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# *Commission Meeting*

of

## STATE HOUSE COMMISSION

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**LOCATION:** Committee Room 12  
State House Annex  
Trenton, New Jersey

**DATE:** December 11, 2000  
9:00 a.m.

**MEMBERS OF COMMISSION PRESENT:**

Devon L. Graf, Chair  
(Representing Governor Christine Todd Whitman)  
Senator Walter J. Kavanaugh, Vice-Chair  
Assemblyman Leonard Lance  
Assemblyman Anthony Impreveduto  
Kathy Steepy  
(Representing Charlene M. Holzbaur)  
Maureen Adams  
(Representing Roland M. Machold)



**ALSO PRESENT:**

Edward R. McGlynn, Secretary  
Robert J. Shaughnessy Jr., Counsel

*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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SENATOR KAVANAUGH: Good morning.

We'll call to order the State House Commission. Today is December 11. We're just a little late, but that's all right.

Some of us are more foggy than the fog.

At this time, we'll have the roll call, please.

MR. McGLYNN (Secretary): Director Graf.

**DEVON L. GRAF (Chair):** Present.

MR. McGLYNN: Assistant Director Kathy Steepy, who is sitting in for Director Charlene Holzbaaur.

MS. STEEPY: Present.

MR. McGLYNN: Deputy Treasurer Maureen Adams.

DEPUTY TREASURER ADAMS: Present.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Present.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Present.

Having met the requirements of the Open Public Meetings Act, at this time we'll have a motion on the minutes of the last meeting.

MR. McGLYNN: Can we do them first, Mr. Chairman, for the September 21 meeting?

DEPUTY TREASURER ADAMS: I have just a technical error that I'd like corrected.

On the first page of the minutes, it indicates the members who were present. It indicates that Senator Kavanaugh was representing the Governor.

MR. McGLYNN: It should be-- That's incorrect. I'm sorry.

DEPUTY TREASURER ADAMS: Right. I think if we can correct that, that would be fine.

SENATOR KAVANAUGH: My name is not Buster Soaries.  
(laughter)

MR. McGLYNN: With that amendment, do we have a motion?

DEPUTY TREASURER ADAMS: So moved.

MR. McGLYNN: Second?

SENATOR KAVANAUGH: Second.

Roll call, please.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Abstained.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: And now, a motion, please, for the minutes for the October 5, 2000 meeting, which was a special meeting. You will also note that there is some redundancy, that I have also listed that under the judicial

retirement system. We dealt with three matters related to this Commission, plus the judicial retirement system.

SENATOR KAVANAUGH: So moved.

DEPUTY TREASURER ADAMS: Seconded.

SENATOR KAVANAUGH: Roll call, please.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Since I recused myself, I'm going to abstain again.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Thank you.

SENATOR KAVANAUGH: Okay. We now move into old business.

MR. McGLYNN: Item No. 2, Mr. Chairman, is a State House Commission amplification of reasons for decision in the matter of the proposed diversion of approximately 5.8 acres, a portion of Lot 1, Block 94, in Hopewell Township.

And I would ask our Deputy Attorney General, Mr. Shaughnessy, if he would direct his comments to the Commission, please.

MR. SHAUGHNESSY (Counsel): Good morning.

If any member of the Commission would like to move to executive session at any point, we would be happy to address that Commission's request -- the Commission's request.

This matter is brought before the Commission as a result of an appeal that followed the Commission's June 21, 1999 approval. And there was an order entered by the Appellate Division permitting the State House Commission to amplify its decision for the June 21, 1999 approval with regard to this matter.

I've had some initial discussions with regard to this matter, and in essence, if the Commission has any questions of me-- What we would seek is authorization to file and serve an amplified decision in the Appellate Division matter.

SENATOR KAVANAUGH: Thank you, Mr. Shaughnessy.

Is there anyone here that would care to be heard on this matter?  
I see two or three hands.

What I would ask-- Do we have--

Is everyone in opposition, or is everyone in favor?

UNIDENTIFIED SPEAKER FROM AUDIENCE: Opposition.

SENATOR KAVANAUGH: Pardon.

UNIDENTIFIED SPEAKER FROM AUDIENCE: We're both in opposition.

UNIDENTIFIED SPEAKER FROM AUDIENCE: I'm in favor.

SENATOR KAVANAUGH: All right.

Well then, one opposed, please come up to the microphones and state your case.

Come forward and identify yourselves -- where you live. And if you can summarize your position, we'd appreciate it.

**TRACY CARLUCCIO:** My name is Tracy Carluccio. I'm with Delaware Riverkeeper Network, representing our organization, Washington Crossing, Pennsylvania. I live in East Amwell Township, Ringoes, New Jersey.

I'm here representing Delaware Riverkeeper Network and the Tri-State Transportation Campaign, who have filed suit on this matter. We objected to the decision of the State House Commission in 1999 based on the fact that the applicant and DEP did not review alternatives to the build scenario that was chosen, which is requiring the sale of 5.8 acres of open space protected by Green Acres.

We do not feel that the remedy that has been sent -- of sending this decision back to the State House Commission is adequate. We believe that many alternatives that exist have not been studied and need to be fully studied according to DEP regulations. We also assert to the State House Commission that the alternatives analysis require a complete environmental assessment of each of those alternatives, including the no-build alternative.

And we ask that the State House Commission vacate its decision to sell that piece of open space.

SENATOR KAVANAUGH: Thank you very much.

Yes, ma'am.



**D O N N A M. L E W I S:** My name is Donna Lewis. I'm the Planning Director for the County of Mercer.

MR. McGLYNN: Can you-- Red means it's on. (referring to PA microphone)

MS. LEWIS: I'm sorry.

My name is Donna Lewis. I'm the Planning Director for Mercer County.

This project has been on the county's books for over 10 years. It was originally included in our transportation development district plan for that region, which was generated as a result of Hopewell's desire to meet their Mount Laurel obligation and by them permitting the Hovnanian development to be built and to be included in the service area.

At the time that those decisions were being made, it was a decision and a thorough planning process that the township went through to carefully decide where the line should be drawn for where sewer service should be permitted in the region. They made the decision to include the area on the east side of Scotch Road all the way over to the Lawrence Township border in the sewer service area, principally so that they would have a balancing of the tax impacts of the dense housing development with the tax benefits of a large office complex.

As a result of the decision as to where to draw the sewer line, the county immediately moved into preparing a transportation development district plan for that region. Included in that plan was approximately \$60 million of transportation improvements, this interchange being one of them.

This design is not substantially different than the concept that was put forth in that plan that was adopted, I believe, in 1990.

During the development of that plan, various alternatives were analyzed, including no-build and including different versions of where to put traffic lights and so forth. That was done in the context of the entire package of transportation improvements.

