
Commission Meeting

of

STATE HOUSE COMMISSION

LOCATION: Remote Meeting Via Zoom

DATE: April 26, 2021
9:00 a.m.

MEMBERS OF COMMISSION PRESENT:

Justin Braz, Chair
Senator Bob Smith
Senator Michael J. Doherty
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

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

TABLE OF CONTENTS

	<u>Page</u>
David Kook Manager Technical Support Division of Right-of-Way Department of Transportation State of New Jersey	9
Judeth Piccinini Yeany, Esq. Chief Bureau of Legal Services and Stewardship Green Acres Program Department of Environmental Protection State of New Jersey	25
Honorable Mary Ann C. O'Brien Judge Superior Court State of New Jersey	31
Christopher Meyer, Esq. Deputy Attorney General Office of the Attorney General Department of Law and Public Safety State of New Jersey	Executive Session only
APPENDIX:	
Letter, addressed to Secretary to the State House Commission from Hon. Mary Ann C. O'Brien Judge of the Superior Court	1x
E-mail, addressed to State House Commission from Jean Public Public Citizen	2x
pnf:1-44	

JUSTIN BRAZ (Chair): Let's get started.

MR. SHAUGHNESSY (Commission Secretary): Okay; will do.

Good morning.

Welcome to the April 26, 2021, State House Commission meeting.

I'm going to read the Open Public Meetings Act 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, and posted in the Office of the State House Commission.

Do you want me to take the roll now, Chair?

MR. BRAZ: Yes, sir.

MR. SHAUGHNESSY: Okay.

Deputy Chief of Staff Braz.

MR. BRAZ: Here.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Here.

MR. SHAUGHNESSY: Acting Director Azarchi.

MS. AZARCHI: Here.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Here.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Present.

MR. SHAUGHNESSY: And I'll also call Senator Smith. (no response)

Senator Doherty. (no response)

Okay.

Mr. Chair, you do have a quorum so we may proceed.

MR. BRAZ: Thanks, Bob.

I'd just like to take a point of privilege before getting into the business of this Commission, and recognize an extraordinary life of public service of one of our former colleagues, Senator Gerry Cardinale, who has passed since our last meeting.

I wanted to open up the floor to any of our -- any of his colleagues or members of this Commission if they'd like to say any words about the Senator before we have a brief moment of silence in his honor.

Assemblyman Moriarty, did you want to say--

ASSEMBLYMAN MORIARTY: Yes.

You know, this is my favorite Committee that I serve on because it's so bipartisan, and we do very good work here. And I never would have had the opportunity to meet Senator Cardinale if it weren't for serving on this Commission, and I found him to be such an honorable individual with such integrity, who always came prepared and always did the work of the people of the State of New Jersey. He always put them first.

And it's a sad loss that he is no longer here, and not serving on this Commission, and not serving our state. And I just think of him very fondly and think of his family today.

And thank you for the opportunity to speak. He was a great guy.

MR. BRAZ: Thank you, Assemblyman.

Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Thank you, Mr. Chair.

Yes, while he served in a different chamber, I knew him somewhat. I knew him best from our Commission. And he never failed to impress me.

There was talk of his age; but man, he had more experience; and Assemblyman Moriarty is right on with the fact that he always came prepared. He knew the subjects, and he added greatly to our conversation.

He will be missed on this Commission. We were lucky enough to-- He's just one more person who made me a better person by being around him.

MR. BRAZ: Senator Smith and Senator Doherty, welcome.

For your awareness, we're having a moment of reflection for our colleague who has passed since the last time this Commission had the privilege to meet.

If you'd like to share a couple words, you're welcome to do so now.

SENATOR SMITH: So let me throw a word in on Gerry.

First of all, I had the pleasure of serving with him for quite a few years. And our personal relationship was, I thought, outstanding.

But I always got a kick out of his debate on the floor on some wild and crazy bills. And I'm going to miss him; I'm going to miss him not only from the point of view of widening up the public debate, but as a personal friend.

That's the unfortunate thing about life. There are never guarantees. You really don't know how long you're here. But I think Gerry made use of his time very well, and we are going to miss him.

MR. BRAZ: Thank you, Senator.

