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# *Commission Meeting*

of

## NEW JERSEY COMMISSION ON CAPITAL BUDGETING AND PLANNING

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**LOCATION:** Committee Room 11  
State House Annex  
Trenton, New Jersey

**DATE:** December 8, 2000  
9:30 a.m.

**MEMBERS OF COMMISSION PRESENT:**

B. Carol Molnar, Chair  
Anthony F. Annese, Vice-Chair  
Senator Bernard F. Kenny Jr.  
Assemblywoman Barbara Buono  
Gary Brune  
Janice Mitchell Mintz  
Robert A. Roth



**ALSO PRESENT:**

Caroline Joyce  
(representing Senator Robert E. Littell)  
Jerry Traino  
(representing Assemblyman Francis J. Blee)  
Gail Alexander  
(representing Roland M. Machold)  
David Rousseau

John Geniesse, Acting Executive Director  
New Jersey Commission on Capital Budgeting and Planning

*Meeting Recorded and Transcribed by*  
The Office of Legislative Services, Public Information Office,  
Hearing Unit, State House Annex, PO 068, Trenton, New Jersey

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

We'll now take the roll call.

MR. GENIESSSE (Acting Executive Director): Mr. Brune.

MR. BRUNE: Here.

MR. GENIESSSE: Mr. Annese.

MR. ANNESE: Here.

MR. GENIESSSE: Mr. Roth.

MR. ROTH: Here.

MR. GENIESSSE: Ms. Joyce for Senator Littell.

MS. JOYCE: Here.

MR. GENIESSSE: Mr. Rousseau for Senator Kenny.

MR. ROUSSEAU: Here.

MR. GENIESSSE: Mr. Traino for Assemblyman Blee.

MR. TRAINO: Here.

MR. GENIESSSE: Assemblywoman Buono.

ASSEMBLYWOMAN BUONO: Present.

MR. GENIESSSE: Ms. Alexander for Treasurer Machold.

MS. ALEXANDER: Here.

MR. GENIESSSE: Commissioner Mintz.

COMMISSIONER MINTZ: Here.

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

Ms. Molnar.

MS. MOLNAR: Here.

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

MS. MOLNAR: Thank you.

We have a few items of business.

First, it is with great sadness that we observe the passing of Assemblyman Lou Romano. Assemblyman Romano died of cancer at the age of 70 on November 30. He was an educator, with a doctorate from New York University, and an honored and respected legislator and dedicated public servant who was concerned with issues affecting senior citizens and our youth.

As a member of the Capital Planning Commission, he served with dedication and commitment. There was hardly a meeting that he did not attend. He provided us with insight on many issues and provoked critical thinking on every issue.

His exceptional wit and charm endeared him to all of us. We are grateful for knowing him. We will not forget him.

We would ask you to rise for a moment of silence in his memory.

(Audience complies)

Thank you very much, and God bless.

The other announcement -- Mr. Roth and Mr. Annese have both been confirmed by the Senate and reappointed to this Commission.

Now, our Director's report.

MR. GENIESSSE: Thank you, Madam Chair.

I would like to first call to the attention of the Commission members that we have provided you some revised pages pertaining to the agency capital recommendations. There's really just a couple of changes here.

In the Department of Environmental Protection request on Page 16, the recommendation was correct, but the narrative accompanying it was inconsistent with it, so we've given you a revised page there. It was with respect to the interpretive displays project in the parks.

And on Pages 51 and 52 of the interdepartmental accounts, the original -- the recommendation which went out originally was incorrect with respect to the ADA compliance project. The Department request was \$4.2 million. What the Commission staff is recommending here is \$2.5 million rather than the full funding. And for building demolition, \$1 million is not recommended by the Commission staff.

So those revisions -- revised pages have been given to you.

I also want to point out that as a result of some discussion on the debt report at the last Commission meeting, particularly with respect to capital leases, we have prepared a memo where we tried to clarify how these are calculated -- the imputed rate of interest.

Madam Chair, I suggest that we move this back in the agenda and consider, first, the agency capital recommendations. But if that is acceptable to you, we can discuss this memo a little bit more at this time.

MS. MOLNAR: Okay.

MR. GENIESSSE: Okay.

And then I would just like to make a few comments with regard to the staff recommendations. Agencies submitted requests for more than 1000 projects, totaling nearly \$1.7 billion for Fiscal 2002. The staff has recommended funding of just nearly \$1.3 billion -- billion.

To put this into context, last year, for Fiscal Year 2001, the Commission recommended about \$992 million of capital funding. The Governor and the Legislature eventually appropriated approximately \$1.1 billion, with most of this increased funding occurring in the Transportation Trust Fund.

With few exceptions, the requests for Fiscal Year 2002 represented real needs. This task of the staff in arriving at the recommendations presented here today was a difficult one. Each of the projects were scrutinized and evaluated in relation to the programmatic knowledge of staff, the priority expressed by the agencies, and finally, the relation to the criteria adopted by the Commission.

Among those not recommended by staff are many important and viable projects. However, among the responsibilities of this Commission, and the one that we are concerned with today, is to advise the Governor and the Legislature on the projects in which scarce capital resources should be invested. And we have done our best to recommend, as the staff, what we see as the most urgent capital needs.

We have continued the practice of recommending funding for asbestos abatement and hazardous material removal projects, Americans With Disabilities compliance projects, and underground storage tank removal and upgrade projects from central accounts. The Division of Property

Management and Construction requested amounts for these three items on behalf of all State agencies, at times duplicating agency requests. The staff recommends that these requests be prioritized for funding from the central account.

We have provided the same briefing materials that Commission members received to both the Council on Economic Advisors and the State Planning Commission for them to provide any comments on the requests or recommendations.

Subsequent to this, the Commission's recommendations will be forwarded to both the Governor and the Legislature and be compiled and published in a seven-year capital plan.

I would like to conclude my comments by commending the capital planning unit staff, as well as other contributing staff at OMB, for their hard work and expert analysis in putting together these recommendations.

Madam Chair, that concludes my report.

MS. MOLNAR: Thank you.

On our agenda, we'll skip to Item 7, which is the departmental recommendations.

Our first department is the Department of Agriculture. They've requested \$905,000, and we're recommending \$50,000.

Any questions or comments from Commission members? (no response)

If not, we'll take a roll call.

MR. GENIESSE: I think we need a motion.

MS. MOLNAR: I'm sorry. We need a motion to accept.

MR. ROTH: Madam Chair, I move to approve the Department of Agriculture for \$50,000.

MS. MOLNAR: Do I hear a second?

MR. BRUNE: Second.

MS. MOLNAR: Okay. Take a roll call.

MR. GENIESSSE: Mr. Brune.

MR. BRUNE: Yes.

MR. GENIESSSE: Mr. Annese.

MR. ANNESE: Yes.

MR. GENIESSSE: Mr. Roth.

MR. ROTH: Yes.

MR. GENIESSSE: Senator Kenny.

SENATOR KENNY: Yes.

MR. GENIESSSE: Assemblywoman Buono.

ASSEMBLYWOMAN BUONO: Yes.

MR. GENIESSSE: Ms. Alexander.

MS. ALEXANDER: Yes.

MR. GENIESSSE: Commissioner Mintz.

COMMISSIONER MINTZ: Yes.

MR. GENIESSSE: Ms. Molnar.

MS. MOLNAR: Yes.

MR. GENIESSSE: Eight votes in the affirmative. The motion passes.

MS. MOLNAR: Thank you.

The next department is the Department of Corrections. They've requested approximately \$124 million, and the Commission is recommending \$56.762 million.

Any questions or comments from Commission members? (no response)

If not, do I hear a motion to accept?

COMMISSIONER MINTZ: So moved.

MS. MOLNAR: Second?

MR. ROTH: Yes.

MS. MOLNAR: Thank you.

Take a vote.

MR. GENIESE: Mr. Brune.

MR. BRUNE: Yes.

MR. GENIESE: Mr. Annese.

MR. ANNESE: Yes.

MR. GENIESE: Mr. Roth.

MR. ROTH: Yes.

MR. GENIESE: Senator Kenny.

SENATOR KENNY: Yes.

MR. GENIESE: Assemblywoman Buono.

ASSEMBLYWOMAN BUONO: Yes.

MR. GENIESE: Ms. Alexander.

MS. ALEXANDER: Yes.

MR. GENIESE: Commissioner Mintz.

COMMISSIONER MINTZ: Yes.

MR. GENIESSSE: Ms. Molnar.

MS. MOLNAR: Yes.

MR. GENIESSSE: Eight votes in the affirmative. The motion carries.

MS. MOLNAR: Thank you.

The next department is the Department of Education. They've requested \$3.895 million, and the Commission is recommending \$3.230 million.

Now, I just had one question about the roof replacement at the Bergen County school. We're replacing the entire school roof. That's just for leaking.

I'm wondering, does anybody know the age of that roof?

Could you state your name for the stenographer?

**A U T H U R H. S P A N G E N B E R G, Ed.D.:** Thank you, Madam Chair.

My name is Dr. Arthur Spangenberg, New Jersey Department of Education.

I believe the roof is 22 years, plus or minus a year.

MS. MOLNAR: Okay.

DR. SPANGENBERG: I'm not exactly sure that that was the year that we finished it, but I-- It was 22 years--

MS. MOLNAR: How much was allotted for that?

MR. GENIESSSE: Is it the Bergen School?

MS. MOLNAR: Yeah.

MR. GENIESSSE: It's \$1.6 million.

MS. MOLNAR: It's \$1.6 million.

Was maintenance an issue?

