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# *Commission Meeting*

of

## STATE HOUSE COMMISSION

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**LOCATION:** Committee Room 9  
State House Annex  
Trenton, New Jersey

**DATE:** September 17, 2001  
3:00 p.m.

**MEMBERS OF COMMISSION PRESENT:**

Devon L. Graf, Chair  
(Representing Acting Governor Donald T. DiFrancesco)  
Senator Walter J. Kavanaugh  
Assemblyman Leonard Lance  
Maureen Adams  
(Representing Peter R. Lawrance)  
Charlene M. Holzbaur



**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 afternoon. We'll call to order the State House Commission meeting of Thursday, September 17. And we've met the requirements for the Open Public Meetings Act.

What I would like to do is, if we could just take a moment -- the terrible circumstances that happened last Tuesday. And if you each, in your own way, take a second, you can just reflect upon hundreds of New Jersey citizens who have been -- that are missing and some that have been declared dead. Many of my own personal friends that have not been found that are missing in the World Trade Center -- for them and their families -- that we can express some personal sorrow in whatever way you find appropriate.

We now take a moment of silence.

Thank you.

Could we have a roll call, please?

MR. McGLYNN (Secretary): Director Holzbaur.

MS. HOLZBAUR: Here.

MR. McGLYNN: Director Graf.

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

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Present.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Here.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Here.

MR. McGLYNN: Chairman, we have a quorum.

SENATOR KAVANAUGH: Thank you very much.

We have an item that has to do with the tragedy at the World Trade Center. There has been many calls to State government seeking facilities and office space. The State does have some of that available. So we ask the Attorney General's Office to draft a resolution so that it won't take any difficulty for our people to go in and sign leases, where the State House Commission, only meeting quarterly-- This is something that has to be done almost instantly, so that you certainly don't want to gain because of what's happened. But if the space is there and the space is available, we should try to move on it.

Mr. Secretary, if--

MR. McGLYNN: Thank you, Mr. Chairman. Without reading all of the recitals, because it's axiomatic, I think that there are existing circumstances.

Be it resolved, pursuant to Executive Order No. 131-2001, the State House Commission hereby gives notice of its intent to authorize the State Treasurer to lease surplus property, on an as-needed and temporary basis, to entities displaced by the tragedy in order to assist them in their recovery from the disaster and to ensure that the business and industry community continues to function properly.

Two, any lease of such surplus property must be made pursuant to the following conditions.

2.1. A determination must be made that the surplus property is not required for any public purpose.

2. The total amount of payments made pursuant to such a lease must be less than \$500,000.

3. The lessee must be an entity which had space in the World Trade Center, or any building nearby which was damaged as a result of events at the World Trade Center, and therefore has no place within which to conduct its business and/or operations.

4. The term of the lease shall be for one year or any lesser term thereof, but may contain options to renew provided that the term of the lease, with all its renewal terms, shall be for less than or equal to five years.

5. The lease shall be subject to the payment of rent at fair market value. In the event that there is more than one lessee interested in the property to be leased, sealed bids shall be submitted, and the best offer shall win.

Three, the secretary of the State House Commission shall be authorized to certify to any lease executed pursuant to this resolution as required by N.J.S.A. 52:31-1.2, and this resolution shall take effect upon adoption.

SENATOR KAVANAUGH: Is there any comments from the public? (no response)

Is there a motion, please?

ASSEMBLYMAN LANCE: So moved.

SENATOR KAVANAUGH: It's been moved and--

DEPUTY TREASURER ADAMS: Second.

SENATOR KAVANAUGH: Moved and seconded.

Roll call, please.

MR. McGLYNN: Director Holzbaur.

MS. HOLZBAUR: Approved.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

We'll move on to the old business -- a motion for the -- acceptance of the meeting -- minutes of the meeting of June 28, 2001.

ASSEMBLYMAN LANCE: Moved.

DEPUTY TREASURER ADAMS: Second.

SENATOR KAVANAUGH: Been moved and seconded.

MR. McGLYNN: Director Holzbaur.

MS. HOLZBAUR: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

We noted that Number 11 on the agenda, the Sayreville Watershed Area, is being held. If there's anyone here for that, that's going to be held.

Number two, please.

MR. McGLYNN: Number two concerns the Riverview Executive Park in Trenton, New Jersey, which in the backup documentation is Parcel VX129AZ and VX129A3, consisting of 27,500 square feet. The Department of Treasury now requests approval to amend its conveyance, which we previously approved at the June 28, 2000 meeting, of the surplus DOT parcels to the Mercer County Improvement Authority, who will convey the property to the Advance Group upon completion of the garage. The change in the chain of title enables the MCIA the opportunity to participate in the garage development process.

SENATOR KAVANAUGH: Anyone here to comment? (no response)

Can I have a motion?

Moved by Assemblyman Lance.

ASSEMBLYMAN LANCE: Moved.

DEPUTY TREASURER ADAMS: Second.

SENATOR KAVANAUGH: Roll call, please.

MR. McGLYNN: Director Holzbaur.

MS. HOLZBAUR: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Number three, please.

MR. McGLYNN: Number three, Waterfront Park, Block 28, Lots 1, 2, 2.01, 2.03, Block 28, Lot 1.02, and Block 51, Lot 3. The New Jersey Department of Environmental Protection, on behalf of the city of Perth Amboy, requests approval to amend the compensation for the September 21, 2000 State House Commission approval of the city's 1984 parking lot lease to the Armory Restaurant. In lieu of the 0.98-acre parcel originally proposed as replacement land, the city will dedicate a 1.05-acre parcel on the waterfront, which will be dedicated for conservation and recreation purposes and improved as a parking lot for the waterfront.

SENATOR KAVANAUGH: Anyone here to comment?

**JACK M. DUDAS:** Yes, sir. May I approach?

SENATOR KAVANAUGH: Certainly. Come forward. Give us your name and who you're with.

Push the button to turn the light on. (referring to PA microphone)

MR. DUDAS: Is that operating? (referring to PA microphone)

My name is Jack Dudas, D-U-D-A-S. I'm an attorney from Perth Amboy, New Jersey, but I'm not appearing in my capacity as an attorney. I'm here as a private citizen. And seated in the audience is Mr. Alex Vosinas, who

is the owner of the Barge Restaurant in Perth Amboy, which, as you know, is located directly across the street from the Armory Restaurant.

Before I make any statements-- This summer, there was a petition campaign directed against the diversion, which had been mailed to Green Acres. I don't know if copies have been distributed or not.

SENATOR KAVANAUGH: We have them.

MR. DUDAS: Okay. Over the weekend, people came to my home, and there's about 70 extra signatures. May I present it to the board?

SENATOR KAVANAUGH: When you're finished, you just leave it with the Secretary. We understand there's 400-plus signatures that you have.

MR. DUDAS: It's about 475 now. We probably would have been able to obtain more.

Just a little background. The Barge had been represented by counsel, which failed to inform the Barge last year that there was a State House Commission meeting with regard to this subject matter, which explains why nobody from Perth Amboy appeared last year. In fact, we only found out about last year's State House Commission meeting this June, because there was publication of a public hearing in Perth Amboy at Perth Amboy City Hall.