SENATOR DOHERTY: If I may, I'd like to say a few words.

MR. BRAZ: Yes.

SENATOR DOHERTY: I first knew about Senator Cardinale when he was running for Governor, decades ago, when he had this great commercial where he stuck his head into the side of the camera and said, "Hey, I'm going to take the toll barriers down on the Garden State Parkway." And I said, "Hey, I like this guy," because the last thing I hated to do was shuffle for change. Thank goodness for the E-ZPass.

But anyway, what an honor for me to get elected to the Assembly, and then the Senate. And here I am hanging out with this living legend -- for me -- and I learned so much from him. I'm on the Judiciary Committee, and he was certainly the dean of our delegation. And whenever we had a caucus meeting and he spoke, it was absolute silence because he was going to tell us something really good.

And he was there when history was made. So he could go back into the 1970s and talk about all the nuances of crazy legislation that passed, right? So it was just fantastic to have him in the caucus.

And finally, a lot of people are looking to retire and move on, sip some cocktails on the beach. But Senator Cardinale went out with his boots on and his bayonet fixed, right?

So we can all learn a lesson from that. He was a fighter to the end; so may the Lord bless him.

Thank you.

MR. BRAZ: Thank you, Senator. And also, welcome to the Commission. We're excited to have you join.

SENATOR DOHERTY: I have to say (laughter), this is my second time around. When I was in the Assembly, back in 2002-2003, I was on the Commission, then I got booted off I guess. So here I am; I'm back again. So what goes around, comes around. How about that?

MR. BRAZ: Well, welcome back, Senator. (laughter)

SENATOR DOHERTY: Thanks.

MR. BRAZ: Would anyone else like to say anything about the Senator?

MS. BRENNAN: Mr. Chairman?

MR. BRAZ: Please.

MS. BRENNAN: I just want to say that when I started my career back in the early 1990s at OLS -- and spent almost a quarter of a century at OLS -- Senator Cardinale was one of the first legislators who made a real impression on me. He was the Chair of the Commerce Committee at the time -- an old dean of OLS, Dale Davis, was his Committee Aide -- and Senator Cardinale used to call in from his dentist's office with instructions for various bills.

And he was just -- he was very thoughtful, but he was one of the old school legislators and somebody who I learned a lot from, just observing him. And I learned a lot about the Legislature just watching him.

So I just had a lot of respect for him.

MR. BRAZ: Thank you.

Anyone else? (no response)

I'd like to take a quick moment of silence to honor the Senator's life and career of public service -- a person who's made this Commission

better, the work on this Commission better, but also he leaves the state better behind.

So if we may, a quick moment of silence.

(a moment of silence is observed)

Thank you.

Bob, do you need to note the attendance of Senator Smith and Senator Doherty since they joined after roll?

MR. SHAUGHNESSY: Yes, we welcome Senator Bob Smith and Senator Michael Doherty to today's meeting.

With that, we have a full body of members, Mr. Chair.

MR. BRAZ: One point of clarification before we get started.

Item No. 7 on the agenda today, under the Department of Environment Protection requests -- it's a Teaneck PSEG issue -- will be held. It will be in consideration for the next State House Commission meeting. We've got some incoming from a stakeholder who has requested time to work out some outstanding issues. Instead of this body being a mediating body, we would like to see if the stakeholders in question are able to come to an agreement before it comes before our body to adjudicate.

So I just want to make sure that folks are aware. This was late-breaking over the weekend, and I appreciate your indulgence. But we do plan to move this forward at our next Commission meeting.

With that, Bob, would you like to get started?

MR. SHAUGHNESSY: Surely.

So No. 7 on the agenda today is being held until the next meeting.

First, again, because we're doing this via Zoom, I'd ask any speakers to identify themselves first before they speak. And also, just an admonition to mute your phones if you are not speaking so we don't have a lot of noise interference.

And one housekeeping matter before we start -- we did receive, last Thursday, public comments from Jean Public. They were distributed to the State House Commission members and will be retained in the State House Commission records.

I think with all that, we can start under Old Business.

No. 1 on the agenda: Approval of the January 25, 2021, State House Commission meeting minutes. They've been distributed with the members' packages.