DR. SPANGENBERG: Madam Chair, maintenance has not been an issue. This has been-- I'm searching for the right words right now. This has been an evolving project. We began to have ventilation problems as we addressed the ventilation -- heating and air-conditioning ductwork problems. We encountered more problems with the delivery system of the natural gas to the heating units, which were roof mounted -- had been retro-roof mounted about 15 years ago, which had complicated the roof problem. And as we looked to repair it, we have found at each stage that -- we have found more wrong with it.

And finally, we asked the Division of Building Infrastructure to come in and do a full engineering evaluation. And it was their opinion that at this point, it's at the point of diminishing return. And it's best just to take it off -- take the heating units off, redirect the pipe delivery system for the natural gas, and start again.

So we're biting the bullet.

MS. MOLNAR: Thank you.

Any other questions or comments from Commission members?

(no response)

If not, do I hear a motion to approve?

MR. ROTH: So moved.

MS. MOLNAR: Do I hear a second?

MR. BRUNE: Second.

MS. MOLNAR: Okay, we'll take the vote.

MR. GENIESSSE: Mr. Brune.

MR. BRUNE: Yes.

MR. GENIESSSE: Mr. Annese.

MR. ANNESE: Yes.

MR. GENIESSSE: Mr. Roth.

MR. ROTH: Yes.

MR. GENIESSSE: Senator Kenny.

SENATOR KENNY: Yes.

MR. GENIESSSE: Assemblywoman Buono.

ASSEMBLYWOMAN BUONO: Yes.

MR. GENIESSSE: Ms. Alexander.

MS. ALEXANDER: Yes.

MR. GENIESSSE: Commissioner Mintz.

COMMISSIONER MINTZ: Yes.

MR. GENIESSSE: Ms. Molnar.

MS. MOLNAR: Yes.

MR. GENIESSSE: Eight votes in the affirmative.

MS. MOLNAR: Thank you, gentlemen.

DR. SPANGENBERG: Thank you.

MS. MOLNAR: The next department is the Department of Environmental Protection. There are revised pages for that.

Any questions or comments? (no response)

Good.

Do I hear a motion to approve?

COMMISSIONER MINTZ: I make the motion to approve.

MS. MOLNAR: Second?

MS. ALEXANDER: Second.

MS. MOLNAR: Okay, we'll take a vote.

MR. GENIESSSE: Mr. Brune.

MR. BRUNE: Yes.

MR. GENIESSSE: Mr. Annese.

MR. ANNESE: Yes.

MR. GENIESSSE: Mr. Roth.

MR. ROTH: Yes.

MR. GENIESSSE: Senator Kenny.

SENATOR KENNY: Yes.

MR. GENIESSSE: Assemblywoman Buono.

ASSEMBLYWOMAN BUONO: Yes.

MR. GENIESSSE: Ms. Alexander.

MS. ALEXANDER: Yes.

MR. GENIESSSE: Commissioner Mintz.

COMMISSIONER MINTZ: Yes.

MR. GENIESSSE: Ms. Molnar.

MS. MOLNAR: Yes.

MR. GENIESSSE: Eight votes in the affirmative. It's approved.

MS. MOLNAR: Thank you.

The next department is the Department of Health and Senior Services.

The agency requested \$24.537 million, and the Commission is recommending \$14.317 million.

Any questions or comments? (no response)

If not, do I hear a motion to approve?

MR. ROTH: So moved.

MS. MOLNAR: Second?

MR. BRUNE: Second.

MS. MOLNAR: Take a vote.

MR. GENIESSSE: Mr. Brune.

MR. BRUNE: Yes.

MR. GENIESSSE: Mr. Annese.

MR. ANNESE: Yes.

MR. GENIESSSE: Mr. Roth.

MR. ROTH: Yes.

MR. GENIESSSE: Senator Kenny.

SENATOR KENNY: Yes.

MR. GENIESSSE: Assemblywoman Buono.

ASSEMBLYWOMAN BUONO: Yes.

MR. GENIESSSE: Ms. Alexander.

MS. ALEXANDER: Yes.

MR. GENIESSSE: Commissioner Mintz.

COMMISSIONER MINTZ: Yes.

MR. GENIESSSE: Ms. Molnar.

MS. MOLNAR: Yes.

MR. GENIESSSE: Eight votes in the affirmative. The motion  
passes.

MS. MOLNAR: Thank you.

The next department is the Department of Human Services. They've requested \$107.998 million, and the Commission is recommending \$41.83 million.

Any questions or comments? (no response)

I just had one comment, and that was under compliance for Greystone.

They may have testified they're requesting \$4 million for sprinkler systems, and we're recommending \$4 million for sprinkler systems.

Did they testify that they're studying the fate of Greystone Psychiatric Hospital?

MR. GENIESSE: We have somebody from the Department here.

MS. MOLNAR: Okay. Thank you.

**JAMES V. ZAPICCHI:** I'm Jim Zapicchi, Department of Human Services.

Yes, there's a study going on right now. But this \$4 million is for existing patient areas.

MS. MOLNAR: Okay.

So this would probably be installed in next year's budget.

MR. ZAPICCHI: Yes.

MS. MOLNAR: Okay.

Any other questions or comments? (no response)

If not, do I hear a motion?

COMMISSIONER MINTZ: So moved.

MS. MOLNAR: Second?

MR. BRUNE: Second.

MS. MOLNAR: Take the vote.

MR. GENIESSSE: Mr. Brune.

MR. BRUNE: Yes.

MR. GENIESSSE: Mr. Annese.

MR. ANNESE: Yes.

MR. GENIESSSE: Mr. Roth.

MR. ROTH: Yes.

MR. GENIESSSE: Senator Kenny.

SENATOR KENNY: Yes.

MR. GENIESSSE: Assemblywoman Buono.

ASSEMBLYWOMAN BUONO: Yes.

MR. GENIESSSE: Ms. Alexander.

MS. ALEXANDER: Yes.

MR. GENIESSSE: Commissioner Mintz.

COMMISSIONER MINTZ: Yes.

MR. GENIESSSE: Ms. Molnar.

MS. MOLNAR: Yes.

MR. GENIESSSE: Eight votes in the affirmative. The motion carries.

MS. MOLNAR: Thank you.

The next department is Law and Public Safety. They requested \$84.135 million. The Commission is recommending \$28.928 million.

Any questions or comments?

MR. ROTH: I have one comment.

MS. MOLNAR: Sure.

MR. ROTH: I concur with the staff recommendations, particularly-- I'd like to just mention one point. The patrol station master plan purchase -- \$600,000 not being recommended. I think that, perhaps, that would have had a different decision if the cost benefit analysis had been attached when we were reviewing this. And as a result, it's not being passed.

As this Commission has pointed out on a number of occasions, in order for us to approve capital projects, we have to know what their economic impact is going to be from year to year.

MS. MOLNAR: Good point.

Has that been relayed to the Department?

MR. GENIESSE: Yes.

MS. MOLNAR: They know that.

MR. GENIESSE: Yes.

MS. MOLNAR: Okay.

Any other questions?

Senator Kenny.

SENATOR KENNY: With respect to the helicopters, only one is being funded?

MR. GENIESSE: Yes, that is correct, Senator.

SENATOR KENNY: Does that have any impact on our ability to be responsive to emergencies?

MR. GENIESSE: Let me ask if there's somebody from the Department to respond to that.

**DANIEL W. FOSTER:** My name is Dan Foster. I'm the Budget Director at the Department of Law and Public Safety.

The question was -- I didn't really quite hear all of it in the back.

SENATOR KENNY: With respect to the funding for the helicopters-- There are three helicopters, and they're only recommending funding for one?

MR. FOSTER: Yes.

SENATOR KENNY: Is that an issue with you?

MR. FOSTER: Sir, what happened was-- We have funding this year for three replacement medevac helicopters. We asked for additional funding for the remaining three aircraft. What we'd like to do is make it a standardized fleet. The way that I read it, it looks like they wanted, in the proposals, to do it one year at a time. So it looks like maybe '02, '03, and '04.

I think we can live with that with the exception of it's more of a training issue for us than anything. We wouldn't want to have two different types of helicopters out there where we would have a certain amount of pilots trained in one and also maintain training for other pilots for the other aircraft. We are in the process of trying to standardize the whole fleet.

So that's the issue that we take with it.

COMMISSIONER MINTZ: Madam Chair, through you.

I just had one other question to follow up on Senator Kenny, if he was finished with his questioning.

SENATOR KENNY: Go ahead.

COMMISSIONER MINTZ: With respect to the Sikorsky helicopters, I seem to remember reading, over the last several weeks in the press, accounts that there may be some question about recall or safety. Is that,

in any way, related to this request, or have I -- or are our helicopters not of that particular style or type?

MR. FOSTER: Well, the helicopters were placed on hold for, I think, about two weeks until we received further word from the manufacturer that we're not causing any safety issues there.

**LIEUTENANT ROBERT J. PLAZA:** Commissioner, if I can add to that--

Lieutenant Robert Plaza. I'm with the Budget Operations Unit.

That Sikorsky-- Our particular type of helicopter did not have a problem. It had to do with a crack in the mask that actually holds the blades on.

Because Sikorsky basically sent out a notice to anybody who had this -- any type of similar ship, we are currently checking the ships. They go through an inspection. Basically, it has to do with the number of landings and takeoffs they take -- that they do in a scheduled time period. These inspections are being conducted right now, but the ships are in service, and they are operational.

The crack that occurred in the helicopter was not specifically in the type of aircraft that the State Police utilizes.

MS. MOLNAR: Could you give your name to the stenographer?

LIEUTENANT PLAZA: Yes. I'm Lieutenant Robert Plaza, and I'm with the Budget Operations Unit.