At the time that the Commission heard this -- the first three times the Commission heard this application, Merrill Lynch was not under construction. Merrill Lynch is now partially opened. It's very much under construction. The development needs to have this interchange. And it's not just the Merrill Lynch development, it's the total development in the entire southern, southeast quadrant of the township.

If this interchange is not constructed, the traffic will still find a way to get to the Merrill Lynch site because it's approved, and it's being built. I fear that that traffic will find ways to get there that are much more objectionable to the people that live in that region than simply getting off an interchange that is located very close to the development itself.

And that's all I have to say.

Thank you.

SENATOR KAVANAUGH: Thank you very much.

The matter has ramifications that I think should be heard in executive session. What I'm going to do is move on with the agenda, and at the end of the agenda come back to the matter -- go into executive session and discuss it, and then get back into regular session.

But to care for the other people that are here -- instead of delaying them, we can do that. If you want to stay, we'll come back as soon as we get through the agenda.

Thank you, both of you.

MR. McGLYNN: Thank you, Mr. Chairman.

Item No. 3 concerns a park known as Johnson Park, Smoyer (2), Mercer County's Herrontown Arboretum, Township Open Space revised, in Princeton Township, Mercer County.

The New Jersey Department of Environmental Protection, on behalf of the Township of Princeton, requests approval to dispose of or divert five acres of parkland involving four parks. This request is to make legal an inadvertent exchange of parkland, correct two boundary areas within a park, provide for a road right-of-way, and shift the location of and rebuild a sewer pump station with open space. The matter was tabled at our September 21, 2000 State House Commission meeting.

And I understand the parties have been working together to get a resolution to the issue.

SENATOR KAVANAUGH: Thank you.

As it was just mentioned, during the last -- the time this matter was taken up, we asked that they get together -- all parties -- try to join together to resolve the issue.

So, at this time, is there anyone here that would care to be heard regarding Item No. 3?

Yes, sir. Yes, ma'am.

Are you both on the same team? (no response)

Good morning.

**EDWIN W. SCHMIERER, ESQ.:** Good morning, Mr. Chairman.

For the record, my name is Edwin W. Schmierer. I'm the attorney for Princeton Township. And I'm appearing this morning with Mayor Phyllis Marchand from Princeton Township. Also with us is our Township Engineer, Bob Kiser; the Chairman of our Princeton Sewer Operating Committee, J.B. Smith; and the Manager of that Committee, Don Mayer-Brown. The latter deal with the pump station, which has been part of the discussions we have had back in Princeton concerning this diversion application.

Also, the other discussions we've had concern the board of education. As the minutes -- or the agenda correctly reflects, there was an exchange of property back in 1990 between the board of education and the Township of Princeton. We needed space next door to our municipal building to build a new firehouse. The board owned that property. They own the Johnson Park School. We had a 14-acre parcel next to that, which was restricted by virtue of a donation from the Johnson estate. And we gave that property to the school board for their purposes.

Technically, that was a "diversion," and none of us picked it up. And we're trying to cure that now.

We have met with the board of education. And the Mayor and I have met with the superintendent of the board. The board will meet tomorrow evening at the next board meeting. And we fully expect the board to approve the deed that will straighten this matter out. In other words, we have shared

with them what the restrictions already are on this property by virtue of the 1955 conveyance to us. I think the board is comfortable with that.

I've spoken to Philip Stern, their attorney, as recently as Friday afternoon. He will recommend that this deed of conveyance -- the exchange again -- to get everything straightened out -- be approved tomorrow night. And I've been authorized by Mr. Stern to represent that to you.

The only other open issue involves the design -- basically the facade of the new pump station. We need a sewer pump station on a piece of this property near the school in order to accommodate some of the new development that's taken place in the western part of our township. We've been directed, frankly, by another agency down at the Department of Environmental Protection to replace that pump station before it breaks down and we have a serious health problem.

There have been numerous meetings in the field with the school board, who have a great deal of interest in this pump station because it's on the drive into their school. And they had a concern about how the trucks, when they had the service, would pull out, etc. We've worked out all of those issues with the school board. They're satisfied, I believe, with the location of the facility. We've agreed to delete some fencing. We've agreed to do some different facade treatment. The exact details of that need to still be worked out with our Princeton Sewer Operating Committee with Mr. Smith and Mr. Don Mayer-Brown. And that will occur later this week.

We have a concept, and we're prepared to move forward and put in an aesthetically pleasing pump station. And I think a lot of work has gone into that. I think you will hear there are some residents in the town that feel

as though there should be a specific commitment to certain types of facade, and we're not prepared this morning to do that. We want to work this out with our Sewer Operating Committee, and work it out in the context of our budget, once we get back to Princeton.

Frankly, we don't think the diversion -- the use of the land, in a slightly different location for this new pump station, has anything to do with how the facade of this pump station looks. We will work with the community and the citizens to make sure it's an attractive facility. We don't want to put up anything that's not. And we have a commitment to the school board to act that way. And we will honor that commitment.

So I think we've resolved, as best we can locally, all of the issues that this board asked us to work out on the 21st. And we're prepared to answer any questions. And the Mayor could certainly amplify.

SENATOR KAVANAUGH: Thank you.

Let's hear the opposing view at this time.

**MARY PENNEY:** Good morning.

I'm Mary Penney with the Central Jersey Sierra Club. And we are one of the groups that was here the last time at the September meeting.

And the State House Commission asked that Princeton Township reach an agreement with the concerned citizens and environmental organizations before returning to the Commission.

We subsequently requested a memorandum of understanding detailing the overall and particular concerns and the resulting agreement. Our goal was to deal with the particulars of these diversions and to have a mechanism in place to forestall similar problems that could arise in the future

involving conflicting interests concerning parkland in Princeton, which, as a municipality, has reached full build-out.

The letter from Helmit-Schwab, (phonetic spelling) representing Friends of Princeton Open Space has been sent to the township several times. This letter outlined essential points to be addressed and incorporated in the MOU. To date, there has been no response. We expected a memorandum of understanding in the form of a final agreement to be documented before returning to this Commission.

The letter from Triscoll-Waterberry (phonetic spelling) to NJDEP, dated November 17, 2000 as stated, was not a mutual agreement, but represented the current status of ongoing discussions.

Sierra Club was, in fact, not copied on that letter and other correspondence, even though we were referenced in the letter.

So we believe that the process has begun, but it's not complete yet. And the school board doesn't meet until tomorrow night, as has been discussed, so that is also not complete.

So we feel that this should be stalled until that happens. I think we really feel that we want to work with Princeton Township to make sure that open space is looked at as equally as other competing needs, such as senior housing or pump stations or other infrastructure. But you just can't keep going back to your open space inventory and changing things around.

So I think we're working it through. It's just not completed.

We felt that it really wasn't ready to come to this Commission today.

Thank you.