Does anyone have any comments or questions on that? (no response)

Hearing none, may I have a motion, please? A motion to approve?

MR. BRAZ: So moved.

MR. SHAUGHNESSY: Thank you.

SENATOR SMITH: Second.

MR. SHAUGHNESSY: Motion and second.

All in favor? (affirmative responses)

Any opposition? (no response)

Hearing none, No. 1 is approved.

Moving on to -- under Old Business still -- Department of Transportation requests.

(confers with Counsel)

Okay; and I've just received a note through Counsel. I want everyone to know that this meeting is being recorded; so we are recording at the moment.

No. 2 on the agenda: Department of Transportation requests.

Project: Route 24 Freeway, Section 9; the parcels are more specifically listed in the public agenda. This is in Hanover Township, Morris County.

On February 13, 2020, the Department of Transportation requested and received approval by the State House Commission to convey 63.956 acres of the former Route 24 Freeway to Hanover Township for \$473,905. Subsequently, the Township surveyed the property, and the area was increased from 63.956 acres to 74.702 acres.

DOT is requesting approval to convey the additional acreage for a total of 74.702 acres to Hanover Township.

The purchase price to be paid by the Township for the increased acreage is \$555,125. The deed of conveyance to Hanover Township will include a requirement for public use, and will acknowledge that Green Acres funding will be involved in the purchase by the Township.

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

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Okay; Senator Smith, please.

SENATOR SMITH: In the background materials, there's a mention that the value was calculated through the Administrative Compensation Determination. Do we have a set of rules for that? Do we

have processes or procedures? What's involved in Administrative Compensation Determination?

MR. SHAUGHNESSY: Fair questions, Senator.

Do we have anyone from Department of Transportation to assist us with that?

DAVID KOOK: Hello, this is David Kook from the DOT.

MR. SHAUGHNESSY: Welcome, Mr. Kook; thank you.

MR. KOOK: Normally these public transactions -- public use -- don't go through State House. So we don't normally prepare an appraisal for that when we're doing such transactions like this.

However, this particular transaction is for a de-legislated freeway, and that portion of it has to go through State House.

The Administrative Determination that we used is based on the fact that the value that we charge them is based on the acquisition price. So it's not an appraised value, it's a calculated value based on the areas that we showed on the maps and the price that we calculated out as the unit rate -- which I think was about \$7,000 per acre in this particular case. The DOT doesn't survey the entire property that we acquired; we survey a baseline, and then measure off of it. So when the Township went ahead and had it surveyed, they discovered there was some additional areas that hadn't been in our calculated area, and that was where the price increase came from.

Hopefully, that explains.

SENATOR SMITH: Well, it *is* an explanation.

But my question was, are there rules or guiding principles on an Administrative Compensation Determination? Do you have anything in

writing that tells the agency what factors should be considered in the valuation?

MR. KOOK: In this particular case, the only factor that was considered was the acquisition price. If we're using the Administrative Determination value for other small pieces -- we did go to the State House and explained what we were doing. The Administrative Determination is a process approved by FHWA for us to use in lieu of an appraisal for low-value properties.

SENATOR SMITH: Right. But is there a written policy, or a written set of steps, or a written set of factors to be considered?

And by the way, second question, then: When was this originally acquired by DOT?

MR. KOOK: My recollection is, this is back in the 1960s.

SENATOR SMITH: Well, let me not be Captain Obvious, but prices since the 1960s to 2020 -- 60 years later -- you know, valuations could be different. And I do understand we're selling to another public entity; and maybe if we're getting recreational uses, or Open Space uses, we should be minimizing that price. The only thing is, I don't know how it was based. Are we not serving the State of New Jersey by saying, "Let's do something closer to the current value"?

I don't know the answer to that, because I don't know what the policy is. I don't know what the procedures are. I don't know how valuation is mandated in this policy.

I'm just trying to make this not look like it's arbitrary. I mean, going back to the 1960s purchase price strikes me as unbelievably arbitrary.

MR. KOOK: If I may, the statutory authority provides that the Department sell at the acquisition price, which sometimes it's a big benefit for the purchaser, and sometimes we're actually paid more than it's worth now. So that's -- for public use, in lieu of going to an open public bid or something like that, the locals have the right to ask for it outside the normal process, using the statutory authority to use the original acquisition price.