COMMISSIONER MINTZ: Thank you, Madam Chair. I'm done.

MS. MOLNAR: Gail Alexander.

MS. ALEXANDER: Madam Chair, through you.

Lieutenant, I have another question to follow up on this. How old are the three remaining helicopters that you had requested replacement for? And what is the life span of the helicopter?

LIEUTENANT PLAZA: Well, suggested-- We had a consultant's report done back about six years ago. And as part of that consultant's report-- What they suggest is that aircraft in corporate use -- fleet aircraft is generally about six to seven years, which is-- In corporate use, that may be acceptable. In government use, it's usually extended to a period of about 10 to 12 years. Our Sikorskies are roughly 12 years old -- the three Sikorskies.

Now, we have received funding to replace those as part of the appropriation last year. Part of the problem comes in to play that a helicopter's unique in that you can't just take a helicopter out of service and put a new one in service. There's a training period that's required, and it's approximately one year. And when you're talking about replacing three medevac helicopters all in one stop-- Part of the funding was based on the liquidation value of the helicopters that we have right now. So bringing three ships out of service, and augmenting with three brand new ships, can't be achieved in a one-year period, and that's a training issue. It has to do with the amount of time it takes to bring the new pilots -- not the new pilots, but the pilots that we have, up to speed with the training on the new helicopters.

The medevac mission is the primary mission of the State Police Aviation Unit, and that's where most of our pilots are assigned. And the training issue, of course-- Speaking with Lieutenant Lindauer-- He projected that it would take approximately one year to get everybody up to speed on

those ships. So part of our problem with the financing is, if we can't trade the Sikorskies in until-- It has to be an integration plan. The Sikorskies can't be traded all in in one shot and the liquidation money applied to the purchase of new helicopters. That's where the problem was. It has to do with training issues.

MR. FOSTER: The answer to your question, though, on the other helicopters -- they're like 17 or 15 years of age.

SENATOR KENNY: Madam Chair.

MS. MOLNAR: Yes, Senator Kenny.

SENATOR KENNY: I'm not clear. Are you-- Would you like this Commission to reconsider the recommendation that is before us now and ask for full funding for the three helicopters?

MR. FOSTER: Yes.

SENATOR KENNY: You would.

MR. FOSTER: Yes.

SENATOR KENNY: Well, I would ask that the Commission would entertain that request. These gentlemen are the experts. And we have money now available. You never know what next year will bring. And I think this is a priority item. So I would ask that we reconsider this request.

MS. MOLNAR: You would -- helicopter replacements -- you would give them their request of \$12.9 million in lieu of our \$2.9 million.

MR. GENIESSE: Is that a motion, Senator?

SENATOR KENNY: I'll offer that as a motion if--

ASSEMBLYWOMAN BUONO: And I'd second that.

MS. MOLNAR: All right. That would increase their request by \$10 million.

COMMISSIONER MINTZ: Madam Chair, if I could just ask one follow-up question--

MS. MOLNAR: Yes.

COMMISSIONER MINTZ: Let me just make sure I understand this. There are three medevac helicopters. There are three additional helicopters in the fleet. Is that correct?

LIEUTENANT PLAZA: Yes, Ms. Mintz.

COMMISSIONER MINTZ: We are talking about the three additional helicopters here, one of which the Commission staff has recommended funding for.

LIEUTENANT PLAZA: That's correct.

COMMISSIONER MINTZ: Are they also the Sikorsky -- they are the older helicopters in our fleet, correct?

LIEUTENANT PLAZA: Yes.

COMMISSIONER MINTZ: They are the helicopters that Mr. Foster referenced as being 15 to 17 years old or in that age frame.

LIEUTENANT PLAZA: Yes.

I stand corrected on the age of the ships. One is a 1985 Bell single-engine helicopter. The other is a 1994 Bell. So the age of those helicopters-- I should have come out-- I didn't realize that.

So one helicopter is in excess of 15 years old. The other helicopter is approximately 7 years old -- that second Bell.

But part of the problem is, these are single-engine helicopters that are not recommended for certain usage, over-water flights, night flights, those types of activities that the State Police need to conduct for their general law enforcement mission.

And as recommended in the report, if we can standardize the fleet, there will be transferability between the missions. In other words, if an air ambulance helicopter were to go out of service, it can be easily augmented by one of the general police helicopters. It can-- Basically, the cabin can be converted to a medevac helicopter in times of need there or vice versa. If we needed augmentation to the general police mission, the medevacs could be converted for that purpose.

COMMISSIONER MINTZ: Based on that information, I would concur with Senator Kenny's and Assemblywoman Buono's motions. It really does seem as though there is both an operational, but a health and safety issue, as well, given the age of this fleet and the missions to which they're put -- the purposes to which they're put. So I would add my support to the Commission reconsidering this particular line item.

MR. ROTH: Madam Chair.

MS. MOLNAR: Yes, Mr. Roth.

MR. ROTH: I just have one question concerning the old choppers. Are they to be sold at auction, or are they to be traded in? Is the price that you're asking -- or the amount that you're asking the net amount that you need?

LIEUTENANT PLAZA: Sir, the price that we're asking -- I believe that's net. It's based on the liquidation value of our entire fleet.

MR. ROTH: All right.

MS. MOLNAR: Thank you.

Based on the discussion, that would change our recommendation to \$38.928 million -- additional \$10 million to purchase the two additional helicopters.

Do we have a motion?

MR. ROTH: Madam Chair, I think there's a motion on the floor from Senator Kenny.

ASSEMBLYWOMAN BUONO: And I seconded it.

MS. MOLNAR: Okay, and there's a second -- which would be to revise this to \$38.928 million -- include an additional \$10 million.

Okay, we'll take a vote.

MR. GENIESSSE: Madam Chair, just to clarify, I think this vote is to add the additional funding to the Department's recommended amount. Then we would have to approve the total. This is a motion to add to their recommended amount.

MS. MOLNAR: Okay, we'll vote on adding an additional \$10 million for that line item -- helicopter replacement.

MR. GENIESSSE: Mr. Brune.

MR. BRUNE: No.

MR. GENIESSSE: Mr. Annese.

MR. ANNESE: Yes.

MR. GENIESSSE: Mr. Roth.

MR. ROTH: Yes.

MR. GENIESSSE: Senator Kenny.

SENATOR KENNY: Yes.

MR. GENIESSSE: Assemblywoman Buono.

ASSEMBLYWOMAN BUONO: Yes.

MR. GENIESSSE: Ms. Alexander.

MS. ALEXANDER: No.

MR. GENIESSSE: Commissioner Mintz.

COMMISSIONER MINTZ: Yes.

MR. GENIESSSE: Ms. Molnar.

MS. MOLNAR: Yes.

MR. GENIESSSE: We have six votes in the affirmative. That is enough to carry the motion. Now, let's vote on the full Department request.

MS. MOLNAR: Okay, the full -- makes the Commission's recommendation now \$38.928 million.

Do I hear a motion to approve that new number?

MR. ROTH: So moved.

SENATOR KENNY: Second.

MR. GENIESSSE: And I would just preface this by saying to adopt the full recommendation, we need seven votes in the affirmative.

Mr. Brune.

MR. BRUNE: No.

MR. GENIESSSE: Mr. Annese.

MR. ANNESE: Yes.

MR. GENIESSSE: Mr. Roth.

MR. ROTH: Yes.

MR. GENIESSSE: Senator Kenny.

SENATOR KENNY: Yes.

MR. GENIESSE: Assemblywoman Buono.

ASSEMBLYWOMAN BUONO: Yes.

MR. GENIESSE: Ms. Alexander.

MS. ALEXANDER: No.

MR. GENIESSE: Commissioner Mintz.

COMMISSIONER MINTZ: Yes.

MR. GENIESSE: Ms. Molnar.

MS. MOLNAR: Yes.

MR. GENIESSE: We have six votes in the affirmative. That is not sufficient to adopt that recommendation.

MR. ROTH: Madam Chair.

MS. MOLNAR: Yes.

MR. ROTH: May I propose a compromise?

MS. MOLNAR: Okay.

MR. ROTH: Perhaps we might be able to purchase two helicopters this year instead of three and put the third one off until next year.

I don't know if anybody wants to discuss that aspect of it. Perhaps the witnesses might want to respond as to how they could deal with that situation.

LIEUTENANT PLAZA: Sir, if we could do that, I mean, that would be an excellent recommendation. I mean, to bring three helicopters-- We're currently working on a RFP to purchase these aircraft now. Within the time frame in the delivery that we would be receiving these ships, that would probably work just as well for us.

MS. MOLNAR: What would the additional amount be in your request then for a second one? How much should we add to our recommendation?

LIEUTENANT PLAZA: On the basic numbers, I would say half of that -- probably an additional \$5 million.

MR. ROTH: Madam Chair, I would move to add \$5 million for the capital for Public Safety for the purchase of one helicopter -- one additional helicopter.

MS. MOLNAR: Any comments? (no response)

SENATOR KENNY: I'll second it.

MS. MOLNAR: Does OMB have any comment on this?

MR. BRUNE: Madam Chair, we obviously prefer a phased approach. We think we have some budget constraints here. I think we would go along with the compromise described by Mr. Roth.

MS. MOLNAR: Good.

Thank you.

Any other questions or discussion? (no response)

All right, we'll vote on adding an additional \$5 million for a second purchase.

We'll take a roll.

MR. GENIESSE: Mr. Brune.

MR. BRUNE: Yes.

MR. GENIESSE: Mr. Annese.

MR. ANNESE: Yes.

MR. GENIESSE: Mr. Roth.

MR. ROTH: Yes.

MR. GENIESSSE: Senator Kenny.