I do think that my colleagues behind -- if there's any more opportunity to speak, they also are -- represent the citizens that live around the area -- if they have a chance to speak--

SENATOR KAVANAUGH: How many do we have that are in opposition?

UNIDENTIFIED SPEAKER FROM AUDIENCE: I wouldn't call it opposition, how about concerned?

SENATOR KAVANAUGH: Concerned, certainly.

If we could have just another concerned citizen speak, and then we can move on.

**RICHARD BARRETT:** My name is Richard Barrett.

I've been asked, also, to speak on behalf of Friends of Princeton Open Space. Wendy Mager or Kathy Bagley were not able to be here this morning.

They specifically wanted me to reference a letter which was written to the Commission and Green Acres last week asking that the 14-acre school piece be bifurcated from this application until such time as the board of education actually agreed to the new amended deed. There have been statements in public, statements that the board has been uncomfortable with this. The meeting is tomorrow night. The board was not able to confirm whether or not there was an agreement or not that they were going to be discussing it in closed session.

SENATOR KAVANAUGH: A question to the Mayor or the Counsel.

Has an agreement been made regarding the 14 acres?



MR. SCHMIERER: With regard to the Johnson Park School?

SENATOR KAVANAUGH: Yes.

MR. SCHMIERER: The board has not formally voted on it. They will vote tomorrow night.

SENATOR KAVANAUGH: But is--

MR. SCHMIERER: My understanding is that we have reached an agreement with the school board through their attorney, and also with the superintendent of schools, that they understand the purpose of this technical conveyance, and they accept that. And they will sign -- authorized for signature -- the correct deed, which we have sent to them. And I've been authorized to represent that to you this morning.

SENATOR KAVANAUGH: Does that take care of your concerns?

MR. BARRETT: It's the board itself that must vote on the proposal.

SENATOR KAVANAUGH: Let's just say-- Will that take care of your concerns?

MR. BARRETT: We would feel more comfortable if the deed were in place before the diversion.

SENATOR KAVANAUGH: I understand that, but--

MR. BARRETT: You do mean, if the deed is signed.

SENATOR KAVANAUGH: Yes.

MR. BARRETT: Yes.

SENATOR KAVANAUGH: So that would take your concerns. You'd be happy. Go home--

MR. BARRETT: Yes.

SENATOR KAVANAUGH: Well, I think-- I know we have an elected official-- We have an individual who's taken the -- here in the State of New Jersey -- that he's not going to profess that something is going to happen if it isn't. So I have to take Mr. Schmierer's word for that. And I would feel comfortable. He says this publicly. And I don't see any reason why we wouldn't go along with that -- that you'd be happy that at this interim period of time, discussions have been taking place. They've tried to do the right thing. They've tried to set the pump station in such a way that it would be aesthetically pleasing to all. And if you seem to be happy-- If it was all in place, you say you'd be happy. Everyone would seem to be pleased.

MR. BARRETT: The other issue we have--

SENATOR KAVANAUGH: Oh, we have another issue.

MR. BARRETT: --is that we have met several times, as the minutes indicate here -- that the location of the station, agreed to in the exact architectural suggestions, were amended.

We met on site several times. We did have an agreement. The last meeting was on the 17th of November. There were specific details that were agreed to. We were supposed to get a letter referencing those, which we have not received.

I sent a letter on Friday to the attorney and to Green Acres outlining what the agreement was. We feel that that should be made part of the record, because it hasn't been memorialized.

SENATOR KAVANAUGH: Let me ask a question.

Mr. Schmierer, do you agree with what was expressed in the letter to you and to the board regarding the pump station?

MR. SCHMIERER: You mean what has been discussed today about the pump station?

SENATOR KAVANAUGH: There was a letter written to you.

MR. SCHMIERER: From Mr. Barrett -- the one we got Friday. Yes, sir.

SENATOR KAVANAUGH: Are you in agreement with what his concerns were?

MR. SCHMIERER: I am in agreement with his concerns. The point, however, we wanted to make -- and that's why Mr. Smith and Mr. Don Mayer-Brown came this morning-- This pump station is going to be built by the Princeton Sewer Operating Committee. It's kind of a subsection of ours -- a joint body between the borough and the township to take care of our sewers. They are going to gather and meet, as I understand, this week to discuss the details of how this facility is to be constructed.

We will certainly welcome Mr. Barrett, and anybody else who has a concern about how this facility is going to look, to come there and work out those details.

SENATOR KAVANAUGH: Mr. Barrett's in a position here this morning that we haven't approved-- Now, if we approve this, contingent upon the letter that he has written, will you say okay, fine, or if we approve this and you have your meeting, and then Mr. Barrett -- he's held his own at that time, because he has no force left because we have given you the approvals -- understanding that it's going to be subject to his -- the conditions that he's written in your letter.

MR. SCHMIERER: Let me defer to the Mayor a second. And maybe we should ask Mr. Smith, who chairs that Committee.

SENATOR KAVANAUGH: I don't care who you want to ask. All I want to know is are you going to agree to Mr. Barrett-- Are there any major objections that we can bring up now before we say okay? And then poor Mr. Barrett's left out in the cold after everything is done, and you all say, "Well, so long, Barrett. We're going to do it our way."

Mayor Marchand, good morning.

**MAYOR PHYLLIS L. MARCHAND:** Good morning, Senator.

I would just like to say that as you can see from the minutes, the township and all the agencies involved have worked with the citizens. And you can see all the other issues that were resolved without any conflict. I would hope that this Commission will approve today, conditionally on the school board's meeting tomorrow night in approving it, the item before you.

As far as Mr. Barrett's concerns go, I think that we can think that we can say that we are willing, as we have with the other issues, to work them out. As the Mayor, I have to be concerned with the financial aspect of how aesthetically appealing the building can be. And I know that Princeton Township's philosophy has always been to make something look as attractive as possible within a certain budget. And I don't know yet--

I know Mr. Kiser has been working on the numbers as to whether or not the actual proposal that is before us for the aesthetics will be able to be done because of financial aspects. But I didn't actually think that it was this Commission's purview to decide how the building would look. I thought you

were really just involved in the diversion application. And I hope you would approve it conditionally on tomorrow night's school board meeting.

SENATOR KAVANAUGH: Thank you, Mayor. We always like to have things that carry a fluid look rather nice.

Assemblyman Lance, the representative -- your representative--

ASSEMBLYMAN LANCE: Thank you, Chairman.

I was going to make the suggestion that has just been made -- that we approve the school board portion contingent upon what the school board is expected to do tomorrow night. I have great faith in the Mayor and your attorney, Mr. Schmierer, both of whom I know personally. And I believe their representations are without impeachment in any way. And what I suggest we do is approve that portion of it, subject to what has been represented to us.

SENATOR KAVANAUGH: Is that a motion?