SENATOR SMITH: Well, see, now you really did answer my question. Because if the statute says it-- You know, I hadn't seen an Administrative Compensation Determination. I don't remember seeing something like that in any of the stuff that we've done so far, so that's why I was asking the question. But now when you tell me that's what the statute says, I don't have any problem with it. It's no longer arbitrary.

But I would like to see something from somebody -- either DOT or Secretary Shaughnessy -- about that process and what valuation criteria should be used. But I will take my concern up off the table on this. It just looked like a new way to do stuff, and I'd like to know more about it.

So I'm fine with this going to the town involved. I have no problem with it whatsoever, especially as we're following the statute.

MR. SHAUGHNESSY: Thank you, Senator Smith; thank you, Mr. Kook.

Any other members have any questions or comments about this?

MR. BRAZ: Yes, I do.

Mr. Kook, thank you; and Senator Smith, thank you for raising this. I had the exact same question.

But I do have a quick--

Around the increase of acreage that are being sold, you said that the way that you calculate the revised prices, essentially -- did you say \$7,000 per acre?

MR. KOOK: Yes. We weren't able to obtain the appraisals for all of the properties that they were acquiring. So we took the appraisals we were able to get and came out with a unit rate of about \$7,000 an acre.

MR. BRAZ: So \$7,000 an acres was essentially what they paid in 1960. So you just applied that going forward for consistency?

MR. KOOK: Yes.

MR. BRAZ: So that's not a statewide rate; that just applies to this specific property and purchase?

MR. KOOK: Yes, sir.

MR. BRAZ: Okay; thank you.

MR. SHAUGHNESSY: Thank you, Mr. Chair.

MS. BRENNAN: I have a question.

MR. SHAUGHNESSY: Sure, Deputy Treasurer.

MS. BRENNAN: It's just more of a technical one.

The paperwork in one of the comments was that the property had been *de-legislated*. What does that mean?

MR. KOOK: Basically freeways were, as I understand it, created through legislation. And before they can be sold off, unlike other highways, they actually have to have legislation passed to de-legislate it so it's no longer a *created by the Legislature* freeway.

MS. BRENNAN: Okay. I just had not heard that term *de-legislated*.

Thanks.

MR. SHAUGHNESSY: Okay, thank you.

Any other members have any questions? (no response)

Hearing none, do any members of the public wish to be heard on
No. 2 on the agenda? (no response)

Again, hearing none, do I have a motion on this matter?

MR. BRAZ: So moved.

MR. SHAUGHNESSY: Motion to approve; thank you, Mr.
Braz.

Second?

SENATOR SMITH: Second.

MR. SHAUGHNESSY: Thank you, Senator.

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: Senator Doherty.

SENATOR DOHERTY: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: No. 2 is approved.

We're moving on to No. 3, another DOT matter.

Route 4, Section 2, Parcels VX109, VX122B, VX44C, Block 609, Lot 1, Borough of Paramus, Bergen County.

The Department of Transportation requests approval to relinquish a billboard restriction that was placed on this previously conveyed excess land.

The original sale included a restriction against billboards, in keeping with local prohibition. Subsequently, the owner was able to remove the local restriction and obtained a billboard permit from DOT. To construct a billboard, the owner needs to have DOT remove its billboard restriction.

The release of the billboard rights has been estimated to have an approximate value of \$6,500, and will be paid by the owner.

Do any members have any questions about this matter?

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Okay; Senator Smith, thank you.

SENATOR SMITH: So it sounds like the legal and statutory frameworks are covered. But we have this Administrative Compensation Determination as the way in which to do the valuation. And I'm wondering whether that is the correct way to do it. My recollection of billboards -- and by the way, I know nothing about Paramus; although because it's a more populated county I would guess that the rates would be higher. But my understanding of a billboard rental -- if you're renting property, and it runs at about \$2,500 a month, I have no idea whether that's a good, bad, or indifferent valuation from this.

But I'd like to know how the Administrative Compensation Determination was done, and why not an appraisal of the valuation of that new use?

MR. SHAUGHNESSY: Mr. Kook, are you able to answer that, again, for the Commission?