We were, to put it bluntly, left in the dark by counsel for the Barge. Had we known the procedure, I'm sure the petition would have contained more than 475 signatures.

Basically, I'm sure you're all familiar with the geography of Perth Amboy. I don't want to dwell on that too much. But the parking lot in question is adjacent to the Armory Restaurant, which overlooks Raritan Bay. The Barge Restaurant is directly across the street from the Armory Restaurant. It also has a very nice view of the bay.

We in Perth Amboy consider the waterfront our most outstanding asset. And I don't think anything should be done to take that away from any members of the public. Without getting too much into detail, the public wants this parking lot to remain in the public domain. It's presently being used solely by the Armory Restaurant. The prior owner shared it. It was never an issue before, under prior ownership, because he let anyone using the waterfront park in the parking lot. It wasn't until the new owners took over that barricades went up, cones, valet service, and the parking lot was restricted to patrons of the Armory only. That's when this became an issue. It's obviously still an issue. And I just came down to plead with the board not to grant this diversion application for the reasons that are contained in the--

Do you have the letters that were -- copies of the letters that were written this summer? (no response) I would incorporate that into all the arguments in those letters and incorporate it into my argument today.

People need a place to park. Parking is at a premium in Perth Amboy at the boat basin area. I understand that the city wants to build a new parking lot to compensate for the loss of the parking lot located adjacent to the Armory, but that parking lot's a mile from the Barge, a mile from the Armory, and a mile from the boat basin. It's just not convenient for the public to park a mile away to enjoy the boat basin.

I don't know what to add, basically, to the letters you've received. I think they're pretty thorough. I hope you've all had a chance to review them. But there are objectors. The public is concerned.

Friday night, a woman came to my door with these petitions. She was a complete stranger to me. But she had taken the cutout from one of our weekly newspapers and added to it. So there's great public concern for this matter. It's just not a matter of the Barge being worried about it because of the potential loss of profits because of lack of parking. The public likes to come down to the boat basin area in Perth Amboy for the view, for the scenery, to stroll, to sit on the benches, maybe buy an ice cream cone. To restrict it any further, I think, would be an injustice.

I believe that the lease that was entered into by the Armory -- I forget what year that was -- I believe that lease is void. It's the subject of a lawsuit. And the city's application for diversion is basically a shortcut method of trying to settle the litigation, but at the public's expense.

So I would ask you to take note of the comments and the letters that have been written. Please take note of the comments in the letters that have been written. Please take note of the signatures on the petition. And please keep the benefits of the public in mind.

Thank you.

Where do I present these? (referring to petitions)

MR. McGLYNN: I'll take them.

SENATOR KAVANAUGH: Ladies and gentlemen and members of the commission, do you have any comments? Is there anyone who cares to reflect upon what has--

Maybe the Secretary can give you a little background of what is being done here.

You're representing the Barge -- or you own the Barge.

**ALEX VOSINAS:** I own the Barge.

MR. McGLYNN: It's my understanding that this diversion, at least, was previously approved by the State House Commission, in that there was a certain parcel of property which was going to be used to assist in the diversion, and now there is a different parcel of the property. So the issue as to whether or not the diversion should take place has previously, I think, been decided by the State House Commission affirmatively, in that this particular matter now concerns whether or not there can be a different parcel of property to be diverted rather than the previous diversion. So I don't know-- To use the term *res adjudicata* I don't know is proper, but -- because it's back before us. But we previously agreed that the diversion should take place.

And I think I've had some discussions with individuals where there was litigation going on between the owner of the Barge, if I'm not mistaken, and the municipality and Cieabras, (phonetic spelling) and that this was a way for the city of Perth Amboy to do what they thought was the right thing to do. And therefore, that's why we previously approved the diversion. That's my understanding.

MR. DUDAS: Do you have the power to reverse yourselves from last year's decision?

MR. McGLYNN: I suppose because there is a different parcel of property involved, obviously I think we have the power to do that. But the gravamen, to me, of the issue is whether or not there should be a diversion of the property at this location.

SENATOR KAVANAUGH: The concern that I have of making you change this -- that I don't see--

Who represents you in State government? Who are your Assembly members? Who is your Senator?

MR. DUDAS: Mr. Wisniewski.

MR. McGLYNN: Would you come back forward, please, Mr. Dudas?

MR. DUDAS: I'm sorry. The question was, who are our State representatives?

SENATOR KAVANAUGH: Yes.

MR. DUDAS: Mr. Wisniewski and Arline Friscia, I believe.

MR. McGLYNN: And your Senator is Senator Vitale, is he not?

MR. DUDAS: That's right. I'm sorry. Senator Vitale.

SENATOR KAVANAUGH: Have they been made aware of this issue?

MR. DUDAS: Frankly, no.

SENATOR KAVANAUGH: I would think, though, as far as-- The ones you mentioned are good legislators. They should be aware. There's no comments that we have here. I understand there's two public meetings. And at the second one, there were only two people that spoke against, and one in favor.

MR. DUDAS: At the hearing at Perth Amboy City Hall?

SENATOR KAVANAUGH: Yes.

Now, for us to get involved, there's also the transfer that was an amount of \$600-plus thousand. It was Green Acres there. And I understand that the advantages for the Armory having a parking lot with the availability of valet parking -- and with the Barge restaurant--

What type of parking do you have, sir?

MR. VOSINAS: Off-street parking.

SENATOR KAVANAUGH: Would you come forward?

MR. DUDAS: I can answer that. They have valet parking. They had to rent a parking lot.

SENATOR KAVANAUGH: I'm speaking about the Barge.

MR. DUDAS: That's right. The Barge had to rent--

SENATOR KAVANAUGH: Would you identify yourself, sir?

MR. VOSINAS: Alex Vosinas, V-O-S-I-N-A-S.

SENATOR KAVANAUGH: Owner of the Barge?

MR. VOSINAS: Owner of the Barge.

MR. DUDAS: The Barge has had to rent a parking lot about two and a half blocks away from the restaurant. So the Barge's valet service parks about two and a half blocks away. Then the valets have to run back to the Barge. It's a back and forth thing all night. It's not very convenient.

SENATOR KAVANAUGH: But the runners are in pretty good shape. (laughter)

MR. DUDAS: They have to be, because it's uphill.

SENATOR KAVANAUGH: Now, with the Armory Restaurant, this is right adjacent to--

MR. DUDAS: The Armory Restaurant is adjacent to the parking lot.

SENATOR KAVANAUGH: The parking lot.

Now, when Rosengarten (phonetic spelling)-- Was it Rosengarten?

MR. DUDAS: Barry Rosengarten was the previous owner.

SENATOR KAVANAUGH: Previous owner.

MR. DUDAS: Then the-- I don't remember what year -- the Cieabra brothers purchased the building.

SENATOR KAVANAUGH: Ninety-four is what it shows here.

MR. DUDAS: I'm sure that's correct then.

