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# *Commission Meeting*

of

## STATE HOUSE COMMISSION

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**LOCATION:** Remote Meeting via Zoom

**DATE:** January 25, 2021  
9:00 a.m.

**MEMBERS OF COMMISSION PRESENT:**

Justin Braz, Chair  
Senator Bob Smith  
Senator Gerald Cardinale  
Assemblyman Paul D. Moriarty  
Assemblyman John DiMaio  
Lynn Azarchi  
Catherine Z. Brennan



**ALSO PRESENT:**

Robert J. Shaughnessy Jr.  
*Commission Secretary*

Gary A. Kotler, Esq.  
*Commission Counsel*

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***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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MR. SHAUGHNESSY (Commission Secretary): Mr. Chair, I'll read the Open Public Meeting Act's notice, first.

In compliance with the Open Public Meetings Act, notice of this meeting was given by way of notice filed with the Secretary of State, delivered to the State House press corps, posted in the offices of the State House Commission, and, I will add, other public websites in addition.

Welcome to the State House Commission meeting of January 25, 2021. It is approximately 9:02 a.m.

At the outset, I'd like to welcome Lynn Azarchi, the current Acting Director of OMB, to the Commission

Welcome, Director Azarchi.

MS. AZARCHI: Thank you.

Hello, everyone.

MR. SHAUGHNESSY: I will now call the roll.

Deputy Chief of Staff Braz.

MR. BRAZ: Here.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Here.

MR. SHAUGHNESSY: Director Azarchi.

MS. AZARCHI: Here.

MR. SHAUGHNESSY: Senator Cardinale. (no response)  
Senator Smith.

SENATOR SMITH: Here.

MR. SHAUGHNESSY: Thank you, Senator.

Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Here.

MR. SHAUGHNESSY: And Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Here.

MR. SHAUGHNESSY: Okay, Mr. Chair, you do have a quorum.

MR. BRAZ: Mr. Shaughnessy, thank you.

I'd just like to note that Assemblyman Moriarty will have to leave at 9:30. Assemblyman, have you communicated with Mr. Shaughnessy on your potential votes, if you have to leave?

ASSEMBLYMAN MORIARTY: I have not yet; but I am voting as affirmative on all of the agenda items today.

MR. BRAZ: Okay.

MR. SHAUGHNESSY: Thank you, Assemblyman; and we appreciate your attendance here.

ASSEMBLYMAN DiMAIO: And if I could, Chairman-- I have a 10:30 Transportation Committee. I'm hoping we're not an hour-and-a-half, but if I do log out to go there, I'm an affirmative on everything.

I have one question when we get to that one item.

MR. SHAUGHNESSY: Okay.

MR. BRAZ: Thank you.

MR. SHAUGHNESSY: We do have a lighter agenda today, so hopefully we'll get through the items, subject to, of course, public comment and members' questions.

At the beginning, I would just like to state for the members, any member of the public, or any other person speaking today, to identify yourself with your name and also your affiliation so that we have it for the record. Because sometimes people come in by phone numbers and not by names or affiliations. So that's the only caveat there.

And before we begin with business, I'd like to mention that we did receive comments on Friday, written comments, from Jean Public. Those comments have been received and distributed to the members, and will be retained in the records of the State House Commission.

Moving on to the business of the Commission--

(confers with Counsel)

Yes, thank you, Counsel.

So there is one matter under the Judicial Retirement System that is on the agenda, but I don't believe packages have been approved and distributed. That is No. 3, the adoption of certain regulations. So that item will be held today until the next meeting, which we are anticipating will be in April.

Thank you, Counsel.

First -- on to Old Business. It's approval of the October 13, 2020, State House Commission meeting minutes. They've been distributed.

Does anyone have any questions, comments, or revisions? (no response)

Hearing none--

SENATOR SMITH: So moved.

MR. SHAUGHNESSY: Okay, motion.

And a second?

MS. BRENNAN: Second.

MR. SHAUGHNESSY: Thank you.

Any discussion? (no response)

Okay; all in favor? (affirmative responses)

Any opposed? (no response)

Any abstentions? (no response)

Okay; hearing none, those are approved.

On to the more substantive matters-- Old Business, again, No. 2 -- project RPR 00-03, Block 106, formerly 85, part of Lot 1, formerly part of 1. It's in Sea Girt, Monmouth County.