ASSEMBLYMAN LANCE: That is a motion regarding the school board portion of it.

Now, I also have great respect for Friends of Princeton Open Space.

And, Mayor, it's my understanding that you are going to sit down with them again.

Is that what we decided?

MAYOR MARCHAND: Well, we would like to be able to take a look at the recommendations that they have for the way this pump station should be looked at. And I think we would try to, as much as possible, go along with what they would like, as long as it is not going to break the budget for the community.

ASSEMBLYMAN LANCE: And, Mr. Barrett, is that acceptable to you?

MR. BARRETT: It was our understanding from the meetings that these items -- these design items were already agreed to. That's why we were very confused that they were not part of a letter that was promised to be sent.

So I just want to make sure that-- We felt the meetings had taken place, and there was an agreement. And we had also suggested--

For example, I'm on the Shade (indiscernible) Commission that-- We have some escrow money to do a planting plan to offset some of the expense that was going to be used for landscaping. But what we feel uncomfortable with is, we wanted to come back with an agreement, which we felt was the purpose -- that the State House had given us the directive to do. And again, we feel that there should be an agreement. We should know what we've agreed to, or it should be conditioned upon that agreement.

SENATOR KAVANAUGH: I think that the two individuals that are here this morning have been working for you. I sincerely feel that you can trust them to their word and the discussions. If it doesn't happen in the future, let us know that you think that you were stung so that the next time when we do something like this, we won't hurt others. But I really think that they're dealing in good faith and that they'll work with you.

And Assemblyman Lance--

ASSEMBLYMAN LANCE: I think the pump station should look more like Nassau Hall than Alexander Hall. (laughter) I always thought Alexander was profoundly ugly.

SENATOR KAVANAUGH: Assemblyman Lance has made a motion.

Is there a second?

DEPUTY TREASURER ADAMS: Second.

SENATOR KAVANAUGH: Second.

A roll call, please.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

The conditions that we have discussed will certainly be -- the recommendations that we feel that would be made-- So we'll pass this on.

Thank you all for coming this morning.

MR. SCHMIERER: Thank you very much.

MR. McGLYNN: Mr. Chairman, Nos. 4, 5, and 6 are all corrective actions. With your permission, we can do them together.

RPR 99-19. The New Jersey Department of the Treasury, on behalf of the Department of Law and Public Safety, requests approval to grant a gas main easement to PSE&G and the Johnstone Training Center, Block 123.01, Lot 4, in Bordentown Township, Burlington County. The action was previously approved by the State House Commission at its meeting of June 21, 1999 with an incorrect Block and Lot. The action is correcting the Block and Lot from 124.01, Lot 1.01, to Block 123.01, Lot 4.

RPR 00-28. The New Jersey Department of the Treasury, on behalf of the Department of Human Services -- the Vineland Development Center requests approval to grant an easement to Cumberland County for a property located at Block 379, Lot 13, at the intersection of Maple Avenue and Main Street in Vineland, Cumberland County. This action was previously approved by the State House Commission at its meeting of June 29, 2000 with an incorrect lot. The action was correcting the Lot from 3 to 13.

And RPR 00-29. The New Jersey Department of the Treasury requests approval to dispose of a parcel of vacant land located at Block 26001, Lot 1, and Block 25001, Lot 27, in Montgomery Township, Somerset County, via a direct sale to Somerset County. The action was approved by the State House Commission at its September 21, 2000 meeting with an incorrect lot. The action is correcting the Lot from 1 to 27.

SENATOR KAVANAUGH: Thank you.

Regarding No. 4, Bordentown Township, is there anyone here concerning No. 4? Originally, it was oppositioned by the township. If they're not here -- they would have an opportunity just to have -- a change in numbers.



Seeing no one, I'd ask for a motion on 4, 5, and 6.

ASSEMBLYMAN IMPREVEDUTO: Moved.

DEPUTY TREASURER ADAMS: Seconded.

SENATOR KAVANAUGH: Moved and seconded.

Roll call on 4, 5, and 6.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Moving to new business.

MR. McGLYNN: Thank you.

Item No. 7, RPR 96-11. The New Jersey Department of the Treasury requests approval to lease a DEP residential property located at Block 376, Lot 18, 801 Waterloo Road in Byram Township, Sussex County, to Spiro and Michele Kaltas.

SENATOR KAVANAUGH: Is there a motion?

DEPUTY TREASURER ADAMS: So moved.

ASSEMBLYMAN IMPREVEDUTO: I'll second just for the purpose of questioning.

I'm not sure if this is the one I was looking for.

I'm sorry.

SENATOR KAVANAUGH: Thank you.

No one here to be heard.

Roll call.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

No. 8, please.

MR. McGLYNN: Item No. 8, RPR 96-12. The New Jersey Department of the Treasury requests approval to lease DEP residential property located at Block 366, Lot 6, Jefferson Lake Road, Byram Township, Sussex County, to Richard and Luz Peterson.

SENATOR KAVANAUGH: Is there anyone here to be heard?

(no response)

May I have a motion, please?

ASSEMBLYMAN LANCE: Moved.

SENATOR KAVANAUGH: Moved.

DEPUTY TREASURER ADAMS: Second.

ASSEMBLYMAN IMPREVEDUTO: Question.

SENATOR KAVANAUGH: Question.

ASSEMBLYMAN IMPREVEDUTO: Why does DEP lease residential property on--

SENATOR KAVANAUGH: Pardon.

ASSEMBLYMAN IMPREVEDUTO: I don't remember doing these -- residential property-- Why is the DEP representing -- leasing--

SENATOR KAVANAUGH: This is on areas that we bought -- homes there -- vacated. So it makes them--

**ANTHONY R. MAZZELLA:** Essentially, they're just residential facilities that were on-site that were deemed suitable for rental. We have them in a series of State parks and facilities throughout the state.

ASSEMBLYMAN IMPREVEDUTO: This is not a historical site, is it -- this house?

MR. MAZZELLA: I don't believe so.

ASSEMBLYMAN IMPREVEDUTO: Is there one on the agenda today that talks about a historical house being leased for \$1000 a month to somebody?

MR. MAZZELLA: I'll check through it again.

ASSEMBLYMAN IMPREVEDUTO: Fine.

MR. McGLYNN: We have a motion and a second.

Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Chairman Kavanaugh wishes to be voted in the affirmative. He will be back momentarily.

Item No. 9, RPR 00-14. The New Jersey Department of the Treasury, on behalf of the Department of Corrections, requests approval to grant an easement to the Township of Chesterfield for construction of a sewer line through the Albert C. Wagner Correction Facility, Block 105, Lot 2.01, in Chesterfield Township, Burlington County.

MR. GRAF: Is there anyone from the public who'd like to speak on this item? (no response)

Seeing none, is there a motion?