MR. McGLYNN: Senator, may I just point out a couple of things that have been -- that have been given to members of this Commission? And I would hope that they're correct. First, it says that on September 21, the State House Commission approved the diversion application, and the original replacement package was not appealed by any of the objectors.

MR. DUDAS: We didn't know about the hearing.

MR. McGLYNN: Okay. Then it says-- I'm going to read the portion that says, "Public Hearing."

"At the hearing on the original diversion application, several members of the public, the Barge Restaurant, and the Raritan Yacht Club expressed concern about the exclusive use of the parking lot area by the Armory.

"In June 2001, the city held a second public hearing to receive comment on its amended application. At that second hearing, two people spoke against the diversion application, and one in favor. The objectors voiced concern about exclusive use of the Armory parking lot and the distance to the new replacement parcel.

"Several weeks after the second diversion hearing was held by the city, the New Jersey DEP began to receive correspondence, and copies of a petition with several hundred signatures, opposing the city's diversion application. These documents were forwarded to the city for response as part of its amended diversion application.

"The city's position on these documents is that they appear to have been spearheaded by the Barge Restaurant and appear to reflect a misunderstanding of the issues in the underlying litigation and the fact that the State House Commission already approved the original diversion application."

So that's what this body has been told.

MR. DUDAS: Well, I'm not sure if you're questioning-- Is there a question?

MR. McGLYNN: No, I'm just merely, for a factual basis-- I wasn't asking you a question. I'm telling you what the Commission is being

faced with, which is what they were faced with at the September -- I'm sorry, the June -- no, the September 2000 hearing -- September 21, 2000.

MR. DUDAS: I would say there were only two objectors at the last public hearing at Perth Amboy City Hall.

I'm a former councilman in Perth Amboy, so I've talked to a lot of people. And the feeling was-- I'll tell you the quote. "It's a done deal. Why bother?" So people didn't bother to show up at the second public hearing. They thought it was a waste of their time. But we did it, hence the petition campaign and the letter-writing campaign. We couldn't bus 475 people here, but you have their names on the petitions. And I'm sure that's just a small segment of Perth Amboy that feels opposed to this application.

In my earlier remarks, I should have formally asked you if you would consider reversing your decision of last year. As I said, I'm technically here as a private citizen, not as an attorney. But I noticed Mr. Vosinas's lawyer is not here again. He hasn't been getting very good representation. He didn't know about this meeting last year until June of this year; otherwise, there would have probably been a petition campaign last year and a letter-writing campaign last year. That's not the fault of the city of Perth Amboy. I'm not trying to put any blame on the city. The blame lies elsewhere. But it also doesn't lie with the Barge.

And again, if it's within your power, I'd ask you to reconsider your decision of last year.

SENATOR KAVANAUGH: Assemblyman Lance.

ASSEMBLYMAN LANCE: Thank you, Mr. Chairman.

I have a question to the Secretary.

This issue comes to us by application of the city of Perth Amboy?

MR. McGLYNN: That is correct. I mean, let me make sure of that. Yes, it is.

ASSEMBLYMAN LANCE: My view of public policy regarding the State House Commission is that we're charged with the responsibility to determine whether, in a diversion of Green Acres property, there has been adequate replacement value for the property diverted.

And in the several years I've been a member of this Commission, that is the public policy I have pursued. And I do not go behind that legal question of whether there has been an appropriate diversion, especially if the governing body involved is the applicant before us, as I've just been told by the Secretary is the case.

I view, Mr. Chairman, the question before the State House Commission today as being whether Perth Amboy will replace adequately the Green Acres land that will be lost as a result of a decision made locally by municipal officials in Perth Amboy.

And we are advised by the State Department of Environmental Protection, which acts as our agent in this regard, that that is the case -- the value of diverted lands at \$614,000, and the value of replacement lands at \$630,000. And I will ask the Department of Environmental Protection to place that on the record this afternoon.

Beyond that, on the policy issue that has been determined locally by mayor and council in Perth Amboy, who are, of course, elected by the citizens of Perth Amboy, I do not personally chose to revisit that issue. I do not live in Perth Amboy. I do not live in Middlesex County. And I have consistently relied, in my many years on this Commission, on what local government officials have decided is in the best interest of their constituents as they come before us.

Any action that we take, as I understand it, is appealable through the court process, and I suppose, Mr. McGlynn, to the Appellate Division of the Superior Court.

MR. McGLYNN: That's correct.

ASSEMBLYMAN LANCE: I will now ask the Department of Environmental Protection whether its representation in the documents before me are accurate, that the diverted lands are estimated to be valued at \$614,000 and the replacement lands at \$630,000.

**MICHAEL E. HEENEHAN:** Mike Heenehan, Green Acres Program.

MR. McGLYNN: Spell your last name again, please.

MR. HEENEHAN: It's Mike Heenehan, H-E-E-N-E-H-A-N.

ASSEMBLYMAN LANCE: To the official from DEP, what I have before me is the representation of the executive branch of government on this matter, that there will be replacement lands in excess of the value of the diverted lands.

MR. HEENEHAN: That's correct.

ASSEMBLYMAN LANCE: Thank you.

That concludes my questioning, Mr. Chairman.

MR. DUDAS: May I add something to that, please?

SENATOR KAVANAUGH: Yes.

MR. DUDAS: I think you'd have to take quality into consideration as much as quantity. The parking lot at the boat basin adjacent to the Armory is irreplaceable in terms of quality. We're talking about dollar amounts now. But you have to think about the senior citizens in Perth Amboy who want to enjoy the waterfront view.

The parking lot that the city proposes to build in no way compensates for the parking lot that's threatened to be lost. Again, they're a mile apart.

SENATOR KAVANAUGH: Excuse me. What do the senior citizens do in the parking lot?

MR. DUDAS: They like to-- Well, there's benches. There's benches overlooking the bay. They like to sit there and, basically, enjoy the view. Some people come down to fish.

SENATOR KAVANAUGH: Is there still access? Has the Armory denied access to the park benches?

MR. DUDAS: Yes. There's no access. When they have their valet parking service in operation, you can't park there to sit on the bench to enjoy the view. You can only park there if you intend to go inside and eat at the Armory Restaurant.

SENATOR KAVANAUGH: What I'm asking-- If I'm a senior citizen, and I walk down the street -- walking to the benches that are along the waterfront -- are they now going-- I'm denied from sitting there?

MR. DUDAS: No, they won't turn you away on foot, no. But if you--

SENATOR KAVANAUGH: Well, I wouldn't come by horseback. I mean, the thing is--

MR. DUDAS: No. You might come by car, though. You might come by car. And they won't let you park your car in that lot to get out and sit on the bench and enjoy the view.

SENATOR KAVANAUGH: How long has this been a parking lot, since 19--

MR. DUDAS: Well, since Mr. Rosengarten began operating the property.

UNIDENTIFIED SPEAKER FROM AUDIENCE: In 1983. It was a dirt lot before then.

MR. DUDAS: In 1983 -- sounds like the correct date.