SENATOR KENNY: Yes.

MR. GENIESSSE: Assemblywoman Buono.

ASSEMBLYWOMAN BUONO: Yes.

MR. GENIESSSE: Ms. Alexander.

MS. ALEXANDER: Yes.

MR. GENIESSSE: Commissioner Mintz.

COMMISSIONER MINTZ: Yes.

MR. GENIESSSE: Ms. Molnar.

MS. MOLNAR: Yes.

MR. GENIESSSE: That motion carries, Madam Chair.

MS. MOLNAR: Thank you.

Now, we have to have a motion to adopt a revised Commission recommendation of \$33.928 million -- another \$5 million.

MR. ROTH: I move it.

MS. MOLNAR: Second.

Okay, we'll take a vote.

MR. GENIESSSE: Mr. Brune.

MR. BRUNE: Yes.

MR. GENIESSSE: Mr. Annese.

MR. ANNESE: Yes.

MR. GENIESSSE: Mr. Roth.

MR. ROTH: Yes.

MR. GENIESSSE: Senator Kenny.

SENATOR KENNY: Yes.

MR. GENIESSSE: Assemblywoman Buono.

ASSEMBLYWOMAN BUONO: Yes.

MR. GENIESSSE: Ms. Alexander.

MS. ALEXANDER: Yes.

MR. GENIESSSE: Commissioner Mintz.

COMMISSIONER MINTZ: Yes.

MR. GENIESSSE: Ms. Molnar.

MS. MOLNAR: Yes.

MR. GENIESSSE: Eight votes in the affirmative. The motion carries.

MS. MOLNAR: Thank you.

Thank you, gentlemen.

SENATOR KENNY: I'd like to say something on the record.

MS. MOLNAR: Yes.

SENATOR KENNY: I think it's irresponsible of OMB and the Treasury to have conducted themselves the way they just did. And knowing that two Republican legislators aren't here at this Commission today, and I'm sure for good reason--

Senator Littell is a strong supporter of the State Police and obviously would have voted for this. And for you to leverage us because we don't have seven votes because there are two legislators absent is irresponsible.

And Senator Littell -- I can't speak for Assemblyman Traino -- oh, Blee-- But I know where Senator Littell stands and his history with respect to supporting the State Police.

We should have done three helicopters today. The way we spend money around here, not to make a priority of emergency medevacs is irresponsible on the part of OMB and the Treasury.

I just wanted to make that clear.

MS. MOLNAR: Thank you, Senator.

Our next department is the Department of -- Juvenile Justice Commission.

They've requested \$16.785 million. The Commission is recommending \$14.643 million.

Any questions or comments? (no response)

MR. ROTH: Madam Chair, I move for approval.

MS. MOLNAR: Do I hear a second?

MR. BRUNE: Second.

MS. MOLNAR: We have to wait, because we lost our quorum.

Okay, Senator, we're voting on Juvenile Justice. We need you for a quorum. The agency requests \$16.785 million. The Commission is recommending \$14.643 million.

There were no other comments or questions.

There's a motion on the floor.

Okay, take the vote.

MR. GENIESSSE: Mr. Brune.

MR. BRUNE: Yes.

MR. GENIESSSE: Mr. Annese.

MR. ANNESE: Yes.

MR. GENIESSSE: Mr. Roth.

MR. ROTH: Yes.

MR. GENIESSE: Senator Kenny.

SENATOR KENNY: Yes.

MR. GENIESSE: Assemblywoman Buono.

ASSEMBLYWOMAN BUONO: Yes.

MR. GENIESSE: Ms. Alexander.

MS. ALEXANDER: Yes.

MR. GENIESSE: Commissioner Mintz.

COMMISSIONER MINTZ: Yes.

MR. GENIESSE: Ms. Molnar.

MS. MOLNAR: Yes.

MR. GENIESSE: Eight votes in the affirmative. The motion carries.

MS. MOLNAR: Thank you.

Our next department is the Department of Military and Veterans' Affairs. The Department has requested \$20.846 million, and we're recommending \$8.694 million.

Any questions or comments?

MR. ROTH: Madam Chair, could you refresh my memory as to how much we approved for them last year?

MS. MOLNAR: It's on our-- Did you get-- There's a chart that was handed out today.

MR. ROTH: Oh.

MS. MOLNAR: Last year we recommended \$15 million, and the adjusted appropriation was \$14 million.

MR. GENIESSE: Mr. Roth, that included the full \$9.3 million -- I believe it was \$9.3 million for the Vineland Veterans' Home.

MR. ROTH: Okay.

MS. MOLNAR: Any questions or comments?

SENATOR KENNY: Yes.

MS. MOLNAR: Senator.

SENATOR KENNY: The Commission does not recommend the request for the Jersey City Armory for the electrical rehabilitation. May I hear from the Department as to their concerns, if any, about that -- comfortable about that?

It said that you didn't provide an adequate feasibility study.

MS. MOLNAR: Could you provide your name for the stenographer?

**COLONEL WILLIAM J. BERTSCH:** Yes, I'm Colonel Bill Bertsch, the Director of the Installation Division within the Department.

We didn't provide a feasibility study. It's the original electrical system dating back to 1935. We've had, basically, preliminary estimates. We need to replace that system, and that is a concern.

I didn't see a need to actually do a feasibility study. I think it's obvious the system has to be replaced based upon the use that we get with the armory. It's a very active armory, with rentals, movie studios, and the like. Essentially, we had a major movie production a couple of years ago, and it fully taxed the electrical system. And basically, we discouraged future productions of that magnitude unless we do something to obviously not just upgrade it, but

to replace the system. It's the original system that was put in the armory when the armory was built back in the '30s. And it is a concern to us.

SENATOR KENNY: And you refer to activities and rentals that you receive from the armory. Would you describe just how active is the armory? And what type of money have you been able to bring in through renting out the facility?

COLONEL BERTSCH: There's two large armories, Teaneck and Jersey City -- because of their proximity to New York City-- And they have the large drill floors. We've had several major motion picture companies rent the armories to basically build either sound studios or indoor studios so they can do their elaborate sets.

Two years ago, we had two major movies done in that armory. A movie of a large magnitude of that nature can give us anywhere from \$150,000 to \$200,000 per production.

In addition, we had rented the armories for small dress rehearsals for singers before they go out on tour. They've done some videos. And also, because the armory is large, we have various community activities. In Jersey City, we have two of the classrooms dedicated to doing computer learning. We have an after-school program that our guard runs as part of the drug demand reduction program. Also, we, a few years ago, rehabbed the drill floor. And we do a lot of indoor sporting events. The local community -- Jersey City uses it -- the recreation department.

So we have large-scale community use on the drill floor. And also, we have these major motion picture productions. And they-- Two years ago,

we received approximately a quarter of a million dollars in rental money from the Jersey City Armory.

SENATOR KENNY: Okay. The staff notes argue that you should be using these rental receipts to offset the cost of rehabilitating the electrical system.

COLONEL BERTSCH: Our problem with that, Senator, is that we usually use the -- in fact, not usually -- we always use the rental money to offset operational costs. A portion of that goes to pay the salaries of our -- we call them armors -- but basically, our custodians at our armories, and also to supplement the utility costs and maintenance costs -- day-to-day maintenance costs.

A project of this magnitude of about \$1.5 million-- Our rental money, on an annual basis, has been as high as around \$900,000 to \$1 million on a real good year. But that alone is not enough to do a project of this magnitude. And normally we would take that money -- at least half of that, to supplement the money that we need to pay the custodial salaries, and the other half is just the normal operating expenses such as utilities and day-to-day maintenance.

SENATOR KENNY: You know, I don't know what the standard is for when we do use our funds to do capital work for various institutions around the state, and then here we decide not to do it. This is a system that's 70 years old.

Wasn't the armory built in the '30s?

COLONEL BERTSCH: Nineteen hundred thirty-five, sir.

SENATOR KENNY: So it's nearly 70 years old. An electrical system of that age has to be -- probably has some safety features that are of concern, as well. So I would make the motion to ask this Commission to reconsider that request and funding the electrical system -- bringing it up to the 21st century and give them a good electrical system.

ASSEMBLYWOMAN BUONO: I second that.

COMMISSIONER MINTZ: Madam Chair, I have a question to Senator Kenny on his proposal.

It seems to me one of the reasons the staff rejected funding or fully funding this was for lack of a design or a proper evaluation by a professional engineer. And I'm wondering, Senator, whether you might consider additional funding for the first phase of this, which might be the study of this.

It also sounds to me as though the Department may not need the full cost of this upgrade -- this electrical upgrade or renovation, if in fact all of the production -- their rental costs or production costs for renting the armory are not devoted to defraying operational.

So I guess my question is, might there be some middle number or some number less than the full project that might actually give the Commission staff some level of comfort, as well, in going forward with some of the funding of the Jersey City Armory?

SENATOR KENNY: Sure. I'm open to that. I don't know if you were in the room when the gentleman stated that the rental proceeds are used to fund operations.

COMMISSIONER MINTZ: Yes.

SENATOR KENNY: So what was your point?

COMMISSIONER MINTZ: Well, I think I heard him say that not all of the funds are necessarily committed to operational. And their concern is that with a project of over \$1 million, that they might not be able to, in any one year, come up with enough money from rentals. But maybe I was misinterpreting. But it did sound to me like they might be able to use some portion of an annual rental fee to defray the cost of this capital project.

COLONEL BERTSCH: Ma'am, what we do every year when we put in our operational budget, we basically put in a net budget, assuming so much money will come in on armory rentals. Without the money in armory rentals, then, obviously, our operating budget would be greater.

