK: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: Thank you; that matter is approved.

On to No. 11, DEP's request concerning Park Place, Block 14, part of Lot 30, Butler, Morris County.

DEP, on behalf of the Borough of Butler, requests approval to allow the diversion of a total of 0.038 +/- acre of Green Acres encumbered parkland at Park Place, in connection with the installation by the Pequannock River Basin Regional Sewerage Authority of a new gravity-fed sanitary sewer line.

The project consists of replacing 240 feet of a 16-inch diameter gravity-fed sanitary sewer line, originally installed in 1921, with approximately 400 feet of 18-inch diameter gravity-fed sewer line in the

Borough, of which approximately 140 feet of the new line will be located under Park Place.

To compensate, the Pequannock River Basin Regional Sewerage Authority proposes to offer \$2,781.45 to the Borough of Butler for parkland improvements within Park Place.

That is the matter for consideration.

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

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

Hearing none, may I have a motion?

SENATOR SMITH: So moved.

MR. SHAUGHNESSY: And second?

SENATOR CARDINALE: Second.

MR. SHAUGHNESSY: Motion and second.

Okay; I'll call the roll.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Director Ridolfino.

MR. RIDOLFINO: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Assemblyman Karabinchak.

ASSEMBLYMAN KARABINCHAK: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: That matter is approved.

On to No. 12 on our agenda.

SENATOR SMITH: Let me interrupt for one second.

Again, if you read the description in here, it references a Bill passed by myself and Assemblywoman Pinkin--

MR. BRAZ: Senator, you're on item No. 13 on the agenda?

SENATOR SMITH: No, I'm on item 12.

MR. BRAZ: Twelve, twelve.

MR. SHAUGHNESSY: How do you pronounce that? Is it the Humus (indicating pronunciation) Tract, Humus (indicating pronunciation) Tract?

UNIDENTIFIED MEMBER OF AUDIENCE: Humus (indicating pronunciation).

MR. SHAUGHNESSY: Humus; thank you; the Humus Tract matter. This is No. 12 on the agenda.

Okay, go ahead, Senator

SENATOR SMITH: I like hummus better, but-- (laughter)

But that being said, it says this is -- I think this is the one; yes, Smith-Pinkin -- and it just says that we set this up to try and fast-track this sale of land to the Federal government, which was attaching it to a much bigger Federal preserve; the money is going back to the DEP. And we were

a little concerned that if we don't act quickly, the Federal government is not going to have the money.

But I don't see any conflict here. I just want to double-check with everybody here. It refers to legislation that we sponsored; I get no financial gain out of it. So I mean, it's not ringing any bells with me, in terms of conflicts. But if anybody has any issue, let me know.

And then the other thing here -- it says the pending legislation would require proceeds to be returned to Green Acres. Did the Governor sign it?

MR. BRAZ: Yes; the Bill's been -- this Bill will be signed.

SENATOR SMITH: Okay, great.

MR. BRAZ: So it is pending.

SENATOR SMITH: So anyway, I'm participating; and I'm glad to hear the Bill is signed.

MR. SHAUGHNESSY: Okay; any other comments from members before I introduce the matter?

I just -- I appreciate Senator Smith's comments.

And this matter is a bit unusual, because it seeks the concurrence of the State House Commission of these two pieces of legislation.

So this is the Humus Tract, Block 296, Lots 33 and 34, Stafford, Ocean County.

DEP seeks the concurrence of the State House Commission in a proposed sale of land to the U.S. Fish and Wildlife Service via special legislation now pending as S-3470 and A-5034. This agenda item cannot wait until the June Commission meeting -- assuming we have one in June;

that's for further discussion -- but this cannot wait until the June Commission meeting due to the pending expiration of the Federal funding commitment.

The pending legislation would exempt the proposed sale from certain statutory and regulatory requirements for such transfers, to allow the DEP to accomplish the sale before the expiration of the Federal funding commitment for the sale.

The pending legislation would also allow the transfer to occur without the deed restrictions that are normally required. The pending legislation would still require the proceeds of the sale to be returned to the Green Acres bond fund, not the General Fund.

That's the matter before the Commission.

Do any members have any further comments or questions? (no response)

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

I believe Ms. Yeany is stepping up.

MS. YEANY: I just want to clarify something for the non-legislative members of the Commission.