SENATOR KAVANAUGH: Well, you know, the thing is, Assemblyman Lance said that as far as the State House Commission-- What we do is -- as far as move to affirm what was taken, in most cases, by local, county, or State government, this is an issue that the city of Perth Amboy has approved, as I understand it, to have given this to us. And they've done it. They've gone with DEP, and it's been approved by DEP, as far as the value that -- on the transfer. It's not for us to make decisions as a jury. It's something that would have to be done. If you want to take -- the owner of the Barge wants to go further in court to appeal the decision of the State House Commission, they can continue and go up to Appellate.

You know-- And I think if you have such an interest in it and the concern, that the possibility, if you'd like to do it pro bono, is something that can be done. If you feel that there's over 400 citizens in the city of Perth Amboy that object to this--

MR. DUDAS: I'm sure there's more than the 475 people on that petition who object to this.

MR. McGLYNN: Mr. Dudas, am I right that there are significantly more than 59 parking spaces along the entire waterfront there?

MR. DUDAS: I can't answer that. I don't know.

MR. McGLYNN: But you were a councilman there, and you live there, correct?

MR. DUDAS: It was expanded after I was off the council. Yes, I live there. I haven't counted the parking spaces, but I'll tell you, on a warm summer day when the sun is shining, it's practically impossible to find a parking space.

MR. McGLYNN: But as I remember, Green Acres gave a significant amount of money to create parking spaces along the waterfront in that area that are significantly greater than 59 spots.

Am I right, Mr. Heenehan? Do you know?

MR. HEENEHAN: That's correct. The parking lot that's to the north of the Armory was funded both in acquisition and development funds from Green Acres. There's parking there. There's also a parking -- a municipal parking lot that's open to the public just south of the Armory -- what we're calling the Armory parking lot -- the one that's been leased. And there's on-street parking.

MR. McGLYNN: Do you have any idea how many spaces are there -- all total -- along the waterfront?

MR. HEENEHAN: No. There are 59 spots a couple of blocks up that are available for at least another year or two until the \$600 million project -- the redevelopment of the northern part of the waterfront happens. But there is parking there, and there is parking to the south of this parking lot.

MR. DUDAS: I would just add that the parking lot to the north is pretty much monopolized by boat owners, because that's a boat basin. That's a lot of boats there. I don't have the exact number. But many of those spots are taken by boat owners and their guests.

SENATOR KAVANAUGH: Well, just as I say, I don't think we're a jury. Also, what can we say other than if we reversed and said leave it as a parking area-- You're telling us that it would be all crowded in by senior citizens. It would be no Barge Restaurant.

MR. DUDAS: First come-- The Barge has always said it should be open on a first-come-first-serve basis to the public, not necessarily to the Barge customers.

SENATOR KAVANAUGH: But I mean, this is an issue that has been going on for 25 years.

MR. DUDAS: No. It's an issue that's been going on since the new ownership took over the Armory Restaurant -- seven years.

SENATOR KAVANAUGH: Close to -- '84. Ciebras took it over in '84, right? When did they buy it?

MR. DUDAS: No. Mr. Rosengarten took over in approximately 1983. There was no problem with parking there under his ownership. And then the new owners came in in 1994. So it's been an issue for seven years.

SENATOR KAVANAUGH: Well, I don't see where we can do anything. If there's any other questions-- If somebody -- as far as to move this to reaffirm is the only thing, and it would give you an opportunity, as an attorney, to take it to court, and also the possibility, if you want to be a crusader-- Maybe you'd want to run for council again. (laughter)

Is there a motion?

ASSEMBLYMAN LANCE: I move the project.

DEPUTY TREASURER ADAMS: I'll second it.

SENATOR KAVANAUGH: Seconded.

Roll call.

This is not because we have any bias towards the Barge Restaurant, because some night I may go down there, and I don't want something to be put in my drink. (laughter)

MR. McGLYNN: Director Holzbaur.  
MS. HOLZBAUR: Yes.  
MR. McGLYNN: Director Graf.  
MR. GRAF: Yes.  
MR. McGLYNN: Deputy Treasurer Adams.  
DEPUTY TREASURER ADAMS: Yes.  
MR. McGLYNN: Assemblyman Lance.  
ASSEMBLYMAN LANCE: Yes.  
MR. McGLYNN: Chairman Kavanaugh.  
SENATOR KAVANAUGH: Yes.  
Thank you.  
Number four.

MR. McGLYNN: Item No. 4 is the Greenwood Lake State Park, Block 3610, Lot 18, Block 3610, Lot 19, Block 3610, Lot 27, in the Township of West Milford. The New Jersey Department of Environmental Protection, on behalf of the Division of Parks and Forestry, requests approval to convey three surplus parcels of approximately 3.56 acres to the Township of West Milford, Passaic County.

SENATOR KAVANAUGH: Anyone here from the public? (no response)

May I have a motion, please?

ASSEMBLYMAN LANCE: So moved.

SENATOR KAVANAUGH: Second?

MR. GRAF: Second.

SENATOR KAVANAUGH: Roll call.

MR. McGLYNN: Director Holzbaur.

MS. HOLZBAUR: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Now, moving to new business, Item No. 5.

MR. McGLYNN: RPR 93-109, Block 57, Lot 1, in Franklin Township. The New Jersey Department of Treasury requests approval to lease a DEP residential property, located at 200 Cortelyous--

SENATOR KAVANAUGH: Cortelyous. (indicating pronunciation)

MR. McGLYNN: Cortelyous (indicating pronunciation) Lane in Somerset County -- obviously you would know that -- to Ellen Wilson for a monthly rental of \$710 with annual increases.

SENATOR KAVANAUGH: Anyone here from the public? (no response)

May we have a motion, please?

ASSEMBLYMAN LANCE: So moved.

SENATOR KAVANAUGH: And a second?

DEPUTY TREASURER ADAMS: Second.

SENATOR KAVANAUGH: Roll call.

MR. McGLYNN: Director Holzbaur.

MS. HOLZBAUR: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Item 6, please.

MR. McGLYNN: RPR No. 01-46, Block 734-1, Lot 46.08, in Piscataway Township. The New Jersey Department of the Treasury, on behalf of the Department of Education, requests approval to dispose of a 0.4-acre parcel of vacant land, located in Middlesex County, to the Township of Piscataway for the widening of Stelton Road.

SENATOR KAVANAUGH: Anyone here from the public? (no response)

May we have a motion?

DEPUTY TREASURER ADAMS: So moved.

SENATOR KAVANAUGH: Moved and seconded.

Roll call.

MR. McGLYNN: Director Holzbaur.

MS. HOLZBAUR: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Item 7.

MR. McGLYNN: RPR No. 01-55, Block 902, Lot 106, in Allamuchy Township. The New Jersey Department of the Treasury requests approval to lease a DEP residential property, located at 1170 Waterloo Road in Warren County, to Thomas Sanderson for \$800 a month with annual increases.

SENATOR KAVANAUGH: Anyone from the public? (no response)

Motion, please.

ASSEMBLYMAN LANCE: So moved.

MR. GRAF: Second.

DEPUTY TREASURER ADAMS: Second.