ASSEMBLYMAN IMPREVEDUTO: Moved.

ASSEMBLYMAN LANCE: Second.

MR. GRAF: Roll call, please.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Chairman Kavanaugh wishes to be voted in the affirmative.

Item No. 10, RPR 01-01. The New Jersey Department of the Treasury, on behalf of the Department of Military and Veterans' Affairs, requests approval to lease a parcel of vacant land to Tyco Industries for a communication cable landing and connection located at Block 85, part of Lot 1, on the grounds of the Seagirt Training Center in Manasquan, Borough of Monmouth County.

It's my understanding-- I was approached this morning by the Treasury Department. And there is a request to table this matter. Is that correct?

Mr. Mazzella.

MR. MAZZELLA: It is requested that we place the matter off the agenda for now. We have some additional discussions and clarifications with the Department of Military and Veterans' Affairs.

ASSEMBLYMAN IMPREVEDUTO: Move to table the item.

DEPUTY TREASURER ADAMS: Second.

MR. McGLYNN: All in favor, please signify by saying aye.  
(affirmative response)

Item No. 11, RPR 01-03. The New Jersey Department of Treasury, on behalf of the Department of Human Services, requests approval to dispose of the former superintendent and assistant superintendent residences located at the North Jersey Development Center, Block 14, Lot 19, in Totowa Borough, Passaic County.

MR. GRAF: Is there anyone from the public who'd like to speak on this item? (no response)

Seeing none, is there a motion?

ASSEMBLYMAN IMPREVEDUTO: Moved.

ASSEMBLYMAN LANCE: Second.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Chairman Kavanaugh wishes to be voted in the affirmative.

Item No. 12, RPR 01-04. The New Jersey Department of the Treasury requests approval to grant a temporary easement for the Mercer County Improvement Authority for a property located at Block 68, part of Lot 6, John Fitch Way in Trenton City, Mercer County.

MR. GRAF: Is there anyone from the public who'd like to speak on this item? (no response)

ASSEMBLYMAN IMPREVEDUTO: Moved.

ASSEMBLYMAN LANCE: Second.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Chairman Kavanaugh will be voted in the affirmative.

Item No. 13, RPR 01-5. The New Jersey Department of the Treasury, on behalf of the Department of Human Services, requests approval to lease water tower space located on the grounds of the Brisbane Child

Treatment Center, Block 952, Lot 1, in Wall Township, Monmouth County, to Nextel Communications.

MR. GRAF: Is there anyone from the public who'd like to speak on this item? (no response)

ASSEMBLYMAN IMPREVEDUTO: Moved.

ASSEMBLYMAN LANCE: Second.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Chairman Kavanaugh votes in the affirmative.

Item No. 14, RPR 01-11. The New Jersey Department of the Treasury requests approval to place restrictive covenant on farmland located at Block 53, Lots 11 and 16, and Block 77, Lot 21, on the grounds of the Jamesburg Farm, Monroe Township, Middlesex County.

MR. GRAF: Is there anyone who'd like to speak on this item? (no response)

ASSEMBLYMAN IMPREVEDUTO: Moved.

ASSEMBLYMAN LANCE: Second.



MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Chairman Kavanaugh is voted in the affirmative.

Item No. 15, RPR 01-18. The New Jersey Department of the Treasury, on behalf of the Department of Transportation, requests approval to lease a parcel of vacant land located at Block 71, Lot 27, Freehold Township, Monmouth County, to Freehold Ford.

MR. GRAF: Is there anyone who'd like to speak on this item? (no response)

Is there a motion?

ASSEMBLYMAN IMPREVEDUTO: Moved.

ASSEMBLYMAN LANCE: Second.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Chairman Kavanaugh in the affirmative.

Item No. 16, RPR 01-20. The New Jersey Department of the Treasury, on behalf of the Department of Higher Education, requests approval to grant an easement located at Block 135, Lot 62, on the grounds of Ramapo College, Mahwah Township, Bergen County, to the Township of Mawah for the construction of a water transmission line.

MR. GRAF: Is there anyone who'd like speak on this item? (no response)

ASSEMBLYMAN IMPREVEDUTO: Moved.

ASSEMBLYMAN LANCE: Second.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Chairman Kavanaugh in the affirmative.

Item No. 17, RPR 01-23. The New Jersey Department of the Treasury, on behalf of the New Jersey Pinelands Commission, requests approval to grant an easement at Block 846, Lots 1.01, 1.02, and part of 2.01, in Pemberton Township, Burlington County, to Fenwick Manor Farm for a driveway easement.

MR. GRAF: Anyone like to speak on this item? (no response)

ASSEMBLYMAN IMPREVEDUTO: Moved.

ASSEMBLYMAN LANCE: Second.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Chairman Kavanaugh in the affirmative.

Item No. 18, RPR 01-25. The New Jersey Department of the Treasury, on behalf of the Department of Human Services, requests approval to transfer a parcel of vacant land located at Block 411, parts of Lots 11 and 12, on the grounds of Knight Farm, Ewing Township, Mercer County, to New

Jersey Transit for the purposes of placing a train storage yard adjacent to the current railroad yard.

SENATOR KAVANAUGH: Motion.

ASSEMBLYMAN IMPREVEDUTO: Second -- I'll move it.

ASSEMBLYMAN LANCE: Second.

MR. McGLYNN: Don't confuse me. (laughter)

Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: These are Department of Environmental Protection requests.

No. 19 is Hamburg Wildlife Management Area, Block 20, Lot 30, in Hardyston.

The New Jersey Department of Environmental Protection, Division of Fish and Wildlife, requests approval to amend an existing lease to

incorporate an additional 15-foot area to include one of the four guy cable anchors that anchor an existing radio tower in Sussex County.

SENATOR KAVANAUGH: Any questions on 19? (no response)

ASSEMBLYMAN IMPREVEDUTO: Moved.

ASSEMBLYMAN LANCE: Second.

SENATOR KAVANAUGH: Roll call.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Item No. 20, Hacklebarney State Park, Block 3, Lot 17, in Chester Township.

The New Jersey Department of Environmental Protection requests approval to lease Block 3, Lot 17, in Morris County to Fred Clucas for the term of five years.

SENATOR KAVANAUGH: Clucas. (indicating pronunciation)

MR. McGLYNN: Clucas. (indicating pronunciation) Excuse me.

Thank you.

SENATOR KAVANAUGH: Anyone here? (no response)

ASSEMBLYMAN IMPREVEDUTO: Moved.

ASSEMBLYMAN LANCE: Second.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Item 21, the Delaware and Raritan Canal State Park -- the David Nevius House. Is that correct?

SENATOR KAVANAUGH: Nevius. (indicating pronunciation)

MR. McGLYNN: Nevius. (indicating pronunciation)

Thank you.