To take some of that rental money away from our operational budget to fund a capital project such as this is going to leave me a shortfall in my operational budget. And that's my problem. So we normally do not, and have not in the past, used rental money to fund capital projects, but rather to supplement the needs for our operating budget.

MS. MOLNAR: Do you know what an engineering study would cost to go in and look at the electrical system if we wanted to do a Phase 1?

COLONEL BERTSCH: Not off the top of my head. No, I wouldn't want to just pull a number out of the air.

We normally don't budget for that, because there's not a need for a feasibility study. There's a need to replace the system just like on normal projects of renovations and preservations. We don't go out and hire all these engineers to do all those studies. We make that as part of the project. So I was little-- I didn't quite understand the need for a feasibility study when it's obvious we need to replace the system.

MS. MOLNAR: This would be a total, 100 percent replacement?

COLONEL BERTSCH: Yes, it would -- fully.

SENATOR KENNY: Can the replacement be phased in over a two-year period?

COLONEL BERTSCH: Yes, Senator, it could.

SENATOR KENNY: This is a question of getting votes. I mean, if we phase it in over two years, would there be support for that?

COMMISSIONER MINTZ: I could support that, Senator Kenny.

SENATOR KENNY: It's a \$1.6 million-- If we phase it in over a period of time and let them get started on it-- If there's support for that on the Commission, then I would propose that.

MS. MOLNAR: It would be physically impossible to replace all the wiring in one year.

COLONEL BERTSCH: No, not really.

MS. MOLNAR: You could do it?

COLONEL BERTSCH: Once it's awarded, it would--

MS. MOLNAR: They could do it.

COLONEL BERTSCH: Oh, sure they could.

A project, once it's awarded, is probably about a six-month project.

SENATOR KENNY: So, if there is-- Is there any support for that approach, as opposed to funding the whole thing at once?

MS. MOLNAR: So we would recommend \$800,000 instead of \$1.6 million.

SENATOR KENNY: Right.

MS. MOLNAR: Any comments from OMB or--

MR. BRUNE: Madam Chair, I just have one question.

It wouldn't drive up the cost to split it, would it? It would be the same cost?

COLONEL BERTSCH: No, there would be, most likely, a drive up of costs, because when you do incremental -- if you do, say, Phase 1, whatever that Phase 1 would be -- then you go back and rebid it-- Obviously, a contractor who can get the entire project and continue from start to finish-- I assume it would be cheaper. In my experience, it always has been.

When you do incremental building or construction, it's a stop-start process. And, I mean, ideally, you want to be able, especially on a rehab project, to go start to finish. It definitely would be cheaper.

MR. BRUNE: I'm just, I guess, throwing in our two cents. If we're going-- If the sense of the Commission is to push forward, I guess we would encourage to do it all in one shot.

MS. MOLNAR: Okay.

SENATOR KENNY: Okay, thank you.

COMMISSIONER MINTZ: Well, I still have, I guess, an outstanding question about why it was that the Commission staff felt they didn't have enough information, unless I am misinterpreting my notes in my meeting materials. It seems as though they did not have a level of comfort with the \$1.3 million estimate -- or \$1.6 million estimate, because there were no design information or engineering estimate information included.

So I'm looking to the Executive Director to get a sense of whether we're comfortable with the \$1.6 million as a reliable project cost.

MR. GENIESSE: Yes, Commissioner.

First of all, the Commission staff surely does not dispute the need for this. In choosing among a number of needs that all the Departments have, it was felt, in this case, that the -- more information was needed in relation to the projects. And that is why this was not recommended. But certainly we did not dispute the need to do this.

SENATOR KENNY: Well, the statement is that the system's nearly 70 years old -- is -- proves the need. And that's what's being stated here. And having been in that armory many, many times, I know -- I don't know the condition of the electrical system, but I know the condition of the building, and there have been improvements made. And he's saying that it speaks for itself that this system needs to be replaced, then--

So I-- OMB has said it would be better if we did it at once. I was willing to make a compromise. But compromise just for the sake of compromise may not be the right thing to do if it's more costly. If the need is there, it should be addressed.

MS. MOLNAR: Do you feel the \$1.6 million is adequate? I mean, when they start pulling the building apart, they may find that it's in worse condition than they thought.

COLONEL BERTSCH: There's always that possibility.

Well, if we're going to replace everything, then obviously-- We know what's in there. We have, obviously, all the drawings. The estimates were done in-house. I mean, looking at our diagrams, knowing what the systems cost today, we are reasonably comfortable with the estimates. We've had asbestos removal before, so I don't think we're going to find a lot. We shouldn't. We know what's in the walls. We know what the prime

transformer system is. So we're very reasonably comfortable with the estimates.

MS. MOLNAR: Okay.

Does someone want to make the motion to add the \$1.6 million that was not recommended?

MR. ROTH: I think that's already made by Senator Kenny.

SENATOR KENNY: Did I make that motion?

MS. MOLNAR: I don't know if you made a motion, because he was coming up with compromises.

SENATOR KENNY: I'll make that motion.

ASSEMBLYWOMAN BUONO: And I'll second that again.

MS. MOLNAR: All right. The motion is to add \$1.6 million for the electrical rehabilitation of the Jersey City Armory.

MR. GENIESE: Mr. Brune.

MR. BRUNE: Yes.

MR. GENIESE: Mr. Annese.

MR. ANNESE: Yes.

MR. GENIESE: Mr. Roth.

MR. ROTH: Yes.

MR. GENIESE: Senator Kenny.

SENATOR KENNY: Yes.

MR. GENIESE: Assemblywoman Buono.

ASSEMBLYWOMAN BUONO: Yes.

MR. GENIESE: Ms. Alexander.

MS. ALEXANDER: Yes.

MR. GENIESSSE: Commissioner Mintz.

COMMISSIONER MINTZ: Yes.

MR. GENIESSSE: Ms. Molnar.

MS. MOLNAR: Yes.

MR. GENIESSSE: The motion carries to add \$1.6 million to the recommendation.

MS. MOLNAR: Okay. That changes our recommendation from \$8.694 million to \$10.294 million.

SENATOR KENNY: I thank the Commission for their consideration.

MS. MOLNAR: Do I hear a motion for the revised--

COMMISSIONER MINTZ: I move the motion on the \$10.294 million.

MS. MOLNAR: Do I have a second?

MR. BRUNE: Second.

MS. MOLNAR: Okay. Take a vote.

MR. GENIESSSE: Mr. Brune.

MR. BRUNE: Yes.

MR. GENIESSSE: Mr. Annese.

MR. ANNESE: Yes.

MR. GENIESSSE: Mr. Roth.

MR. ROTH: Yes.

MR. GENIESSSE: Senator Kenny.

SENATOR KENNY: Yes.

MR. GENIESSSE: Assemblywoman Buono.

ASSEMBLYWOMAN BUONO: Yes.

MR. GENIESSE: Ms. Alexander.

MS. ALEXANDER: Yes.

MR. GENIESSE: Commissioner Mintz.

COMMISSIONER MINTZ: Yes.

MR. GENIESSE: Ms. Molnar.

MS. MOLNAR: Yes.

MR. GENIESSE: Eight votes in the affirmative. The motion carries.

MS. MOLNAR: Thank you.

Thank you, gentlemen.

The next department is the Department of State. They requested \$15.204 million, and the Commission is recommending \$14.974 million.

The only item we're not recommending is the Museum upgrade.

Any comments or questions?

SENATOR KENNY: What is that, the State Museum?

MS. MOLNAR: Yes.

SENATOR KENNY: What's the reason for that, if I might ask, through the Chair?

MR. GENIESSE: Senator, that is-- There is a centrally funded account for ADA compliance. We're recommending that that funding could be obtained through that.

SENATOR KENNY: Okay.

MS. MOLNAR: Any questions or comments? (no response)

If not, do I hear a motion to approve?

COMMISSIONER MINTZ: So moved.

MS. ALEXANDER: Second.

MS. MOLNAR: Okay, take a vote.

MR. GENIESSSE: Mr. Brune.

MR. BRUNE: Yes.

MR. GENIESSSE: Mr. Annese.

MR. ANNESE: Yes.

MR. GENIESSSE: Mr. Roth. (no response)

Senator Kenny.

SENATOR KENNY: Yes.

MR. GENIESSSE: Assemblywoman Buono.

ASSEMBLYWOMAN BUONO: Yes.

MR. GENIESSSE: Ms. Alexander.

MS. ALEXANDER: Yes.

MR. GENIESSSE: Commissioner Mintz.

COMMISSIONER MINTZ: Yes.

MR. GENIESSSE: Ms. Molnar.

MS. MOLNAR: Yes.

MR. GENIESSSE: Mr. Roth, on the Department of State--

MR. ROTH: Oh, definitely yes.

MR. GENIESSSE: Eight votes in the affirmative. The motion carries.

MS. MOLNAR: Okay.

The next department is Higher Ed -- our education institutions. They've requested \$34.167 million, and the Commission is not recommending

anything at this time. I believe we're requesting that they use bond proceeds -- bond money from the Higher Ed capital improvement program.

Any questions or comments?

SENATOR KENNY: Is there someone here from the Commission on Higher Education?

MS. MOLNAR: Yes.

SENATOR KENNY: Could you just give us your reaction to this recommendation? Do you agree with the staff's--

MS. MOLNAR: Could you give your name for the stenographer?

**ROBERT GOERTZ:** I'm Robert Goertz, Director of Fiscal Policy for the Commission.

The Commission's disappointed in the recommendation. The \$500 million in capital funding through the bond issue, which is greatly appreciated, is intended to remedy deferred maintenance, things that weren't done over the years. And this proposal is essentially an attempt to keep us from getting into that situation again by providing 1 percent of replacement value, a standard that's recommended by the APPA, which is the Association of Higher Education Facilities Administrators, as a kind of minimum that should be put in on an ongoing basis.