SENATOR KAVANAUGH: Roll call.

MR. McGLYNN: Director Holzbaur.

MS. HOLZBAUR: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Senator Kavanaugh.

SENATOR KAVANAUGH: Yes.

Item 8, please.

MR. McGLYNN: RPR No. 01-56, Part of Block 171, Lot 3, in West Orange. The New Jersey Department of the Treasury, on behalf of the Department of Military and Veterans' Affairs, requests approval to dispose of a parcel of vacant land, located in Essex County, to the Kessler Institute or a

subsidiary to be named. The property will be sold for fair market value to be determined by an appraisal.

SENATOR KAVANAUGH: Anyone here from the public?

**L I N D A M. C R O T E A U:** I'm sorry, sir.

I'm from the Department of Military and Veterans' Affairs.

SENATOR KAVANAUGH: Yes. Will you come forward, please?

You don't look like the general. (laughter)

MS. CROTEAU: Well, we're surprising these days.

My name is Linda Croteau. I'm with the Department of Military and Veterans' Affairs.

SENATOR KAVANAUGH: The last name, please.

MS. CROTEAU: Croteau, C-R-O-T-E-A-U.

MR. McGLYNN: Could you hit the button, please, Ms. Croteau? (referring to PA microphone) The red light means it's on.

MS. CROTEAU: It was on.

MR. McGLYNN: Okay. Thank you.

SENATOR KAVANAUGH: It's rather demure.

MS. CROTEAU: The property is a landlocked piece of property that sits up on the northern side. It doesn't have access from the roadway. The appraisal was done, and I believe the appraised value of the property was over \$600,000 -- \$667,200.

SENATOR KAVANAUGH: Question: The range that is there-- It's my understanding that there's still moneys due to the Federal government for the range.

MS. CROTEAU: Yes, sir.

SENATOR KAVANAUGH: What type of negotiations or discussions have you had regarding the \$108,000 balance?

MS. CROTEAU: There has been no discussion. The appraised value, and I submitted the request to this committee, was simply to have the refund or have the money sent back to the Department for \$106,080, which is actually what we owe the Federal government on that.

There is a 25-year amortization. When the Federal government makes an investment on our properties, they ask for 25 years. We've had that range for approximately 13 years and are seeking the remainder of what we owe the Federal government.

SENATOR KAVANAUGH: Have you discussed-- Is this to be assumed by the purchaser?

MS. CROTEAU: I'm sorry, sir?

SENATOR KAVANAUGH: Is this \$108,000 to be assumed by the purchaser in addition to the appraised price?

MS. CROTEAU: No, sir. The appraised price is generally what the State uses for a sale of property, and that's what we discussed. Kessler has agreed to some other things with the Department -- sharing parking and creating some other parking spots for us. But the \$106,080 is a payback to the Federal government, and that's what we're seeking in part of this.

SENATOR KAVANAUGH: Okay. I just want to make sure.

Does anyone else have any questions?

Devon.

MR. GRAF: Just one question.

Has the Federal government approved this deal at this time -- negotiated?

MS. CROTEAU: It's up to the State to determine. At this point, the Federal government would seek the payback of that portion. That didn't allow them to amortize on that. The State owns the property.

MR. GRAF: Right. My understanding is that the secretary -- the defense has to approve the giveback under the contract, originally.

MS. CROTEAU: It will go through the channels that are required to do that.

MR. GRAF: Okay.

SENATOR KAVANAUGH: Question, Mr. Mazzella.

The situation -- you may have been out of the room when the question of the \$106,000 that's still owed to the Federal government, which is going to have to be paid by the Guard to the Federal government-- The question has been brought up in private to the Commission.

If the appraised price is \$600,000 -- whatever the appraised price is-- The \$106,000, that possibly should be added onto the appraised price, otherwise, the Guard -- on the \$600,000, they're only going to get the \$490-some thousand--

**ANTHONY R. MAZZELLA:** Well, it would be certainly to the Department of Military and Veterans' Affairs' advantage and the State's advantage to get that amount. The fair market value plus this penalty, from an appraisal perspective, they're unrelated.

SENATOR KAVANAUGH: I understand that. But the question was brought up by a Commission member regarding these. That's what I just

want to clarify, that are we doing-- You're in the business. What would you do? I don't know whether you were involved in this.

MR. MAZZELLA: The particular transaction, no. In the past, we have--

SENATOR KAVANAUGH: What is the normal?

MR. MAZZELLA: We sought to add that penalty, if you will, that we would have to pay out of pocket, to the price. However, it's a negotiable issue. It's subject to negotiations of the particular transaction. We don't have a set procedure on it. This is a unique situation. We try to work it out to the--

SENATOR KAVANAUGH: Who would be negotiating-- The way this has been established, how is it made up? Is it the State that would be sold at the appraised price?

MS. CORTEAU: That's the general rule of thumb.

MR. MAZZELLA: Our general rule of thumb is to have the property appraised and start from that point. And the fair market value is our commitment in terms of disposal of the property and the benefits to the State.

In this case, there is a slight penalty, and that is the payback on this particular amortization. We have not approached -- at least I have not-- I don't know if the Department of Military and Veterans' Affairs has approached Kessler in discussing that. We certainly would be happy to participate in those discussions if it would -- if we could be of assistance.

As a norm, though, Mr. Chairman, it's not generally considered. It's a part of the negotiations going in. If we can put it on the table and attempt to get them to cover their expenses, we can reach a conclusion on something.

SENATOR KAVANAUGH: All right. It's just that I don't want to see this Commission criticized for something that we're selling and then say that we got caught short. But I think that there's been other things done, as far as during your negotiations -- that Kessler has conceded to your requests.

MS. CROTEAU: Right. Kessler has--

SENATOR KAVANAUGH: Would you just outline some of those for us?

MS. CROTEAU: Kessler has agreed to add the West Orange ICRC, as we call them -- has a very limited parking scope for the military vehicles, as well as civilian vehicles. Kessler has agreed to add 85 civilian vehicles, replace some of the fence line, and create another military parking lot. They've also agreed to clear some of the tree lines so that we can have an open area up there

-- what we would term as a parade field -- and do some other minor improvement to the property.

SENATOR KAVANAUGH: So that there are, regarding the sale price, also additional costs to Kessler to do this work.

MS. CROTEAU: Yes, sir.

SENATOR KAVANAUGH: I mean, the parking lot alone possibly could exceed--

MS. CROTEAU: There's quite an expense in that, which is part of the reason our Department hasn't undertaken that particular project, because part of the parking area where they add -- they're going to add about 85 parking spots. They have to clear some trees, move some fence lines, gravel, and pave.

SENATOR KAVANAUGH: So that you, as an individual that's involved with the Army, feel that you're satisfied with--

MS. CROTEAU: Yes, sir.

SENATOR KAVANAUGH: With the arrangement.

MS. CROTEAU: I have no problem with going back to Kessler, however, and asking for more money, but I think that we have, in fact, been compensated.

SENATOR KAVANAUGH: That's only then going to cost the patients more money.