At the time we wrote this up, the bills were pending. They have passed both houses of the Legislature and the Bill is, literally, I think, sitting on the Governor's desk.

MR. BRAZ: Yes, the Governor needs to take action by May 13; so by Monday.

MS. YEANY: And the other thing that the Bill accomplishes is, normally if a transaction is approved by the State House Commission and the sale price is more than \$500,000, special legislation was required

anyway to fully authorize the sale. So this transaction falls in that category, and that's another reason we asked for the legislation.

MR. SHAUGHNESSY: Thank you, Ms. Yeany.

Oh, yes; please, come on up.

Thanks.

VIRGINIA RETTIG: Thank you to the Commission for the opportunity to say a few words.

My name is Virginia Rettig, and I'm the Refuge Manager at Edwin B. Forsythe National Wildlife Refuge.

This parcel of land, that you are discussing right now, is currently completely encompassed by the Refuge.

The Refuge's namesake was a New Jersey State Senator, who served from 1964 to 1970; and then he went on to serve in the U.S. House of Representatives until his untimely death in 1984. And that's the year the Refuge was actually named after Edwin B. Forsythe.

This is our 80th anniversary.

So as Manager I oversee nearly 48,000 acres of land; and the land we are discussing today was identified about 15 years ago to be a part of the Refuge; by not only the Refuge biologists and the Manager at the time, but also New Jersey Division of Fish and Wildlife biologists.

So at that time the Federal government was receiving pretty regular and large infusions of cash to buy land for the Federal Wildlife Refuge. And the State went forward and acquired property with the intention of it coming to the Refuge soon thereafter. And then our fund started to dry up, so we kind of held it for a while.

So the Fish and Wildlife Service appreciates the time that the State held the land on our behalf. We pursued funding, and finally received it from the Migratory Bird Conservation Commission in 2017. And those funds are actually from the sale of Federal duck stands.

So we're pleased to come to say that, with your support, we would complete the transaction. And I just wanted to state that I really appreciate the long-standing and strong relationship that Fish and Wildlife Service has with the Division of Fish and Wildlife in the State of New Jersey.

Thank you.

MR. SHAUGHNESSY: Thank you.

Any members have any questions? (no response)

Okay, if--

SENATOR SMITH: Move it.

MR. BRAZ: Second.

MR. SHAUGHNESSY: Okay, motion and second.

I'll call the roll.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Director Ridolfino.

MR. RIDOLFINO: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Assemblyman Karabinchak.

ASSEMBLYMAN KARABINCHAK: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: That matter is approved.

Okay, we're moving on to No. 13.

The project -- unnamed conservation easement, Block 5, part of Lot 1.01, Township of Warren, Somerset County.

DEP, on behalf of the Township of Warren, requests approval to allow the release of a 3.605 +/- acres of Township-held conservation easement on private property. The easement release is necessary to allow Jersey Central Power and Light to construct the Martinsville substation project on the property. The project consists of the construction of an electric substation, as well as transmission and distribution lines.

To compensate for the proposed disposal of the Township's easement interest, including the associated tree removal, the Township proposes to, one, acquire from JCP&L a fee interest of a 16.5-acre parcel of land to be added to the Dead River Greenway; and two, accept \$110,000 in monetary compensation from JCP&L for a future acquisition of land, for recreation and conservation purposes, to be located within the Township of Warren.

That matter is up for your consideration.

Do any members have any questions or comments before we move forward? (no response)

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

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

MR. BRAZ: So moved.

MR. SHAUGHNESSY: Second?

SENATOR CARDINALE: Second.

MR. SHAUGHNESSY: Motion and second.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Director Ridolfino.

MR. RIDOLFINO: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Assemblyman Karabinchak.

ASSEMBLYMAN KARABINCHAK: Yes.

MR. SHAUGHNESSY: And Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: Okay; thank you for your attention to a number of diverse matters; and we are now moving to the Division of Pension and Benefits' requests.

But first I need a motion to sit as the Judicial Retirement System Board of Trustees.

MR. BRAZ: So moved.

MR. SHAUGHNESSY: Thank you; second?

SENATOR CARDINALE: Second.

MR. SHAUGHNESSY: Okay; motion and second.

We are now sitting as the Judicial Retirement System Board of Trustees.

The first matter--

MR. BRAZ: We have to take a roll.