Treasury, on behalf of the Department of Military and Veterans Affairs, recommends leasing a portion of land, located at the Sea Girt Training Center, to NCWPCS MPL 28-Year Sites Tower Holdings, LLC, formerly known as New Cingular Wireless PCS, LLC, to be used for the maintenance and operation of an existing telecommunication tower and wireless communications facility.

This is a current tenanted space. The current lease and all renewal options are expiring. The current lease rate is \$31,104 a year.

The proposed terms will be for five years at \$40,435.20 per year, with three successive five-year renewal options, with a 5 percent annual increase during each renewal option.

There will be a co-location fee of 25 percent of any fees, rent, and/or other income NCWPCS MPL 28-Year Sites Tower Holdings, LLC receives from any co-locater.

The lease revenue will be paid directly to the Treasurer of the State of New Jersey, and the co-location fee is proposed to be paid directly to the Department of Military and Veterans Affairs.

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

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Cathy? Yes.

MS. BRENNAN: Can you just speak a little bit to how the rates were -- the future rate increases were determined?

MR. SHAUGHNESSY: Sure.

Is anyone from Treasury on the phone or online?

**ROBERT TIGHUE:** Hi, Bob.

MR. SHAUGHNESSY: Bob Tighue.

MR. TIGHUE: Hi.

MR. SHAUGHNESSY: Okay.

MR. TIGHUE: Yes; so we did a survey for all of our current leases and our renewal rates. We looked at market trends, and that's how we came up with our rate schedule. It was also negotiated with the tenant.

MR. SHAUGHNESSY: Okay.

Any other further questions? (no response)

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

Hearing none, may I have a motion for approval?

ASSEMBLYMAN MORIARTY: I'll move it.

MR. SHAUGHNESSY: Thank you; second?



ASSEMBLYMAN DiMAIO: Second.

MR. SHAUGHNESSY: Motion and second.

Any other discussion? (no response)

I'll call the roll.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Director Azarchi.

MS. AZARCHI: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

No. 2 is approved; thank you.

Moving on to No. 3: No. 3 is RPR 18-11, Trenton Office Complex. It's Block 202, part of Lot 6, Trenton, Mercer County.

The Commission approved a pharmacy lease from the State of New Jersey Department of the Treasury to Healthcare Specialty RX, LLC at the September 27, 2018, meeting for approximately 1,400 square feet. The requesting party is seeking approval to amend the lease to reflect that the lessee intends to convey its lease interest to a new related entity known as --

let me spell that -- A-N-J-A-N-E-Y-A Drugs LLC. The pharmacy has yet to open for business.

The lease terms remain the same as previously approved by the State House Commission and as set forth in your public agenda.

Annual rent for the initial three-year term will be \$29,400. The annual rent for the first four-year renewal option will be \$30,000. The rent for the second three-year renewal option will be \$30,600.

The lessee will be responsible for all utilities supplied to the leased premises.

So that's the proposed lease, or amended lease, that's up for consideration.

Do any members have any questions? (no response)

Hearing none--

ASSEMBLYMAN MORIARTY: I have a question; but first I would please ask the people who are not muted to please mute.

MR. SHAUGHNESSY: Again, anyone who's on the line please mute yourselves if you're not speaking.

SENATOR CARDINALE: I have joined the meeting.

MR. SHAUGHNESSY: Thank you, Senator; welcome.

Okay, hopefully everyone's muted who is not speaking.

ASSEMBLYMAN MORIARTY: May I speak?

MR. SHAUGHNESSY: Yes, please, Assemblyman. Thanks.

ASSEMBLYMAN MORIARTY: Yes, thank you.

I just want to clarify -- I want to make sure that I understand this.

So we entered into an agreement with an entity, and now they want to change it to another entity. Is this just a name change? I want to make sure that we didn't lease to someone, and now they're subleasing it at a profit.

MR. SHAUGHNESSY: My understanding -- it's an entity change to a related entity; the same principals, but it's a related entity. So they will have to-- What they've gone through is the appropriate channels to change the actual entity so that they will be the lessee.

ASSEMBLYMAN MORIARTY: Thank you.

MR. SHAUGHNESSY: Any other questions from the members?  
(no response)

Do any members of the public wish to be heard on this? (no response)

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

MR. BRAZ: So moved.