Block 36, Lot 4.02, in Franklin Township. The New Jersey Department of Environmental Protection requests approval to lease, as a private residence, a historic dwelling consisting of approximately two acres in Somerset County for a term of five years.

SENATOR KAVANAUGH: Anyone here? (no response)

Motion, please.

ASSEMBLYMAN IMPREVEDUTO: I guess that's the one that I was looking at, which was the historic residence.

ASSEMBLYMAN LANCE: I'll second Assemblyman Impreveduto's motion.

ASSEMBLYMAN IMPREVEDUTO: I'll move it.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Item No. 22 is the D & R Canal State Park, Block 5, Lot 100, in Stockton Borough. The New Jersey Department of Environmental Protection, Division of Parks and Forestry, requests approval to grant an easement to allow the installation of a two-inch sewer line through the right-of-way of an existing gas line easement in Hunterdon County.

SENATOR KAVANAUGH: Just before-- There's some mistake. It's not two-inch. It's probably maybe twelve-inch or four-inch or six-inch.

**J U D E T H Y E A N Y:** If I may.

SENATOR KAVANAUGH: Yes, you may.

You are?

MS. YEANY: My name is Judeth Yeany. I'm the new Chief of Legal Services and Stewardship.

ASSEMBLYMAN IMPREVEDUTO: Could you please speak into the microphone?

MR. McGLYNN: Did it turn red? (referring to PA microphone)

MS. YEANY: It's on red.

My name is Judeth Yeany. I'm the new Chief of Legal Services and Stewardship for the Green Acres Program. And I was working with Parks and Forestry on this matter.

They assured me that it was a two-inch sewer line. We had the same question. It's just to serve one residence.

SENATOR KAVANAUGH: I'm telling you it's not two inches. (laughter) A two-inch line in your house -- on your sink -- it goes two-inch -- then it goes into, say, a four-inch drain.

How long is this, five feet?

MS. YEANY: It goes from the residence across the canal. I believe you have a map there. It's more than five feet.

SENATOR KAVANAUGH: It can't be two-inch.

MS. YEANY: Okay. I don't think it's 12-inch.



SENATOR KAVANAUGH: Tell them, if it's two-inch, they're in violation of the State plumbing code.

MS. YEANY: Okay. We'll look into that.

ASSEMBLYMAN LANCE: Senator Kavanaugh is a master plumber. (laughter)

SENATOR KAVANAUGH: Yes, I am. I'm licensed in the State of New Jersey -- No. 4046.

ASSEMBLYMAN LANCE: It's a very tough exam.

MR. McGLYNN: How about if we do it with a sewer line in compliance with State law?

SENATOR KAVANAUGH: That's right. That's good.

MS. YEANY: That would be fine.

MR. McGLYNN: Is that the motion?

ASSEMBLYMAN IMPREVEDUTO: Moved.

SENATOR KAVANAUGH: Roll call.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Item No. 23 is the Kittatinny Valley State Park, Block 160.03, Lot 5, in Andover Township. The New Jersey Department of Environmental Protection, Division of Parks and Forestry, requests approval to legalize the relocation of a 10-foot-wide access easement across the Paulinskill Hiking/Biking Trail within Kittatinny Valley State Park in Sussex County.

SENATOR KAVANAUGH: Motion, please.

ASSEMBLYMAN IMPREVEDUTO: Moved.

ASSEMBLYMAN LANCE: Second.

SENATOR KAVANAUGH: Roll call.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Item No. 24 is the Stillwater Grist Mill site, Block 3306, Lot 12, and Block 3203-A, Lot 1.02, Stillwater Township. The New Jersey Department of Environmental Protection, Green Acres Program, requests approval to enter into a five-year lease with the Ridge and Valley Conservancy, a nonprofit conservation organization, for the preservation and restoration of the Stillwater Grist Mill site in Sussex County.

SENATOR KAVANAUGH: Any questions? (no response)

ASSEMBLYMAN IMPREVEDUTO: Moved.

ASSEMBLYMAN LANCE: Second.

SENATOR KAVANAUGH: Roll call.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Item No. 25 is the Springdale Park, Block 526.01, Lot 1, in Cherry Hill Township. The New Jersey Department of Environmental Protection, on behalf of the Department of -- Township of

Cherry Hill, requests approval to dispose of approximately 0.47 acres of Springdale Park to the County of Camden for improvements to the intersection of Kresson and Springdale Roads.

DEPUTY TREASURER ADAMS: I have a question for DEP.

The notes that we have indicate that there was some objection at the local public hearing on this application. What's the status of any local citizen concerns at this point?

**DAVID SMITH:** I can answer that.

My name is Dave Smith, with the Green Acres Program.

In reading through the transcript of the public hearing, the objection was not concerning the road project itself, because everyone agreed it was for public safety. But as for the timing that the public hearing was set for-- The public hearing was held the same time road progress was going on.

And we talked with Cherry Hill. They stated it was an oversight on their part, and they proceeded with the hearing and their application for diversion.

SENATOR KAVANAUGH: Thank you very much.

See how confident DEP is? And everyone chastises them.

Roll call, please.

MR. McGLYNN: Do we have a motion?

ASSEMBLYMAN IMPREVEDUTO: Moved.

ASSEMBLYMAN LANCE: Second.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Item No. 26, Dolan Field, Block 799, Lot 56, in Wall Township. The New Jersey Department of Environmental Protection, on behalf of the Township of Wall, requests approval to divert 7.97 acres of Dolan Field in Monmouth County for the continued operation of a leaf compost facility.

DEPUTY TREASURER ADAMS: I have a question on this, also.

SENATOR KAVANAUGH: Yes.

DEPUTY TREASURER ADAMS: Our notes indicate that the public hearing on this was held five years ago. I'm not sure that's a typo -- November 8, 1995, and it's just coming now.

**MICHAEL HEENEHAN:** Good morning.

Mike Heenehan, with the Green Acres Program.

When the application was originally made by Wall Township, there was some concerns, at Solid Waste and at Green Acres, with respect to the access road to the facility, which they had planned to run through the park itself. So what we did was, we were working with them. They had to seek a

DAG opinion to determine whether the access road was, indeed, considered part of the facility. It was, so it took some time to work out that particular concern. But the township has agreed to amend their application to provide a different access point, which would make the park far more safe.

And yes, the public hearing was-- But there was no opposition at the public hearing back in 1995. So that was not a typo.

SENATOR KAVANAUGH: I just congratulated DEP. It took five years to try to figure out whether a road was a part of Green Acres. That's great speed.

ASSEMBLYMAN IMPREVEDUTO: Once you get a DAG involved, anything could happen. (laughter)

DEPUTY TREASURER ADAMS: Or nothing. (laughter)

SENATOR KAVANAUGH: They bill by the hour or-- In this case, bill--

DEPUTY TREASURER ADAMS: Decade.