We also view this, I think, a little bit as a -- view this, also, as an affordability issue in the sense that there are really two sources of funding for capital maintenance for the colleges and universities -- either tuition and fees or State appropriations. And to the extent that we fund this through State appropriations, then colleges and universities don't have to try to raise tuition or neglect maintenance.

SENATOR KENNY: What's been our history on this type of funding?

MR. GOERTZ: If I may-- Over the course of the last 20 years, it's been very episodic. I don't have the figures in front of me, but I have pulled them together over the course of time. Some years it's been very good, some years it's not. Much of the bond money -- I should say, the \$500 million, is really sort of the first major targeted funds for dealing with maintenance. Most of the bond money, and other kinds of funds that the colleges and universities have received over the course of the last 20 years, has been for new construction. This is really -- the \$500 million -- and then these proposals are really the first targets for maintenance.

MS. MOLNAR: I know from our summary sheet, last year \$4 million was appropriated to Rutgers and \$3 million to Montclair by the Legislature. Our Commission recommended zero, but Rutgers and Montclair did get something.

SENATOR KENNY: But generally, over the last five or six years, this Commission does not recommend funding for these purposes -- has not.

MR. GENIESSE: I think, Bob, you're saying that some years it has and some years it hasn't.

MR. GOERTZ: I think over the last-- Actually, this Commission has-- The Commission on Higher Ed came to you several years ago with a proposal similar to this. And I think in response to that proposal -- the \$500 million proposal is -- \$500 million was enacted. We had originally proposed a program of 1 percent of replacement value, with the colleges and universities having to kick a matching half percent. And this Commission endorsed -- your

Commission endorsed that proposal for several years. I think the emphasis on deferred maintenance that that proposal was addressing led to, I think, the capital improvement fund proposal as a different way of addressing it.

The Legislature and Governor appropriated about \$750,000 a year for several years in '94 through '99, I think, or 2000. Some years it went to all colleges, some years it only went to the senior research institutions, some years it only went to the State colleges and universities. So there's been this sort of ongoing, moderate amount. And that was eliminated last year, I believe, because of the capital improvement fund. The emphasis again that we're trying to make is that the capital improvement fund was, if you will, retroactive and not dealing with things as they're coming up.

SENATOR KENNY: Thank you.

MS. MOLNAR: Assemblywoman Buono.

ASSEMBLYWOMAN BUONO: I'd just like to clarify that none of the moneys that you requested would go toward funding the sprinkler system that the Legislature required--

MR. GOERTZ: That's correct.

ASSEMBLYWOMAN BUONO: --Legislature provided -- some of that. Isn't it as a loan -- a low-interest--

MR. GOERTZ: There's a no interest -- zero-interest loan -- \$90 million. The Educational Facilities Authority is, I think, working on selling those bonds in the fairly near future, at least the first tranche of those bonds in the fairly near future.

ASSEMBLYWOMAN BUONO: Thank you.

SENATOR KENNY: Madam Chair.

MS. MOLNAR: Yes.

SENATOR KENNY: I understand that OMB might be willing to consider where the State would support a half a percent, which would be \$17 million, provided it's a match from the universities and colleges -- that they would match the other \$17 million.

Is that correct?

MR. BRUNE: Madam Chair--

Through the Chair, Senator, I think the one thing we wouldn't want to have happen is if there are -- sprinkler issues aside -- if there were certainly health safety issues that were not going to be addressed, if that were the case. There might be a way to look at the project list and make sure there's a subset that we wouldn't want to move forward. But we're a little early in the budget process, and it's a little early for us to commit one way or the other in -- to a number. We certainly wouldn't want that to happen as a result of a zero on the capital side.

So I guess we wanted to signal that we weren't -- that we were open to some compromising between what we see here and some other amount, but I don't have a figure for you.

SENATOR KENNY: What would you like to do today, not do anything?

MR. BRUNE: Well, I think what you described before is not a bad solution, because we can judge this as the budget has kind of evolved down the back stretch here. It's not a bad thing, I think, as opposed to zero.

MS. MOLNAR: So, in lieu of the \$34 million, we divide all the numbers in half to come up with the \$17 million. So we would recommend, instead of \$15.917 million for Rutgers, we'd recommend half of that.

SENATOR KENNY: Correct.

MR. BRUNE: Can I just ask one question of Bob?

Bob, is there an answer to the question I guess I just asked? Are there a subset of projects that are represented in the \$34 million that have to do with -- the sprinkler issue being a bad example -- but something like life safety -- things you wouldn't want to have not pushed forward.

MR. GOERTZ: We don't do a project-- This is not a project-by-project evaluation. Obviously, as you know, the colleges and universities submit a long list of projects to the Commission. And we've not done an evaluation of those projects per se. This is really just an attempt to provide them. And I think it would be appropriate to prioritize and ask them to prioritize what they've asked for. In terms of what they've asked for from you-- In terms of what they've asked for from you, I know it's all over the map. It's everything from deferred maintenance-- Their capital plans, which they present, include new construction. They include all kinds of things.

So I think it would not be inappropriate to ask them to prioritize for life safety or other kinds of critical issues -- environmental infrastructure, as well, perhaps.

MR. BRUNE: Back to the Senator, through the Chair, for a moment. If we can reserve judgement, if it's okay, once we see the prioritization, we would be okay with what you described, which is a half percent.

SENATOR KENNY: Okay. So how do we handle that as a matter of procedure?

MR. GENIESSE: Are you making a motion? Do you want to make a motion to add \$17 million to the Commission recommendation?

SENATOR KENNY: Yes.

Do I understand that it's a -- we're saying that they would match these funds.

MR. BRUNE: It's my understanding.

SENATOR KENNY: How do you feel about that?

MR. GOERTZ: The matching requirement-- They're already matching part of the \$500 million. I think, to repeat the point I tried to make earlier, which is that matching funds really come out of student tuitions or building fees or some sort of student charges, this is a difficult kind of thing to raise funds for, although it may be improved a little bit by the fact that fundraisers at the universities know that, as a State commitment, it's a little easier to say, "The State's going to give me a dollar if you give me a dollar," than it is just to try to go out and say, "Can you give me a dollar to replace the roof?"

I think they would-- Our original proposal had a matching requirement in it. I think we'd be happy if there were some additional funding, even if it required the match.

SENATOR KENNY: Okay.

ASSEMBLYWOMAN BUONO: Madam Chairwoman.

MS. MOLNAR: Yes, Assemblywoman.

ASSEMBLYWOMAN BUONO: And with respect to OMB's reluctance, or at least hesitation, to commit at this point, everything we do is subject, ultimately, to the Governor's discretion.

MR. BRUNE: That's correct. I understand.

If I could just follow up. I guess my only concern here is that it's hard to tell the prioritization from what's here. It's hard to tell what's in the numbers. So that would be my only caveat.

COMMISSIONER MINTZ: Madam Chair, through you, I have the same-- I have a concern, which is, I think, a lack of specificity as to how these funds would be spent. And I am a little bit concerned about this Commission just approving a flat \$17 million, when I'm not hearing, even around the members of the Commission, that we have a full grasp of how those moneys could be spent. And I am happy to have the representative from the Commission describe in further detail if you have it, but I don't hear it right now. And I have to say I have a level of discomfort with approving this \$17 million. I don't know. Procedurally, I think it's been asked a couple of times, is there some way we can signal our approval of maybe a percentage? And it also sounds like there's a sense that we have a condition placed on it that there be matching funds put up by the institutions. I'm not sure, procedurally, how we do that. So I guess I'd like a little further definition, sir, if you can provide it, on the projects.

MR. GOERTZ: Well, I don't have-- I think, under restructuring, the sort of prioritization responsibility is not the Commission's, it's the individual boards of trustees or boards of governors for the individual institutions. We'd be happy to work with the Commission staff to go -- and

the institutions to go through the projects that they've submitted to you with a dollar figure and try to come up with a particular list of projects that would be covered under those. But most of the funding for Higher Education is done in the form of a block grant, with the boards of trustees establishing the priorities for the spending of that money. It's dissimilar to other Departments in that respect -- or other agencies in that respect.

COMMISSIONER MINTZ: Thank you.

MS. ALEXANDER: Madam Chair, I have one question. Could we do language such that is we agree to a percentage -- matching percentage up to an amount and take under advisement the submission by the Commission on what the priorities are?

MR. GOERTZ: If I may -- additional response to you, Commission Mintz.

I think that the colleges and universities and the \$750,000 appropriations that they got beforehand came to the Office of Management and applied for particular projects, so there was some project review. I may be mistaken in that. The Commission has not administered those funds.

But my understanding of that is, again, that was a block grant, and then the colleges and universities applied for specific -- project by project basis. And John or somebody would be happy to say I was wrong. As I said, we don't administer those funds. The funds we do administer -- that's the process that happens. They apply to us for a grant, and we then approve the specific project. But the project determination is at the institutional level.

MS. MOLNAR: I'm not sure how much we can pass along to our students. I guess our goal is to get more children to stay in our state. We have

some wonderful colleges. So, if we keep increasing tuition, it's going to be difficult. It may be hard for you to come up with the match -- total match anyway.

I don't know if we've ever worded it subject to anything. Have we?

MR. GENIESSE: I think you can do that, Madam Chair, if you want to attach a caveat to it.

MS. MOLNAR: Now, this Commission has never looked at a project list, so that would be novel.

SENATOR KENNY: Well, I thought the suggestion was that it would go to OMB.