MS. CROTEAU: Well, that's probably true.

MR. MAZZELLA: Just as Ms. Croteau was speaking, I just did a real quick, back-of-the-envelope calculation, and assuming this additional parking was leased to the State, and I assume we're giving the use of it for free as additional parking -- just at a rate of \$50 a month per space, which is extremely low for that part of the state, the recovery on the \$106,000 is just two years. And so I think, besides capital improvements associated with that, the free use of that parking for the State use-- Again, it's parking that they would obviously use on weekends or (indiscernible) evenings or things of that nature, but in effect, those kinds of arrangements have been made in other towns where armories have limited parking use. And the costs of those have been extremely high. So there is a significant benefit and offset that could help mitigate that difference.

MS. CROTEAU: To give you an example of the current parking, there are approximately 100 parking spots for privately owned vehicles. We have up to 400 people there on a weekend. So it is a cramped area.

SENATOR KAVANAUGH: Okay. Just so it's clear that it's understood that the parking that is going to be supplied or built by Kessler is used by the armory as long as it's there as armory.

MS. CROTEAU: Yes, sir.

SENATOR KAVANAUGH: At no charge.

MS. CROTEAU: Yes, sir. We will not only share the Kessler parking lot of the new parking that they create, but they will also come onto the property and create 85 parking spots for us.

SENATOR KAVANAUGH: Any questions about -- any Commission members? (no response)

Thank you.

Do we have a motion, please?

DEPUTY TREASURER ADAMS: I'll move it.

SENATOR KAVANAUGH: Moved and seconded.

Roll call, please.

MR. McGLYNN: Director Holzbaur.

MS. HOLZBAUR: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Senator Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: And just for the record, Mr. Chairman, I recused myself from the discussion about this with any member of the Commission whatsoever or from the Department.

SENATOR KAVANAUGH: I'd like just to have it clear that my involvement had nothing to do with-- That's why I wanted to make sure that everything was on the table with this, because I was a patient at Kessler for seven months. I received very good care, by the way. But it wasn't free. Believe me. (laughter)

Thank you.

Number nine.

MR. McGLYNN: RPR 01-58, Block 246, Lot 52A, in Morris Township. The New Jersey Department of the Treasury, on behalf of the

Department of Human Services, requests approval to lease a parking area to Morris Township, located on the grounds of the Morris Regional Day School in Morris County.

SENATOR KAVANAUGH: Anyone here from the public? (no response)

Motion, please.

MR. GRAF: Moved.

DEPUTY TREASURER ADAMS: Second.

SENATOR KAVANAUGH: Roll call.

MR. McGLYNN: Director Holzbaur.

MS. HOLZBAUR: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Senator Kavanaugh.

SENATOR KAVANAUGH: Yes.

Number 10.

MR. McGLYNN: RPR No. 01-60, Block 6801, Lot 1, in Winslow Township. The New Jersey Department of the Treasury, on behalf of the Department of Human Services, requests approval to lease two houses, located on the grounds of Ancora Psychiatric Hospital, to Family Service of Burlington County.

SENATOR KAVANAUGH: Anyone here from the public? (no response)

Motion, please.

MR. GRAF: Moved.

MS. HOLZBAUR: Second.

SENATOR KAVANAUGH: It's moved and seconded.

MR. McGLYNN: Director Holzbaur.

MS. HOLZBAUR: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Senator Kavanaugh.

SENATOR KAVANAUGH: Yes.

We now move to the Department of Environmental Protection requests.

MR. McGLYNN: Number 11 has been held.

SENATOR KAVANAUGH: Eleven has been held.

Number 12.

MR. McGLYNN: The South Branch Wildlife Management Area, in the Townships of Raritan and Readington in Hunterdon County and Township of Hillsborough in Somerset County. The New Jersey Department of Environmental Protection, on behalf of the Division of Fish and Wildlife, requests approval to enter into a 20-year lease with the Hunterdon County Park Commission for the management and operation, for recreation and conservation purposes, of 424-plus-or-minus acres of the former Merck headquarters property.

SENATOR KAVANAUGH: Anyone here? (no response)

May we have a motion, please?

ASSEMBLYMAN LANCE: So moved.

SENATOR KAVANAUGH: It's been moved by the representative of Hunterdon County, Assemblyman, soon to be Senator, Lance.

MR. McGLYNN: Not yet, as he says.

SENATOR KAVANAUGH: Roll call.

MR. McGLYNN: Director Holzbaur.

MS. HOLZBAUR: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Number 13.

MR. McGLYNN: The Norvin Green State Forest, Block 6002, Part of Lot 38, West Milford Township. The New Jersey Department of

Environmental Protection, on behalf of the Division of Parks and Forestry, requests approval to convey a 25-by-40-foot area of land at the edge of Norvin Green State Forest to an adjoining property owner in order to resolve a building encroachment that existed at the time of State acquisition.

SENATOR KAVANAUGH: Anyone here from the public? (no response)

Motion, please.

ASSEMBLYMAN LANCE: Moved.

DEPUTY TREASURER ADAMS: Second.

SENATOR KAVANAUGH: Moved and seconded.

Roll call.

MR. McGLYNN: Director Holzbaur.

MS. HOLZBAUR: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Number 14.

MR. McGLYNN: Cheesequake State Park, Block 2000, Part of Lot 1, Old Bridge Township. The New Jersey Department of Environmental Protection, on behalf of the Division of Parks and Forestry, requests approval to convey a 0.009- acre underground utility easement to the Township of Old Bridge for the installation of a 12-inch water transmission line to replace the antiquated 6-inch line.

SENATOR KAVANAUGH: Anyone here from the public? (no response)

Motion, please.

MR. GRAF: Moved.

SENATOR KAVANAUGH: It's been moved and seconded.

MS. HOLZBAUR: Second.

MR. McGLYNN: Director Holzbaur.

MS. HOLZBAUR: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Number 15.

MR. McGLYNN: Fishing Creek Schoolhouse Historic Site, Block 334.01, Lot 5, and Block 334.02, Lot 3, in Lower Township. The New Jersey DEP, on behalf of the Green Acres Program, requests approval to enter into a 20-year lease with the Township of Lower, County of Cape May, for the improvement, maintenance, repair, operation, and public use of an historic schoolhouse as a site for public meetings, a local history museum, and an outdoor park area.

SENATOR KAVANAUGH: Anyone here from the public? (no response)

Motion, please.

MR. GRAF: Moved.

DEPUTY TREASURER ADAMS: Second.

SENATOR KAVANAUGH: Moved and seconded.

MR. McGLYNN: Director Holzbaur.

MS. HOLZBAUR: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Sixteen, please.

MR. McGLYNN: Double Trouble State Park, Block 22, Lot 5, Block 22.01, Lot 1, Block 23, Lot 5, and Block 23.07, Lot 1, in Berkeley Township. The DEP, on behalf of the Division of Parks and Forestry, requests approval to convey to Ocean County 0.044 acre of right-of-way in fee simple

for improvement of the intersection of Double Trouble Road and Pinewald-Keswick Road.