ASSEMBLYMAN MORIARTY: Second.

MR. SHAUGHNESSY: Thank you; motion and second.

I'll call the roll.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Director Azarchi.

MS. AZARCHI: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

No. 3 is approved.

We're now moving on to the New Business on the agenda.

No. 4: This is approval of an outdoor advertising waiver, Route 3, Milepost 4.62, Clifton, Passaic County.

DOT, on behalf of New Jersey Transit, requests a waiver from outdoor advertising regulations to issue an outdoor advertising permit to allow the issuance of a multi-message sign within 500 feet of additional interchanges, as required by certain regulations specified in the public agenda.

The waiver is recommended because there is a demonstrated public benefit, need for the sign, assurance of highway safety, and lack of conflict with Federal regulations and the 1971 Federal Agreement regarding outdoor advertising regulation, and subject to the following conditions as also specified in the public agenda.

Do any members of the Commission have any questions about this matter?

ASSEMBLYMAN DiMAIO: I have a quick question, if I may.

Is DOT on the line?

E L A I N E C. S C H W A R T Z, Esq.: This is Elaine Schwartz, Assistant Division Director. I'm from DOT Outdoor Advertising.

MR. SHAUGHNESSY: Thank you for identifying yourself.

ASSEMBLYMAN DiMAIO: A quick question, if I may, Chairman.

This is an issue of safety along the highway. I just want to know if this type of waiver has ever been granted before and if, over time, there were any issues that occurred as a result of it.

MS. SCHWARTZ: Thank you.

We did bring in -- there's a document in here from our Traffic Engineering Unit that says that they believe, at this time, there won't be a safety issue as a result of the waiver of these regulations. In the past, we have waived a handful of regulations. These are the State regulations; we have waived those. I have not received any reports of a significant increase in traffic accidents as a result of any of these waivers.

ASSEMBLYMAN DiMAIO: I think that's important to have on the record because, the way I read this, they're going to monitor any safety issues as a result of this. I'd rather have real data, going into this, that this has happened in the past -- these waivers have been granted, and there's been no real safety concern.

So I appreciate your answer.

MS. SCHWARTZ: Thank you.

MR. SHAUGHNESSY: Are there any other questions from the members of the Commission?

MS. BRENNAN: Can you also -- can the Department please, also, just elaborate on what the specific need is for the double-sided signage?

MS. SCHWARTZ: Thank you for this opportunity.

We have a statement from Transit that states that, on page 3 of their submission, substantial income will be generated. The sign will be visible, serving highway needs. The proposed sign will allow numerous public agencies to advertise on the sign, and will provide LED displays for public emergencies.

I apologize; I'm looking at the statement right now.

The billboard offers safe, effective, and easy visibility for motorists to observe signage. And they also have worked out so charitable, political, social, public safety, and other non-commercial emergencies can be displayed on the sign.

MR. SHAUGHNESSY: Thank you, Ms. Schwartz.

Anyone else have any questions of DOT? (no response)

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

Okay, no public comment; then may I have a motion to approve this matter?

ASSEMBLYMAN MORIARTY: I'll make the motion.

MR. BRAZ: Second.

MR. SHAUGHNESSY: Thank you; motion and second.

I'll call the roll.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Director Azarchi.

MS. AZARCHI: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: Great; thank you all for that, and that matter is approved.

MS. SCHWARTZ: Thank you all.

MR. SHAUGHNESSY: Moving on to No. 5 on the agenda.

University Heights Connector, Parcel VX555B, Block 1846, Lot 17, City of Newark, Essex County.

The DOT is requesting approval to sell a vacant piece of excess land containing about 0.0535 acre to adjoining property owners Prashanth K. Padala and Ravikumar Dutta -- they own Block 1846, Lot 19 -- for assemblage to their adjoining property.

The property is non-conforming to the zone, and the highest and best use is for assemblage to an adjoining property.

The recommended sales price is \$95,000, which is the appraised value.

Do any members have any questions about this matter?

MR. BRAZ: Bob, I just want to confirm when the appraisal took place.

MR. SHAUGHNESSY: Okay; I think it was a recent appraisal.

Is there anyone from DOT on the phone? (no response)

Anyone from DOT? (no response)

Just bear with me.

I believe there is a stamp date of November 23, 2020. So we're talking in November or December of 2020, Mr. Chair.

Does that help you out?