MS. MOLNAR: Oh, okay.

SENATOR KENNY: Yeah, we'll send a project list to OMB for their approval.

MR. BRUNE: As a follow-up, Madam Chair, to what Assemblywoman Buono mentioned, in the latter stage of the process, presuming we have the prioritized list at that point, we can make a better judgement, given the discussion here, about moving forward.

MR. GOERTZ: I mean, there is an individual list from each of the colleges. They've each submitted a capital request. And my suggestion would be to go to them, in a sense, and ask them which ones they would fund from this piece.

Some of them-- Not all of the State colleges and universities have come and requested funds from the capital improvement fund. For those that have not requested their full amounts -- which ones they would fund from the

capital improvement fund -- and ask them to do some sorting out-- We'd be happy to work with you to, you know, deal with that issue -- work with you and OMB with our good offices. I think that would work.

MS. MOLNAR: So it's your pleasure for us to recommend up to \$17.083500 million, which is exactly half of the \$34.167 million up to that-- And each university would get up to half of their number here. We would recommend up to half of their number all the way down so it would add up to the \$17.083500 million.

ASSEMBLYWOMAN BUONO: And there would be a match. Is that assuming a match?

MS. MOLNAR: That's the question I have -- the match. Can we-- Do we want to insist on a match or not?

MR. BRUNE: We would.

MS. MOLNAR: Okay, OMB would insist on a match.

SENATOR KENNY: Okay. So there's a match. And then the project list would be submitted to OMB for their approval.

MS. MOLNAR: Okay, that's good.

Do I hear a motion to that effect?

SENATOR KENNY: I'll move that.

ASSEMBLYWOMAN BUONO: And I'll second it.

MR. ROTH: Madam Chair, that was up to the \$17 million, right?

MS. MOLNAR: Yes.

MR. ROTH: It's based on OMB approval. If OMB says there aren't \$17 million worth of projects here to do--

MS. MOLNAR: We'll cap it off, and if they don't match, it may not happen either.

MR. ROTH: Okay.

MS. MOLNAR: All right. The motion is to recommend up to half of this, which would be \$17.083500 million, under subject to review by OMB and subject to a match.

MR. GENIESSSE: Okay, we have a motion and a second.

MR. GENIESSSE: Mr. Brune.

MR. BRUNE: Yes.

MR. GENIESSSE: Mr. Annese.

MR. ANNESE: Yes.

MR. GENIESSSE: Mr. Roth.

MR. ROTH: Yes.

MR. GENIESSSE: Senator Kenny.

SENATOR KENNY: Yes.

MR. GENIESSSE: Assemblywoman Buono.

ASSEMBLYWOMAN BUONO: Yes.

MR. GENIESSSE: Ms. Alexander.

MS. ALEXANDER: Yes.

MR. GENIESSSE: Commissioner Mintz.

COMMISSIONER MINTZ: Yes.

MR. GENIESSSE: Ms. Molnar.

MS. MOLNAR: Yes.

MR. GENIESSSE: Motion carries -- eight votes in the affirmative.

MS. MOLNAR: Okay. Now, we don't have to now adopt that, do we, as a recommendation?

MR. GENIESSE: Well, it was zero before.

MS. MOLNAR: All right. We revised our recommendation and adopted it all in one vote. That's not a problem.

MR. GENIESSE: I think that's acceptable.

MS. MOLNAR: Okay.

Thank you.

MR. GOERTZ: Thank you very much.

MS. MOLNAR: The next department is the Thomas Edison College, which includes the State Library. They've requested \$60.013 million, and we're recommending \$1.119 million.

Any questions or comments? (no response)

If not, we'll take a vote.

MR. GENIESSE: Motion.

MS. MOLNAR: Motion. I'm sorry. Is there a motion and second?

COMMISSIONER MINTZ: I move the staff recommendation of \$1.119 million.

MS. MOLNAR: Okay, is there a second?

MS. ALEXANDER: Second.

MS. MOLNAR: Okay. Take a vote.

MR. GENIESSE: Mr. Brune.

MR. BRUNE: Yes.

MR. GENIESSE: Mr. Annese.

MR. ANNESE: Yes.

MR. GENIESSE: Mr. Roth.

MR. ROTH: Yes.

MR. GENIESSE: Senator Kenny.

SENATOR KENNY: Yes.

MR. GENIESSE: Assemblywoman Buono.

ASSEMBLYWOMAN BUONO: Yes.

MR. GENIESSE: Ms. Alexander.

MS. ALEXANDER: Yes.

MR. GENIESSE: Commissioner Mintz.

COMMISSIONER MINTZ: Yes.

MR. GENIESSE: Ms. Molnar.

MS. MOLNAR: Yes.

MR. GENIESSE: Eight votes in the affirmative. The motion carries.

MS. MOLNAR: Thank you.

The next department is the Department of Transportation. The request is \$823.283 million. And the Commission is also recommending that amount. Of the \$823 million -- \$811 million -- the lion's share is the Transportation Trust Fund.

COMMISSIONER MINTZ: I make a motion to adopt the staff recommendation.

MS. MOLNAR: Second?

MR. BRUNE: Second.

MS. MOLNAR: Any comments or questions? (no response)

If not, we'll vote on DOT.

MR. GENIESSSE: Mr. Brune.

MR. BRUNE: Yes.

MR. GENIESSSE: Mr. Annese.

MR. ANNESE: Yes.

MR. GENIESSSE: Mr. Roth.

MR. ROTH: Yes.

MR. GENIESSSE: Senator Kenny.

SENATOR KENNY: Yes.

MR. GENIESSSE: Assemblywoman Buono.

ASSEMBLYWOMAN BUONO: Yes.

MR. GENIESSSE: Ms. Alexander.

MS. ALEXANDER: Yes.

MR. GENIESSSE: Commissioner Mintz.

COMMISSIONER MINTZ: Yes.

MR. GENIESSSE: Ms. Molnar.

MS. MOLNAR: Yes.

MR. GENIESSSE: Eight votes in the affirmative. The motion carries.

MS. MOLNAR: Thank you.

The next department is the Department of Treasury -- \$7.850 million, and we're also recommending \$7.850 million. A lot of that is the Office of Information Technology.

MR. GENIESSSE: It's all them.

MS. MOLNAR: It's all the Office. I'm sorry. They testified before this Commission.

Any questions or comments? (no response)

If not, may I hear a motion?

MR. ROTH: So moved.

MS. MOLNAR: Second?

MR. BRUNE: Second.

MS. MOLNAR: Okay.

MR. GENIESE: Mr. Brune.

MR. BRUNE: Yes.

MR. GENIESE: Mr. Annese.

MR. ANNESE: Yes.

MR. GENIESE: Mr. Roth.

MR. ROTH: Yes.

MR. GENIESE: Senator Kenny.

SENATOR KENNY: Yes.

MR. GENIESE: Assemblywoman Buono.

ASSEMBLYWOMAN BUONO: Yes.

MR. GENIESE: Ms. Alexander.

MS. ALEXANDER: Yes.

MR. GENIESE: Commissioner Mintz.

COMMISSIONER MINTZ: Yes.

MR. GENIESE: Ms. Molnar.

MS. MOLNAR: Yes.

MR. GENIESSSE: Eight votes in the affirmative. The motion carries.

MS. MOLNAR: Thank you.

Interdepartmental-- There were some revised pages.

Their request was \$177.822 million, and the Commission is recommending \$129.477 million.

MR. GENIESSSE: Madam Chair, I would just point out that within that request and recommendation is the \$98 million for the Open Space -- the Governor's Open Space Preservation Program.

MS. MOLNAR: Any questions or comments? (no response)

Do I hear a motion and a second?

SENATOR KENNY: I'll move.

MS. MOLNAR: Okay. Second?

MR. BRUNE: Second.

MS. MOLNAR: Okay, take a vote.

MR. GENIESSSE: Mr. Brune.

MR. BRUNE: Yes.

MR. GENIESSSE: Mr. Annese.

MR. ANNESE: Yes.

MR. GENIESSSE: Mr. Roth.

MR. ROTH: Yes.

MR. GENIESSSE: Senator Kenny.

SENATOR KENNY: Yes.

MR. GENIESSSE: Assemblywoman Buono.

ASSEMBLYWOMAN BUONO: Yes.

MR. GENIESSE: Ms. Alexander.

MS. ALEXANDER: Yes.

MR. GENIESSE: Commissioner Mintz.

COMMISSIONER MINTZ: Yes.

MR. GENIESSE: Ms. Molnar.

MS. MOLNAR: Yes.

MR. GENIESSE: Eight votes in the affirmative. The motion carries.

MS. MOLNAR: Thank you.

The last department is Judiciary. They requested \$7.405 million, and we're recommending \$1.785 million.

Any questions or comments? (no response)

If not, do I hear a motion and second?

COMMISSIONER MINTZ: So moved.

MS. MOLNAR: Okay. Is there a second?

MR. GENIESSE: I didn't hear a second.

SENATOR KENNY: Second.

MS. MOLNAR: Okay.

MR. ROTH: Comment on the motion.

MS. MOLNAR: Okay, comment.

MR. ROTH: I disagree that PCs are not capital equipment. I know they can be purchased under the local bond rule by municipalities. If it's the feeling of OMB that this should be purchased through the operating budget, I would agree. However, there is a statement in here that it's not capital equipment, and I disagree with that statement.

MR. GENIESSSE: Mr. Roth, I think that the staff is saying that we normally don't fund PCs through the capital budget.

MR. ROTH: But we have. This Commission has approved them in the last few years. So there is a precedent for doing it. I'm not necessarily saying we should do it this time, but I'm saying that we do not want to describe them as not being capital, when they clearly are. They have a five-year useful life. And under the local bond law, that would be considered capital.