SENATOR KAVANAUGH: Where is Double Trouble State Park?

MR. McGLYNN: It's in Berkeley.

SENATOR KAVANAUGH: Where's Berkeley?

MR. McGLYNN: In Berkeley Township, in Ocean County.

SENATOR KAVANAUGH: Ocean.

MR. McGLYNN: Let me make sure.

SENATOR KAVANAUGH: I thought you were very authoritative.

(laughter)

MR. McGLYNN: It sounded good, didn't it?

SENATOR KAVANAUGH: All right. Well, I was just questioning, as far as by geography.

MR. McGLYNN: It's at Interchange 77 on the Parkway, just a little bit south of Toms River. That's what it says right here. (indicating)  
(laughter)

SENATOR KAVANAUGH: Okay. Do we have a motion, please?  
Double Trouble State Park.

DEPUTY TREASURER ADAMS: I'll move it.

SENATOR KAVANAUGH: It's been moved--

MS. HOLZBAUR: Second.

SENATOR KAVANAUGH: --and seconded. Thank you.

MR. McGLYNN: Director Holzbaur.

MS. HOLZBAUR: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Seventeen.

MR. McGLYNN: High Point State Park, Block 19, Sussex Borough, Sussex County, Long Pond Ironworks State Park, Block 4601, Lot 8, West Milford Township, Passaic County, and Wawayanda State Park, Block 17401, Lot 1, West Milford Township, Passaic County. The New Jersey

Department of Environmental Protection, on behalf of the Division of Parks and Forestry, requests approval to convey to the Tennessee Gas Pipeline Company permanent easements necessary to install cathodic protection for existing high-pressure natural gas pipelines in High Point State Park, Long Pond Ironworks State Park, and Wawayanda State Park.

SENATOR KAVANAUGH: Is there anyone here from the public?

(no response)

Can we have a motion, please?

DEPUTY TREASURER ADAMS: Moved.

SENATOR KAVANAUGH: Moved and seconded.

Roll call.

MR. McGLYNN: Director Holzbaur.

MS. HOLZBAUR: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: I was ready for the definition, also, in case you wanted to--

SENATOR KAVANAUGH: I know it.

MR. McGLYNN: I know, because you were a plumber.

SENATOR KAVANAUGH: Department of Transportation requests.

MR. McGLYNN: Route 80 eastbound, Milepost 7.5, Knowlton Rest Area, in Knowlton Township. The New Jersey Department of Transportation, Bureau of Major Access Permits, Wireless Communications Unit, requests approval to erect a wireless communications facility antenna attachment to an existing water tower on State-owned property in Warren County.

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

Do we have a motion, please?

ASSEMBLYMAN LANCE: Mr. Chairman.

SENATOR KAVANAUGH: Yes, Assemblyman.

ASSEMBLYMAN LANCE: Before I move this item, this is in my legislative district. This has received the approval of the Township of Knowlton, or--

How does that work, Mr. McGlynn? We had a long history on these matters.

SENATOR KAVANAUGH: I was going to make a comment regarding why I couldn't understand why there was no one here. If they were in our area -- why don't we have 12 people come in every minute--

MR. McGLYNN: I thought the question would come up, and I have ascertained, I think -- hopefully it's included in yours. It's included in mine. There's a resolution of the Knowlton Township Planning Board, approved on May 22, 2001, and it memorialized on June 26, 2001, granting the DOT site plan approval to install a cellular antenna.

ASSEMBLYMAN LANCE: So this has the approval of the local municipality.

MR. McGLYNN: I wouldn't think the mayor and council would have to approve it. I would assume that they had to go for site plan approval from the planning board. But if it's a normal municipality, the mayor sits on the planning board. And they did have some public hearings. And I understand your concern, because it is in your district.

ASSEMBLYMAN LANCE: Yes. Very good. I've heard no opposition from the district.

SENATOR KAVANAUGH: We'll make sure that the press release gets up into your district.

ASSEMBLYMAN LANCE: Thank you.

SENATOR KAVANAUGH: Can we have a motion, please?

DEPUTY TREASURER ADAMS: I'll move it.

SENATOR KAVANAUGH: It's been moved and seconded.

Roll call.

MR. McGLYNN: Director Holzbaur.

MS. HOLZBAUR: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Number 19.

MR. McGLYNN: Route 94 westbound, Milepost 13.3, the New Jersey DOT Yellow Frame Maintenance Yard, Frelinghuysen Township. The New Jersey Department of Transportation, Bureau of Major Access Permits, Wireless Communications Unit, requests approval to erect a wireless communications facility, 140-foot treelike monopole structure, on State-owned property in Warren County.

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

ASSEMBLYMAN LANCE: And here again, Mr. Chairman, was the municipality advised of this, at least?

MR. McGLYNN: According to the background material that I have received, the municipality was advised through the State's requirement that public hearings be held. I do not think municipality approval was needed, because it's on State-owned property.

ASSEMBLYMAN LANCE: Very good.

SENATOR KAVANAUGH: And it will look like a pine tree.

MR. McGLYNN: Yes.

ASSEMBLYMAN LANCE: Very good.

SENATOR KAVANAUGH: Is there a motion, please?

DEPUTY TREASURER ADAMS: Moved.

SENATOR KAVANAUGH: Moved and seconded.

Roll call.

MR. McGLYNN: Director Holzbaur.

MS. HOLZBAUR: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Number 20.

MR. McGLYNN: Route 78, Section 5F, Parcels VX204B, VX205B, VX206B, in the City of Newark. The DOT, Bureau of Right of Way, Property Management Unit, requests approval to sell a triangular shaped parcel of vacant land, containing 0.098 acres, in Essex County.

SENATOR KAVANAUGH: Anyone here to comment? (no response)

Can we have a motion, please?

MR. GRAF: Moved.

ASSEMBLYMAN LANCE: Second.

SENATOR KAVANAUGH: Moved and seconded.

Roll call, please.

MR. McGLYNN: Director Holzbaur.

MS. HOLZBAUR: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Number 21.

MR. McGLYNN: Route 29, Section 7, Parcel VX41B, Bridgewater Borough. The DOT, Bureau of Right of Way, Property Management, requests approval to sell an irregular shaped parcel, containing 0.037 acres of vacant land, located in Somerset County.

SENATOR KAVANAUGH: Is this old 29, which is now 22? I don't think we have a Route 29 anymore.

MR. McGLYNN: Let me look. It's Route 29, Section 7.

SENATOR KAVANAUGH: It's Route 22.

MR. McGLYNN: Yes, adjacent Route 22.

SENATOR KAVANAUGH: Route 29 was when it was a three-lane highway -- three-lane road.

Okay. Can we have a motion, please?

ASSEMBLYMAN LANCE: Moved.

MR. GRAF: Second.

SENATOR KAVANAUGH: Roll call.

MR. McGLYNN: Director Holzbaur.

MS. HOLZBAUR: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Number 22.

MR. McGLYNN: Project 92, Section 1, Parcel VX35B, East Windsor. The DOT, Bureau of Right of Way, Property Management, requests approval to sell an irregular shaped parcel of vacant land, containing 0.571 acres, in Mercer County.