SENATOR KAVANAUGH: Can we have a motion, please?

ASSEMBLYMAN IMPREVEDUTO: Moved.

ASSEMBLYMAN LANCE: Second.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

The Department of Transportation requests.

MR. McGLYNN: Thank you.

No. 27. The project is Route 23, Section 2, Parcel VX123, in Wayne Township. The Department of Transportation, Bureau of Right of Way, Property Management Unit, requests approval to sell a triangular parcel of vacant land containing .037 acres, or 3180 square feet, located in Passaic County.

SENATOR KAVANAUGH: Question on this.

It was appraised at \$15,900, and they're going to sell it for \$15,000. Why is the sale less than the appraisal? It seems to be that it's going to go for a scrap yard.

Is the property next door a salvage yard?

**M A R T I N K U S E K:** No, it's not. It's a residential area. But unfortunately, I do not have an answer as to the reason for the reduction from \$15,900 to \$15,000 other than a rounding off of figures.

SENATOR KAVANAUGH: Can we round up rather than round down?

MR. KUSEK: You can do either.

SENATOR KAVANAUGH: I don't know -- it's fair market value -- it says \$15,900.

MR. KUSEK: If you wish, we can put this aside, and I can get the figures for the next time.

SENATOR KAVANAUGH: I think that I would be more comfortable if we made the motion that we're going to sell it at the appraised fair market value rather than \$15,000.

Could we maybe -- somebody was getting tired -- they may have formerly worked in DEP -- and they -- \$15,000 instead of \$15,900--

Could we have a motion, please?

ASSEMBLYMAN LANCE: I move the Chairman's suggestion -- fair market value.

DEPUTY TREASURER ADAMS: Second it.

SENATOR KAVANAUGH: Roll call.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Item No. 28 is a project on Route 287.



SENATOR KAVANAUGH: Could we have your name, please?

MR. KUSEK: Martin Kusek, Department of Transportation, Property Unit.

SENATOR KAVANAUGH: K-U-S-E-K.

Thank you.

MR. McGLYNN: No. 28. The project is Route 287, Section 1, (*sic*) Parcel VX99D, Franklin Lakes. The New Jersey Department of Transportation, Bureau of Right of Way, Property Management Unit, requests approval to sell a site containing .242, plus or minus, acres located in Bergen County.

SENATOR KAVANAUGH: Any questions? (no response)

ASSEMBLYMAN IMPREVEDUTO: Moved.

ASSEMBLYMAN LANCE: Second.

SENATOR KAVANAUGH: Roll call.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Item No. 29, Route 35, Section 40, Parcels 72B and 72C, in Point Pleasant Beach. The New Jersey Department of Transportation, Bureau of Right of Way, Property Management Unit, requests approval to lease, by direct negotiations, a site in Ocean County.

SENATOR KAVANAUGH: Question. This is in Point Pleasant Beach. And the property seems to be in close proximity to the ocean -- \$110 -- says small parking area. It's probably 20 cars.

Is there anyone here to tell us--

Oh, you're back, Marty.

MR. KUSEK: I'm back.

SENATOR KAVANAUGH: Could you identify yourself, please?

MR. KUSEK: Yes. Martin Kusek, Property Unit, Department of Transportation.

This particular site is located at the intersection of Broadway and Route 35. There is a -- at one time was a marina. We own a slope area into the parking lot. And it was determined -- it was found that when they changed from a marina to -- I believe it's now a business operation -- four parking slots came into our land area. And to assist them in completing their operation, we're leasing -- we're going to lease them the slope area for them to maintain so our maintenance people don't have to come and cut the grass and permit the use of four slots, or parts of four slots, onto our land for parking.

SENATOR KAVANAUGH: Is this for their own use or for rental space?

MR. KUSEK: For--

SENATOR KAVANAUGH: For their own use or for rental space?

MR. KUSEK: Oh, no. They're only used for part of the business operation there. It's an office mortgage-- I believe it was supposed to be a mortgage company of some kind.

SENATOR KAVANAUGH: Well, they're getting a good deal.

Is there a motion?

ASSEMBLYMAN IMPREVEDUTO: Moved.

SENATOR KAVANAUGH: Second?

ASSEMBLYMAN LANCE: Second.

SENATOR KAVANAUGH: Roll call.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Item No. 30 is Project 206 -- I'm sorry, Route 206, Section 3A, Parcel 2, in Hamilton Township. The New Jersey Department of Transportation, Bureau of Right of Way, Property

Management Unit, requests approval to lease, by direct negotiations, a one, plus or minus, acre site located in Mercer County.

SENATOR KAVANAUGH: Are there any questions on this? (no response)

This is less than \$60 a month for an acre of land. Has that been appraised? Who made that decision?

MR. KUSEK: This was a piece of property that's located on Route 206 -- the business behind it. We own a large tract of land in front of the business. And to in order them to be able to provide a directional sign to the people coming to that business, they requested us to lease the site. In turn, because of the large tract of land that maintenance has to maintain, we're negotiating a deal where they will maintain the grounds in front of the property and the driveway for access to their business. And for that reason, we set a price of \$600 a year for it.

Again, this will help lessen our maintenance people cutting the grass.

SENATOR KAVANAUGH: It's a holiday time, so--

ASSEMBLYMAN IMPREVEDUTO: They can't park cars or do anything else on that property.

MR. KUSEK: No, it's just for, basically, keeping the area clear and put a directional sign in front so that people don't pass it. This is the southbound side of Route 206.

SENATOR KAVANAUGH: All right. Maybe we can add to that -- to the motion that they know the use of the property is only for signing and

maintaining -- there will be no activity on it such as automobiles or trucks. If so-- If they want that, they can come back and pay us a little more money.

Is there a motion?

ASSEMBLYMAN IMPREVEDUTO: So moved.

DEPUTY TREASURER ADAMS: Second.

SENATOR KAVANAUGH: It's been moved and seconded. Roll call, please.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Item No. 31 is a project located at Route 3, Section 3, Parcel VXR89F1B, in Lyndhurst. The New Jersey Department of Transportation, Bureau of Right of Way, Property Management Unit, requests approval to sell .561, plus or minus, acres of vacant land, considered nonconforming to local zoning requirements, located in Bergen County.

SENATOR KAVANAUGH: Is there anyone here? (no response)

Motion, please.

ASSEMBLYMAN IMPREVEDUTO: Is that land zoned by the HMDC, or is it zoned by the municipality?

MR. KUSEK: I don't know.

ASSEMBLYMAN IMPREVEDUTO: Well, it would be important, because I know that it may not be contingent with local zoning, but the HMDC zones much of that area. So they would overrule, and there would be no local zoning.