MR. BRAZ: Thank you.

MR. SHAUGHNESSY: Okay. So that's, I think, the date of the appraisal.

Any other members have questions? (no response)

Hearing none, any member of the public wish to be heard on No. 5 on the agenda? (no response)

Hearing none, may I have a motion?

ASSEMBLYMAN DiMAIO: So moved.

MR. SHAUGHNESSY: Second?

MS. BRENNAN: Second.

MR. SHAUGHNESSY: Thank you.

I'll call the roll.

Deputy Chief of Staff Braz.



MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Director Azarchi.

MS. AZARCHI: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: No. 5 is approved.

We're now moving on to DEP requests -- No. 6 on our agenda.

The Meadows at Middlesex Golf Course -- that's Block 2301, part of Lot 2, Township of Plainsboro, Middlesex County.

DEP, on behalf of the County of Middlesex, requests approval to allow the diversion of a total of approximately 0.543 acres of parkland along the property line of the Meadows at Middlesex Golf Course.

Public Service Electric and Gas is building a new electric switching station on property adjacent to the golf course, and must relocate an existing 16-inch underground petroleum pipeline to facilitate the construction of the switching station. The diversion will consist of the conveyance of a variable 20-foot to 50-foot wide subsurface easement for the

construction, operation, and maintenance of the underground pipeline.

Tree clearing is required to meet utility clearance standards.

The terms are as follows: To compensate, the County will receive \$350,000 in monetary compensation from PSE&G to be used for future acquisition of at least 1.086 acres of land for recreation and conservation purposes located within the County. For tree removal compensation, PSE&G will purchase and plant a total of 215, 3-inch caliper trees in various County parks.

The timing for the tree planting of the replacement trees will be this fall, 2021.

Do any members have questions about this matter?

MS. BRENNAN: Bob, how many trees are being removed?

MR. SHAUGHNESSY: I'm not sure off the top of my head, deputy State Treasurer.

Is there anyone from DEP who can, maybe, add light on that?

**M E L I S S A   A B A T E M A R C O,   E s q .:** Yes, this is Melissa Abatemarco from Green Acres.

MR. SHAUGHNESSY: Thank you.

MS. ABATEMARCO: Three trees will be removed

MR. SHAUGHNESSY: So 3 are going to be removed, and 215 planted.

SENATOR SMITH: A good ratio.

I'd like to move it.

MR. SHAUGHNESSY: Okay; motion.

Second?

MR. BRAZ: Second.

MR. SHAUGHNESSY: I'm sorry; Counsel reminded me.

Is there any member of the public here who wishes to be heard on this matter? (no response)

Hearing none, then motion, please, again.

SENATOR SMITH: Move it.

MR. SHAUGHNESSY: Thank you, Senator Smith.

MR. BRAZ: Second.

Any other discussion? (no response)

I'll call the roll.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Director Azarchi.

MS. AZARCHI: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: We have approval for No. 6.

On to No. 7: Cotoxen Park/Kirby's Mill, Block 707, Lot 5 and 10; Block 714, part of Lot 6.01; Block 715, Lots 3 and 8. This is in Medford, Burlington County.

DEP, on behalf of the Township of Medford, requests approval to legalize the unauthorized disposal of a total of 1.074 acres of parkland.

The lots in question were mistakenly sold by the Township as surplus to the adjacent existing residential lot owners by a public auction.

To compensate, the Township proposes to encumber, with Green Acres restrictions, three parcels of replacement forest and wetlands -- that's Block 4106, Lot 8.03; Block 6801, Lot 6; Block 6802, Lot 7 -- totaling 38.59 +/- acres.

That is the matter for consideration.

Do we have any questions or comments on that from the members?

MR. BRAZ: Yes, Mr. Shaughnessy, is someone from DEP on?

MR. SHAUGHNESSY: I believe so.

Who would like to talk about this matter?

**J U D E T H P I C C I N I N I Y E A N Y, Esq.:** This is Judeth Yeany from Green Acres.

We also have Kevin Appelget, from my Bureau, who handled the application.

MR. BRAZ: Hey, Judeth, how are you doing today?

MS. YEANY: Good.

MR. BRAZ: Just a couple of questions.

Obviously this is remedial in nature, correct?

MS. YEANY: Yes, this is well after the fact.

MR. BRAZ: And so how did DEP find that Medford was in violation of Green Acres?