SENATOR KAVANAUGH: Anyone here from the public? (no response)

Motion, please.

MR. GRAF: So moved.

SENATOR KAVANAUGH: Moved and seconded.

Roll call.

MR. McGLYNN: Director Holzbaur.

MS. HOLZBAUR: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Twenty-three, please.

MR. McGLYNN: Route 21 Freeway, Section 6, Parcels VX17B2 and VX23B, in the city of Passaic. The DOT, Bureau of Right of Way, requests approval to sell a triangular shaped parcel, containing 2033 square feet of vacant land, located in Passaic County.

SENATOR KAVANAUGH: Anyone from the public? (no response)

Motion, please.

ASSEMBLYMAN LANCE: Moved.

MR. GRAF: Second.

SENATOR KAVANAUGH: Moved and seconded.

Roll call.

MR. McGLYNN: Director Holzbaur.

MS. HOLZBAUR: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Twenty-four, please.

MR. McGLYNN: Route 37 Freeway, Section 1, Parcel VX93, in Hamilton Township. The DOT, Bureau of Right of Way, requests approval to sell a rectangular strip of vacant land, an abandoned access road, 70 feet wide, containing a total of 1.695 acres in Mercer County.

SENATOR KAVANAUGH: Anyone from the public? (no response)

Motion, please.

MR. GRAF: Moved.

SENATOR KAVANAUGH: It's been moved and seconded.

Roll call.

MR. McGLYNN: Director Holzbaur.

MS. HOLZBAUR: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Number 25.

MR. McGLYNN: Route 37 Freeway, Section 1, Parcel VX92, in Hamilton Township. The DOT, Bureau of Right of Way, requests approval to sell a rectangular strip of vacant land, an abandoned access road, 70 feet wide, containing a total area of 0.383-plus-or-minus acres in Mercer County.

SENATOR KAVANAUGH: Anyone from the public? (no response)

Do we have a motion, please?

ASSEMBLYMAN LANCE: Moved.

MR. GRAF: Second.

SENATOR KAVANAUGH: Moved and seconded.

Roll call.

MR. McGLYNN: Director Holzbaur.

MS. HOLZBAUR: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Twenty-six, please.

MR. McGLYNN: Route 43, also known as 30, Section 12D, Parcel VX3B, in Hammonton. The DOT, Bureau of Right of Way, requests approval to sell a trapezoid shaped parcel of vacant land, containing 4380 square feet, in Atlantic County.

SENATOR KAVANAUGH: Anyone from the public? (no response)

Motion, please.

DEPUTY TREASURER ADAMS: So moved.

SENATOR KAVANAUGH: It's been moved and seconded.

Roll call.

MR. McGLYNN: Director Holzbaur.

MS. HOLZBAUR: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Twenty-seven.

MR. McGLYNN: Route 76, Section 1, Parcels VX1037B, VX1038C, VX1039, VX1039B, VX1040, VX1041, VX1042, VX1042B, VX1043B, VX1044B, and VX1045B, in Camden. The DOT, Bureau of Right of Way, Property Management, requests approval to sell an irregular shaped parcel of vacant land, containing 5570 square feet, in Camden County.

SENATOR KAVANAUGH: Anyone from the public? (no response)

Do we have a motion, please?

DEPUTY TREASURER ADAMS: So moved.

SENATOR KAVANAUGH: It's been moved and seconded.

Roll call.

MR. McGLYNN: Director Holzbaur.

MS. HOLZBAUR: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Number 28, please.

MR. McGLYNN: Route 5, Section 1, Parcel VX3, the Borough of Fort Lee. The DOT, Bureau of Right of Way, requests approval to sell a triangular shaped parcel of vacant land, containing 537 square feet, in Bergen County.

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

Motion, please.

MR. GRAF: So moved.

SENATOR KAVANAUGH: It's been moved and seconded.

Roll call.

MR. McGLYNN: Director Holzbaur.

MS. HOLZBAUR: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

We now move to the Division of Pensions requests and the Judicial Retirement System.

Mr. Secretary, if you'll--

MR. McGLYNN: I need a motion to approve the minutes of the meeting held on June 28, 2001.

SENATOR KAVANAUGH: Do we have a motion, please?

ASSEMBLYMAN LANCE: Moved.

SENATOR KAVANAUGH: And seconded.

Roll call.

MR. GRAF: Actually--

SENATOR KAVANAUGH: Why don't we just--

MR. McGLYNN: Go ahead.

MR. GRAF: Just refer, I'm actually here on behalf of the Acting Governor Donald T. DiFrancesco.

MR. McGLYNN: Who did I have you acting as?

MR. GRAF: Christine Whitman.

MR. McGLYNN: Okay.

SENATOR KAVANAUGH: What?

MR. McGLYNN: It is--

MR. GRAF: Just a minor correction.

MR. McGLYNN: The Judicial Retirement System minutes should be amended to show that Devon Graf was on behalf of Donald DiFrancesco and not Governor Christine Todd Whitman.

SENATOR KAVANAUGH: Was DiFrancesco the Governor?

MR. McGLYNN: Yes, he was, on June 28.

SENATOR KAVANAUGH: Okay.

MR. McGLYNN: Okay.

SENATOR KAVANAUGH: That's Donald D.

MR. McGLYNN: Donald--

DEPUTY TREASURER ADAMS: T.

MR. McGLYNN: Donald T.

SENATOR KAVANAUGH: Okay. Let's move all these together then.

MR. McGLYNN: We got a third of that correct.

You want to move what, the minutes, the financial statements, and the confirmations? (affirmative response)

Fine.

Did we have a motion?

SENATOR KAVANAUGH: Yes, we have a motion and a second.

MR. McGLYNN: I'm sorry. And we're moving, also, the adoption of the amendments.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Fine. Thank you.

Director Holzbaur.

MS. HOLZBAUR: Yes.

MR. McGLYNN: Director Graf.

MR. GRAF: Yes.

MR. McGLYNN: Deputy Treasurer Adams.

DEPUTY TREASURER ADAMS: Yes.

MR. McGLYNN: Assemblyman Lance.

ASSEMBLYMAN LANCE: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Is there anyone here for any other purpose? (no response)

Do we have any other business?

MR. McGLYNN: May I mention one thing, Mr. Chairman?

Jean Corrigan, who works at Property Management, who is sitting in the back, is very helpful to the State House Commission, me in particular, and because of the changes of dates and times and when it's scheduled and not scheduled, it was she who came to our rescue. And I want to personally thank her for all the hard work that she does. (applause)

DEPUTY TREASURER ADAMS: I'll agree with that.

SENATOR KAVANAUGH: That's spelled, C-O-R-R-I-G-A-N.

(laughter)

Thank you, Jean.

Anyone else care to speak? (no response)

Thank you for coming.

MR. GRAF: Motion to adjourn.

SENATOR KAVANAUGH: Motion to adjourn by Devon Graf.

ASSEMBLYMAN LANCE: Second.

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

**(MEETING CONCLUDED)**