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

Any opposed? (no response)

Any abstentions? (no response)

We are now sitting as the Judicial Retirement System Board of Trustees.

The first matter -- routine matter is, one, the approval of the minutes, held on December 10, 2018.

Do any members have any questions or comments?

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Okay, we have a question or comment from Senator Cardinale.

SENATOR CARDINALE: On page 7, the first long paragraph.

MR. KOTLER: Excuse me, Senator?

SENATOR CARDINALE: On page 7--

MR. KOTLER: Is this the public minutes or the Executive Session minutes?

SENATOR CARDINALE: No, that's the closed minutes.

MR. KOTLER: Okay, so if you want to discuss a closed matter, we need everyone to leave the room.

I guess you too, folks; thank you.

And let me say that we have our Pension Counsel here, Robert Kelly.

Come on up, Bob; you can come have a seat.

MR. SHAUGHNESSY: I'd like to have a motion and a second for the Judicial Retirement System Board of Trustees to move into Executive Session to receive advice from the Attorney General's Office with regard to the Judicial Retirement System agenda.

And the--

SENATOR CARDINALE: I have two things which I believe are typos that I think should be corrected.

MR. SHAUGHNESSY: Okay.

We have a motion and second; do we have a motion and second?

SENATOR SMITH: So moved.

MR. SHAUGHNESSY: Second?

MR. BRAZ: Second.

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

We are sitting in Executive Session.

(State House Commission goes into Executive Session)

(State House Commission returns from Executive Session)

MR. SHAUGHNESSY: We are now returning to sit as the Judicial Retirement System Board of Trustees in Public Session.

Okay, we're back in Public Session, sitting as the Judicial Retirement System Board of Trustees.

Coming out of Executive Session, I think that we have revised approval of minutes held on December 10, 2018; with two typographical changes, if you will, as noted by Senator Cardinale.

So I just need a motion--

MR. KOTLER: So this would be approval of both the Public and the Executive Session minutes.

MR. SHAUGHNESSY: Thank you for that clarification.

Motion?

MR. BRAZ: So moved.

MR. SHAUGHNESSY: Second?

SENATOR CARDINALE: Second.

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

Any abstentions? (no response)

Next we're on to two confirmations of the Death Claims, Retirements, and Survivor Benefits.

Any questions or comments with regard to those? (no response)

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

Hearing none, then, may I have a motion on No. 2?

MR. BRAZ: So moved.

MR. SHAUGHNESSY: Thank you; second?

MS. BRENNAN: Second.

MR. SHAUGHNESSY: Roll call.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Director Ridolfino.

MR. RIDOLFINO: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Assemblyman Karabinchak.

ASSEMBLYMAN KARABINCHAK: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: Thank you, sir; No. 2 is approved.

Now, No. 3 is receipt of the financial statements for July 18 through December 18.

Any questions or comments with regard to those? (no response)

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

Hearing none, may I have a motion on No. 3?

MR. BRAZ: So moved.

MR. SHAUGHNESSY: Second?

SENATOR CARDINALE: Second.

MR. SHAUGHNESSY: Motion and second.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Director Ridolfino.

MR. RIDOLFINO: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Assemblyman Karabinchak.

ASSEMBLYMAN KARABINCHAK: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: No. 3 is approved.

Finally, we're on to No. 4 on the agenda; it's a request that the total forfeiture of service and final salary credit for the Honorable Liliana DeAvila-Silebi be referred to the Office of Administrative Law.

May I have a motion with regard to that?

MS. BRENNAN: Motion.

MR. BRAZ: Second.

MR. SHAUGHNESSY: Motion and second.

Okay, before I call the roll, any further discussion? (no response)

Any member from the public here today who wishes to be heard? (no response)

Hearing and seeing none, then I'll take that motion and second.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Director Ridolfino.

MR. RIDOLFINO: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Assemblyman Karabinchak.

ASSEMBLYMAN KARABINCHAK: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: That matter is approved.

Any other business coming before the Commission? (no response)

Hearing none, seeing none, then may I have a motion to adjourn?

MR. BRAZ: So moved.

MR. SHAUGHNESSY: Second?

MS. BRENNAN: Second.

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

Okay; I assume no opposition.

Thank you very much for your time and efforts today.

MR. BRAZ: Thank you, everybody.

(MEETING CONCLUDED)