MS. YEANY: It was as part of a reconciliation of the Township's recreation and Open Space inventory. We routinely check the entire list, and we discovered that there was an acreage discrepancy between the inventory we were reconciling and a prior inventory.

MR. BRAZ: This is a regular audit through DEP?

MS. YEANY: Yes.

MR. BRAZ: And so I assume this is done for all municipalities and counties?

MS. YEANY: Assuming they take our funding. I mean, we inspect the properties that receive direct State assistance on a three-year cycle. So we have a pretty good handle if something happens to those.

But I think you're aware that we place restrictions on properties that were not directly funded by the State, and we don't always catch those compliance issues right away because we don't inspect them routinely.

MR. BRAZ: Right. But there is a mechanism in place for those to be audited?

MS. YEANY: Absolutely, if the municipality takes our money. If they walk away and never take our funding, we might not have a reason to re-examine the list.

MR. BRAZ: Understood. Is there any reason to expect that there are multiple municipalities or counties that could be in violation?

MS. YEANY: Unfortunately, yes, because municipalities, rightly so, are always looking to sell those properties which truly are surplus. And sometimes things get caught up in those options. So we try to stay on top of it, but about two-thirds of the towns in the state have taken our money, so it's a daunting task.

MR. BRAZ: Understood. But it's helpful to know that there is a regular audit cycle. That was my main--

MS. YEANY: Yes, yes. And fortunately, we have case law that says that if properties are sold without the appropriate approvals -- including that of the State House Commission -- that title to the property is not valid. So when we discover these issues, we can usually work them out because people who purchase them don't want clouded title; and the municipality doesn't want to get caught up in litigation about whether it sold property without clear title. So we're usually pretty successful in resolving these issues when we identify them.

MR. BRAZ: Understood.

Thanks, Judeth.

ASSEMBLYMAN MORIARTY: I have a question.

MS. YEANY: Sure.

ASSEMBLYMAN MORIARTY: This is obviously troubling -- that a property that was encumbered was sold. How is it that this happens, and why doesn't a title search identify that the property is encumbered and not able to be transferred?

MS. YEANY: So I would say, over time, title companies have gotten much better at flagging these recorded restrictions.

A couple of issues: In this particular case, the original listing of the property was under the heading of *various lots*. So the municipality didn't itemize the lots; they listed an acreage of what they owned in a particular area. And so there wouldn't have been a block and lot for a title company to flag.

And our experiences with surplus property sales -- that the burden is on the purchaser to do the title work, and they often assume -- because it's a relatively small sale -- that a municipality is not going to sell them a bad title, and they don't necessarily engage a title company to look.

The other issue we find is that our inventories, depending on the town, were sometimes very lengthy -- many, many blocks and lots. And depending on the county, the counties don't always cross-index every single block and lot on the inventory in the fashion that the title companies can find. So we try-- Again, title companies and municipalities I think have been sensitized to this issue over the years. But in our experience, these things do happen.

ASSEMBLYMAN MORIARTY: One other question.

When something like this happens, do we refer it to the Attorney General's Office for investigation to benefit a private party?

MS. YEANY: No. You know, the other thing I should mention-- In this particular case, these were scattered small lots in a residential neighborhood. So this was not a big developable parcel. These were additions to people's residential lots -- side yards, that kind of thing.

ASSEMBLYMAN MORIARTY: (Indiscernible) their back yard, or--

MS. YEANY: Well, I think, again, the municipality, thinking they were surplus, made them available, and neighboring property owners bought them. So this was not a situation where they sold a 50-acre parcel to a developer.

No, as far as the Attorney General-- Usually our most effective compliance tool is withholding funding or not releasing funding from pending funding applications. Because we do try to work with the municipalities and offer the carrot and not the stick. We do -- as part of their Preserve New Jersey Act reauthorization, which was passed a year or two ago, we do now have civil administrative penalty authority. So I think going to the Attorney General's Office would be pretty far down the line of remedies, and we've never had to do that.

ASSEMBLYMAN MORIARTY: From my standpoint, I think we should investigate any time that something like this happens, to make sure that it was simply an error and not an attempt to help a private developer or even a private homeowner make a larger lot so that they could build a baseball field or install a pool. So I think that we need to do that to know that there was no corruption.