MS. MOLNAR: Okay, thank you.

Could we take a vote?

Any other questions?

MR. GENIESSSE: Motion.

MS. MOLNAR: We have a motion.

SENATOR KENNY: Yes, we do.

MS. MOLNAR: We do.

MR. GENIESSSE: Mr. Brune.

MR. BRUNE: Yes.

MR. GENIESSSE: Mr. Annese.

MR. ANNESE: Yes.

MR. GENIESSSE: Mr. Roth.

MR. ROTH: Yes.

MR. GENIESSSE: Senator Kenny.

SENATOR KENNY: Yes.

MR. GENIESSSE: Assemblywoman Buono.

ASSEMBLYWOMAN BUONO: Yes.

MR. GENIESSSE: Ms. Alexander.

MS. ALEXANDER: Yes.

MR. GENIESSSE: Commissioner Mintz.

COMMISSIONER MINTZ: Yes.

MR. GENIESSSE: Ms. Molnar.

MS. MOLNAR: Yes.

MR. GENIESSSE: Eight votes in the affirmative. The motion carries.

MS. MOLNAR: Before we lose our quorum--

I think that's all the departments.

Before we lose our quorum, we'd like to accept and approve the debt report.

MR. GENIESSSE: Do you want to do the minutes first?

MS. MOLNAR: I want to do the debt report first. We can always do the minutes some other time.

We still have seven. We need seven for a quorum, so I don't want to lose that.

All right. At the presentation of the debt report, there was one question on schedule D-1. I don't believe we have that page yet. So, if we approve it, we will approve it subject to receiving that revised D-1.

Could you refresh our memory of what was on that page?

MR. GENIESSSE: Well, D-1, I think, was the summary of all the debt -- the bonded debt. As a matter of fact, I have it here.

Yes, D-1 is summarized as the total debt service for the next seven fiscal years.

Madam Chair, if I could just talk briefly about the capital leases which appear in the debt report and which were subject to some discussion at the last Commission meeting.

The staff has prepared a memo to the Commission members to try to define the criteria for classification as a capital lease and also to describe the calculation of the imputed rate of interest. And this was the issue that the imputed rate of interest for the capital leases is relatively high. And it's a complicated subject, and we've tried to describe it here.

Basically, these leases, which are long-term leases that the State has entered into, meet the criteria of a capital lease, because the present value of the minimum lease payments over the life of the lease is equal to or exceeds 90 percent of the fair market value of the property.

And because these are-- And these are properties which the State generally has no -- does not have an intention of purchasing. But the calculation, which is based on the total lease payments in which the principal cannot exceed the fair market value, assumes an eventual purpose of the property. So the result of these calculations is a relatively high rate of interest. And Mr. Roth and I have discussed that a little bit. And he'd probably like to say a little bit more about it.

MS. MOLNAR: Mr. Roth.

MR. ROTH: Yes, thank you.

The report is quite comprehensive, and I thank you for putting it together in such a short time.

It raises other questions that were raised at the last meeting. I mean, when we're talking about an imputed interest rate of 27 percent simply

because the leased -- the value of the lease is worth so much more than the fair market value of the real estate, it would seem to me that the owner of that property or those properties that are involved is doing quite well with the State of New Jersey. And I would wonder whether or not the State should consider in the future-- I guess what's under the bridge is past us, and we can't do anything about it.

But before we enter into any sort of a long-term lease with anyone from here on out, I think we should do a purchase lease cost analysis to determine which is the better option. We could have purchased this property back in 1990 and owned it by now for what we've laid out in lease payments. And this is going to be paid out for what, another 10 years or more?

It just doesn't make sense to be throwing taxpayers' money away like that. I know we're locked into it. There's nothing we can do about it. And I'm wondering whether or not this Commission has the authority, through the Legislature, to even insist that we review all major capital leases in the future that are going to extend over a five-year period, which is the requirement in a local bond law for capital items.

Certainly, leases can be entered into for temporary arrangements, for projects where you may need a temporary facility for less than five years. But I think when we're talking about a 20-year lease, we should have some right to examine whether or not a better option might not be to condemn the property and build it ourselves.

I don't know how the rest of the Commission feels about this, but I really think that when we're paying 27 percent interest, there's something wrong.

MS. MOLNAR: I have a feeling that the State has a partnership going with the city of Trenton. It's trying to be good neighbors and, in my opinion, maybe paying a premium to be here in Trenton.

The other thing-- I'm not sure-- There's a budget oversight committee of the Legislature. Do they review leases? Is that something that they look at?

SENATOR KENNY: No.

MR. ROUSSEAU: It used to just be that the Senate President and the Speaker automatically had an agency in OLS look at the lease -- the Senate President, the Speaker then basically just signed the lease after that review.

I guess in the early '90s, there was change -- made -- created this Space Utilization and Leasing Committee that reviews these leases and makes recommendations to the Senate President and the Speaker to sign. I think they still, ultimately, have to sign them. But this Committee that's made up of, I guess, two legislators and at least one or two executive branch representatives reviews the leases, makes the recommendations to the Senate President and the Speaker whether or not to sign it. I think that's now the process.

MS. MOLNAR: Do you know if that Space Utilization and Leasing Committee has viewed issues like this -- imputed interest being--

MR. ROUSSEAU: That I don't know. I've never even looked at their minutes or anything like that. I mean, I know they meet regularly to review the leases. I'm not sure if they look at the cost and the interest rate assumptions.

MS. MOLNAR: Perhaps we can send this memo to them for review and--

Would that appease you a little bit -- have them look at it?

MR. ROTH: Well, what we're really-- Sending them that memo will just tell them what's been done in the past. We'd like to know what kind of recommendations they would make in the future so that this isn't repeated.

When we're talking about imputed interest rates of 27 percent, there's something wrong. We could have borrowed that money back in 1990 at about 4.5 percent interest. And this project would be paid for by now if you consider what we've pumped into it over the years. It just doesn't make sense to enter into a long-term lease without looking at other financing alternatives.

MS. MOLNAR: Okay.

So it's your recommendation -- or my recommendation -- or the Commission's recommendation that we forward -- maybe-- I'll have a cover note to this saying that we've -- this Commission has looked at it, here's what's happened in the past, it's a heads-up in going for it in the future.

Do we want their input or just to bring it to their attention for their future negotiations?

MR. ROTH: Yes. And I'd also like to know whether or not this Commission, legally, would have any role in approving it. I mean, we certainly have roles in approving the purchase of capital--

MS. MOLNAR: I don't think we have any role in the leasing end of it, as far as just the debt report -- accepting that and saying, "Okay. Perhaps you can approve on your leasing." But that's about as far as it goes.

I suspect it's the Space Utilization and Leasing Committee that would have any more of a say. But it's worth bringing to their attention. I think you brought up a good point.

MR. ROTH: All right. Thank you.

I would go ahead with recommending that you send that letter to them.

MS. MOLNAR: All right. The staff will draft a letter for my signature. Perhaps we'll share it with you, fax it to you or something.

Oh, we have to accept -- approve the debt report in light of all this, subject to receiving a new, revised D-1.

Do I hear a motion to approve the debt report?

MR. ROTH: Madam Chair, so moved.

MS. MOLNAR: Okay.

Second?

MS. ALEXANDER: Second.

MS. MOLNAR: Okay.

Any other questions or comments? (no response)

If not, we'll take a vote.

MR. GENIESE: Mr. Annese.

MR. ANNESE: Yes.

MR. GENIESE: Mr. Roth.

MR. ROTH: Yes.

MR. GENIESE: Senator Kenny.

SENATOR KENNY: Yes.

MR. GENIESE: Assemblywoman Buono.

ASSEMBLYWOMAN BUONO: Yes.

MR. GENIESSSE: Ms. Alexander.

MS. ALEXANDER: Yes.

MR. GENIESSSE: Commissioner Mintz.

COMMISSIONER MINTZ: Yes.

MR. GENIESSSE: Ms. Molnar.

MS. MOLNAR: Yes.

MR. GENIESSSE: That's seven votes in the affirmative. The motion carries.

MS. MOLNAR: Our last item is approving the minutes from October 6 and October 27 meetings.

Do I hear a motion to approve?

COMMISSIONER MINTZ: So moved.

MS. MOLNAR: Okay, is there a second?

MR. ROTH: I'll second.

MS. MOLNAR: Any other questions or comments?

All right, we'll take a roll.

MR. GENIESSSE: Mr. Annese.

MR. ANNESE: Yes.

MR. GENIESSSE: Mr. Roth.

MR. ROTH: Yes.

MR. GENIESSSE: Senator Kenny.

SENATOR KENNY: Yes.

MR. GENIESSSE: Assemblywoman Buono.

ASSEMBLYWOMAN BUONO: Yes.

MR. GENIESSSE: Ms. Alexander.

MS. ALEXANDER: Yes.

MR. GENIESSSE: Commissioner Mintz.

COMMISSIONER MINTZ: Yes.

MR. GENIESSSE: Mr. Traino for Assemblyman Blee.

MR. TRAINO: Yes.

MR. GENIESSSE: And Ms. Joyce for Senator Littell.

MS. JOYCE: I'll abstain.

MR. GENIESSSE: Ms. Molnar.

MS. MOLNAR: Yes.

MR. GENIESSSE: The motion carries.

MS. MOLNAR: Okay.

Is there any other business to come before this Commission? (no response)

If not, I want to wish you all a great holiday, a great New Year's, and we'll see you next year, hopefully healthy, as usual.

Meeting adjourned.

**(MEETING CONCLUDED)**