MR. KUSEK: The other purpose -- their inquiry -- their use of the land is to convert this into a drainage area for a large -- it is already developed completely around our site with industrial -- business development. And they want to use this site to put in a pond and, actually, a drainage facility.

ASSEMBLYMAN IMPREVEDUTO: I know the area well, and apparently that's zoned under the HMDC. The municipality has no zoning authority there.

I have no problems with it.

SENATOR KAVANAUGH: Is there a motion?

ASSEMBLYMAN IMPREVEDUTO: I'll move.

SENATOR KAVANAUGH: Motion by Assemblyman Impreveduto.

Second?

DEPUTY TREASURER ADAMS: Second.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: The next matter concerns something that we do on an annual basis, Mr. Chairman. First is the State facilities' calendar year 2001 payment rate. The New Jersey Department of Human Services, pursuant to Title 30:4-78, the State House Commission is requested to fix the rates to be charged to counties for various clients residing in State institutions and programs pursuant to the Commissioner of Human Services' recommendations and in accordance with the revised rate setting methodology for establishing State hospital and institutional rates, effective January 1, 1991, including revisions to the methodology, which are hereby established for the calendar year beginning January 1, 2001.

The rates for the State psychiatric hospitals, and I included these, by the way, in the minutes so everybody could read them again-- But the State general psychiatric hospitals are \$199.48; Arthur Brisbane Child Treatment Center, \$488.88; Ann Klein Forensic Center, \$213.65; Community Mental Health Center at the UMDNJ, \$557.53; and the State Development Centers

is \$104.84; and special residential services, \$61.39. The notes that are part of the agenda -- that will also be attached to the minutes for edification.

SENATOR KAVANAUGH: Thank you.

Is there a motion?

ASSEMBLYMAN IMPREVEDUTO: Moved.

DEPUTY TREASURER ADAMS: Second.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: The next, also, is from the Department of Human Services. It concerns the same issue, however it's county facilities' calendar year 2001 payments.

The New Jersey Department of Human Services, pursuant to the statute which gives the State House Commission to requests -- requested to fix the rates -- will do so for county hospitals' State aid reimbursement



methodology per capital cost, effective January 21, 1999 -- has changed on January 1, 2000.

Rates are to be charged at 50 percent for the January 1 through June 30, 2001 service period and at 130 percent for the July 1 through December 31 service period. The rates shall be predicated on compliance with the facility's certificate of need and its conditions, as approved by the Department of Health and Senior Services.

And again, I will include all of this in the minutes so that every county knows this. Bergen County Regional Medical Center, inpatient services, \$517.06; extended acute psychiatric, \$357.99; Buttonwood Hospital of Burlington County, \$298.74; Camden County Health Services Center, psychiatric services, \$386.24; Hudson County Meadowview Hospital, inpatient services, \$599.85; Essex County Hospital Center, inpatient services, \$402.89; Union County Runnells Specialized Hospital, \$598.58.

SENATOR KAVANAUGH: Thank you, Mr. McGlynn.

Any comments? (no response)

Motion.

ASSEMBLYMAN LANCE: Moved.

ASSEMBLYMAN IMPREVEDUTO: Second.

SENATOR KAVANAUGH: Roll call.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Let's go into pensions.

MR. McGLYNN: Thank you.

We are now in session, sitting at the Judicial Retirement System for the Judicial Board of Pensions. I need approval, please, of the minutes of the meeting held-- I'm sorry, we've already done that at the beginning. We approved the minutes of the October 5 meeting.

We need approval of the financial statements as of September 30, 2000.

SENATOR KAVANAUGH: Do we have a motion?

ASSEMBLYMAN LANCE: Moved.

ASSEMBLYMAN IMPREVEDUTO: Second.

MR. McGLYNN: All in favor, please signify by saying aye.  
(affirmative responses)

We need approval of the confirmation of death claims, retirements, and terminations.

ASSEMBLYMAN LANCE: Moved.

ASSEMBLYMAN IMPREVEDUTO: Second.

SENATOR KAVANAUGH: Moved and seconded.

MR. McGLYNN: All in favor, please signify by saying aye.  
(affirmative responses)

Okay. And now we need approval of the recommendation of the Director of the Division of Pensions and Benefits to enter into a contract with an insurance carrier to provide optional contributory group life insurance and group variable universal life insurance to active members of the Judicial Retirement System. Backup is contained in your agenda. And I note that it was chaired by Supreme Court Justice Jaynee LaVecchia.

ASSEMBLYMAN LANCE: Moved.

ASSEMBLYMAN IMPREVEDUTO: Second.

SENATOR KAVANAUGH: Moved and seconded.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

At this time, is there anything -- anyone else care to be heard before we go into executive session? (no response)

If not, have a very good holiday.

Do we have a motion to go to executive session?

ASSEMBLYMAN IMPREVEDUTO: Moved.

DEPUTY TREASURER ADAMS: Second.

MR. McGLYNN: All in favor, please signify by indicating aye.  
(affirmative response)

The matter to be discussed in closed session is the matter that was brought as No. 2 on the agenda by you, Mr. Chairman.

### **(EXECUTIVE SESSION)**

#### **AFTER EXECUTIVE SESSION:**

SENATOR KAVANAUGH: We've come back into session.

At this time, I'd ask Mr. Shaughnessy to expand on our position.

MR. SHAUGHNESSY: After consultation with the State House Commission, the State House Commission believes that this matter was temporarily remanded to it to amplify its decision concerning June 21, 1999. The State House Commission will amplify its decision in accordance with the approval previously given in June of 1999. The jurisdiction here today still rests with the Appellate Division.

The State House Commission has been asked, and will issue, file, and serve with the Appellate Division, an amplified decision providing its reasons concerning the approval in June of 1999.

I would ask the Commission, at this point, to make a motion to issue, file, and serve an amplified decision in this matter, through its secretary and in consultation with our office so that this matter may be concluded.

SENATOR KAVANAUGH: Do we have a motion as stated, please?

DEPUTY TREASURER ADAMS: So moved.

SENATOR KAVANAUGH: Moved by the Deputy Treasurer. Second, please.

ASSEMBLYMAN IMPREVEDUTO: I'll second it.

SENATOR KAVANAUGH: Roll call.

MR. McGLYNN: Assistant Director Steepy.

MS. STEEPY: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: It unanimously passes.

For those that would like a copy of the decision that we are going to file with the Appellate Division, I would ask you to get a hold of me after

the meeting, and give me your names and addresses. And we will make sure that it is sent to you when it is sent concurrently to the Appellate Division.

SENATOR KAVANAUGH: Thank you.

Is there anything else to come before us? (no response)

If not, we will adjourn for the holidays.

MR. McGLYNN: Thank you, Mr. Chairman.

Thank you, members.

ASSEMBLYMAN IMPREVEDUTO: Thank you, sir.

**(MEETING CONCLUDED)**