MS. YEANY: I understand. We're (indiscernible) in this case that this was inadvertent because of how the property was listed on the inventory in the first place. But we'll certainly keep that in mind if we run across anything more along these lines.

It sounded like there was another question.

ASSEMBLYMAN MORIARTY: Thank you.

MR. SHAUGHNESSY: Deputy State Treasurer.



MS. BRENNAN: So in the detail we've been provided it says that the purchasers of the property have expanded (indiscernible) amenities, etc.; and that makes it "infeasible to reacquire the property."

Whose determination is it that it would be infeasible to reacquire the property? Is that negotiated, or is that DEP's call? Who gets to make that determination?

MS. YEANY: So when we find things like this, our first line of inquiry is whether the municipality can get the property back if something hasn't already happened to it.

We do have, from Medford Township, Beth Portocalis on the line, and she can explain whatever efforts they made in this particular case. You know, ultimately the municipality reports back to us, and we have to decide whether we agree or disagree. But generally speaking, if a property is vacant, we do press for the municipality to get it back unless they would be at large risk of litigation by the purchaser that would just make it economically infeasible for them.

But I can ask Beth to address the specifics in this particular case.

ASSEMBLYMAN MORIARTY: Before that occurs, Mr. Chairman-- And if I may, I have to jump, as you said earlier, to go to a Labor Committee meeting that I need to join.

I just wanted to say I'm leaving, and I vote in the affirmative for the remaining items on the agenda.

MR. BRAZ: Thanks, Assemblyman. I appreciate you being here today.

ASSEMBLYMAN MORIARTY: Thank you.

Goodbye, everyone. Have a great day.

MR. SHAUGHNESSY: Thank you, Assemblyman.

Okay, are we going to hear from someone from Medford on this matter?

**TYLER T. PRIME, Esq.:** Good morning, Mr. Chairman, members of the board.

This is Tyler Prime with the firm of Prime and Tuvel. I represent Medford Township.

I do believe Beth is supposed to be here, but she and I have spoken about this matter at length.

The majority of these lots -- there are multiple small lots, as Judeth had stated -- these were overwhelmingly used for upgrading and expanding septic systems and leech fields, as required under the municipal ordinance quite a while ago. So in order to, kind of, repurchase these lots, we need to find another way for the homeowners to be able to provide their septic systems. And most of these lots, because they're on a lake, don't have additional available ground. So we determined, at least on our end, that it wasn't feasible or practical to be able to get this ground back, which is why we sought out the kind of diversion process.

**BETH PORTOCALIS:** If I may-- Beth Portocalis; I am Medford Township's Open Space Coordinator.

Just to reiterate Mr. Prime -- Medford's initial ROSI-listed properties around Lake Cotoxen to be 20 acres +/- . So Ms. Yeany is correct that we never delineated them by specific lot and blocks. And then, as part

of a ROSI update, for the receipt of grant funds we were requested to delineate by block and lot. And we came in an acre or so under.

But I've been with Medford for 24 years, and in every case the lots around Lake Cotoxen average anywhere from 3,000 to 7,000 square feet. So when people had a leech field or a septic system, they really had no other property in order to build a new system. And at that point then, when they approached the Township to ask if they could get a vacant property next door to expand it, that's what occurred.

You know, they are scattered; it is a recreational area. You know, I think if you review Medford Township's involvement in Open Space and Farmland Preservation, we're probably one of the top in the state. We have over 4,000 acres of preserved. We just did two Blue Acres acquisitions in that same general area around Lake Cotoxen with Green Acres. We have hundreds of acres of Wharton State Park in Medford Township, and a couple other State properties that the State has acquired -- the Doctor Still property -- where the Township has fully cooperated with Green Acres every time they've asked for preservation.

So this was a very small amount of acreage. The town has fully cooperated with Green Acres and offered property selected by the Green Acres staff to match up to existing State-owned property. So we hope that the Commission will take all that under consideration in rendering their decision today.

MR. SHAUGHNESSY: Thank you very much.

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

Any member of the public here who wishes to be heard on No. 7 on the agenda? (no response)

Hearing none, may I have a motion?

ASSEMBLYMAN DiMAIO: So moved.

MR. SHAUGHNESSY: Thank you; second?

MS. BRENNAN: Second.

MR. SHAUGHNESSY: Thank you; I'll call the roll.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Director Azarchi.

MS. AZARCHI: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty has been noted in the affirmative.

Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: No. 7 is approved.

We're on to No. 8 on our agenda, which is another DEP matter.

This is Middlesex County Greenway, Block 815, part of Lot 1, Edison, Middlesex County.

DEP, on behalf of Middlesex County, requests approval to allow the diversion of approximately 0.055 acres of parkland within the Middlesex County Greenway.

The proposed diversion area is needed for Texas Eastern Transmission, LP's Middlesex Extension Project, a 1.75-mile project to connect two existing natural gas pipelines. The proposed diversion consists of the conveyance of a 20-foot-wide subsurface easement and associated temporary workspace area to Texas Eastern for the construction, operation, and maintenance of an approximately 120-foot-long, 16-inch diameter underground pipeline.

In this location, the Greenway consists of a former railroad right-of-way that has been converted to a pedestrian trail through a commercial/industrial area. The proposed pipeline crossing will not permanently impact any uses of or resources of the Greenway, and no tree clearing is proposed during construction.

The terms will be as follows: To compensate, the County will receive \$200,000 in monetary compensation from Texas Eastern for the future acquisition of at least 0.11 acres of land for recreation/conservation purposes within the County. This monetary compensation amount was negotiated by the County, and is in excess of the 10:1 ratio required by the Green Acres Rules.

That's the matter for consideration.

Do any members have any questions on this matter? (no response)

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

Again, none.

May I have a motion?

SENATOR SMITH: So moved.

MR. SHAUGHNESSY: Second?

SENATOR CARDINALE: Second.

MR. SHAUGHNESSY: Thank you.

Any further discussion? (no response)

Hearing none, I'll call the roll.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Director Azarchi.

MS. AZARCHI: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty has previously been marked in the affirmative

And Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: Thank you; that is No. 8 on the agenda, and it is approved.

Okay, we're now moving to the final section of our meeting.

Before we move on to the Division of Pension and Benefits' requests and JRS matters, we need a motion to adjourn as the State House Commission and to convene and sit as the Judicial Retirement System Board of Trustees.

May I have that motion?

MR. BRAZ: So moved.

MR. SHAUGHNESSY: Second?

MS. BRENNAN: Second.

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

Okay, we're now sitting as the Judicial Retirement System Board of Trustees.

No. 9 on our agenda: Requesting party -- the Treasury, the Division of Pensions and Benefits.

No. 1, approval of the minutes of the meeting held on October 13, 2020.

Is there a motion for that?

MS. BRENNAN: Motion.

SENATOR SMITH: Second.

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

Any opposition? (no response)

Any abstentions? (no response)

Hearing none, the minutes for the October 13, 2020, meeting are approved.

Next is No. 2 on this agenda -- confirmation of death claims, retirements, survivor benefits, and terminations.

Any members wish to be heard on this? (no response)

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

Hearing none, may I have a motion?

SENATOR CARDINALE: So moved.

MR. SHAUGHNESSY: Second?

ASSEMBLYMAN DiMAIO: Second.

MR. SHAUGHNESSY: Any further discussion? (no response)

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

Hearing none, I'll call the roll.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Director Azarchi.

MS. AZARCHI: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty has been marked in the affirmative.



And Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

Those are approved.

And as previously stated, No. 3 will be held and be considered at the next meeting, which is anticipated to be in April.

That concludes the agenda.

(confers with Counsel)

Oh, yes; thank you, Counselor.

May I just, quickly, have a motion to return to sit as the State House Commission?

MR. BRAZ: So moved.

MR. SHAUGHNESSY: Second?

ASSEMBLYMAN DiMAIO: Second.

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

Okay, we're back sitting as the State House Commission.

And if there are no matters to come before the Commission, or if there is no other business that the members want to raise, I just need a motion to adjourn and to conclude.

MR. BRAZ: So moved.

MR. SHAUGHNESSY: Thank you; second?

SENATOR SMITH: Second.

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

Any opposition? (no response)

Any abstentions? (no response)

The motion to adjourn and conclude is approved.

Thank you very much for your time. We will be reaching out for an April meeting, so stay tuned.

MR. BRAZ: Mr. Shaughnessy, as always, thank you very much for your (indiscernible). You have a wonderful day.

MR. SHAUGHNESSY: Thank you.

**(MEETING CONCLUDED)**