MR. KOOK: I will attempt.

The appraiser quoted as a fee of \$6,500. This right is not something that's sold in the marketplace, where you would have ready data to do this. And I did discuss with the appraiser, before we proceeded, what kind of things he would be doing. Which is, basically, he would be looking at the rent for, perhaps, 10 years, and then a percentage of that -- because, certainly, we can't ask them for the entire rent for the billboard--

SENATOR SMITH: Right.

MR. KOOK: --the rental would be looked at and brought back to a current value. So in other words, \$10,000 a year, times 10 years -- brought back to, like, 7 percent. And then we looked at it as a percentage -- say, 10 percent or something -- you know, our participation and their improved value would lead us to the \$6,500.

So we took the information we had from a couple of appraisals that did provide information on the rentals of these, and looked at the income stream and brought it back to a current value at -- I think it was 10 percent of the amount that was coming into the property owner himself from the rental. And so that's how we did it, rather than get a \$6,500 fee from the owner and pay \$6,500 to the appraiser -- which is a pretty high amount to pay to the appraiser -- but it was because he was going to have to do an awful

lot of research just to try and find something that's not a typical market transaction.

SENATOR SMITH: Well, I don't know whether you're selling high or low. I have no way to independently evaluate that. But maybe an alternative approach would be 10 percent of the rental. That way, you don't have to worry about getting it right.

And by the way, why would it be for a 10-year period? Does the party have the property in fee simple forever; or is this just for a 10-year period?

MR. KOOK: Once you get past a certain point of doing an income approach, the future income doesn't add very much because you're discounting it through a current value. So when you go out to 20 years or 30 years, you're really adding at best a nominal increase in value. And 10 percent of the rental -- but 10 percent comes in this year; next year, it's worth less because you don't have it today, and then the year after it's worth less. So we use a discount, which is the way they do income approaches to bring a current value. And the 10 years is just a typical formulaic thing that appraisers do considering that after 10 years, you probably sold the property. So what you're going to pay for it is based on that 10-year holding period, rather than forever, because nobody's going to live forever to collect the future income.

SENATOR SMITH: So was the appraiser paid a fee for the Administrative Compensation Determination?

MR. KOOK: No, that was done internally by the Department.

SENATOR SMITH: Oh, it was done internally; okay.

MR. KOOK: Yes.

MR. SHAUGHNESSY: Any other questions, Senator Smith or other members?

MS. BRENNAN: I don't have a question, I have a comment.

It just sounds like the first two issues we've heard, and in prior meetings, we seem to have these questions that come up, again and again, about these sort of antiquated ways that we determine value, and that properties are disposed of. And I'm just wondering, maybe, holistically -- not holding up the meeting today, but holistically -- maybe we need to step back as a Commission and get some better guidance as to how properties should be evaluated, rather than using some of the antiquated sort of arcane methods that have been in place for a long time; and so that the answer doesn't come back, "Well, that's the way it's always been done."

And maybe that's something that this Commission could take a look at as a way to update procedures going forward.

SENATOR SMITH: I agree totally with that.

And let me add on to it, if I might, a little bit, which is -- we now have a new member, Senator Doherty. I think it would probably be helpful for all of us -- I know it would be helpful for me -- if we saw the criteria which we've used, over and over again, in terms of what we normally do -- the process where we are taking some Green Acres off the inventory, and then getting a certain amount of land or a certain amount of value for anything that we do in that category.

Recently somebody tried to approach one of our agencies -- had been told some criteria that sounded a little crazy, a little different than what we normally do. So is there some place, again, a list of what the criteria is for the transfers or the substitutions of property? I know there is; but if

somebody could send me a copy, or maybe the other members as well, just so we have the grounding -- you know, the actual rules that we normally follow for any of these substitutions of property or exchanges of property. Valuation is kind of a corollary or parallel issue.

But I would like to see our original criteria, if that's possible.

MR. SHAUGHNESSY: Thank you, Senator Smith; and thank you, Deputy State Treasurer Brennan, for those comments.

I do believe that the various departments do take different approaches. But we can endeavor to ask the departments to actually put some sort of executive summary together--

SENATOR SMITH: That would be great.

MR. SHAUGHNESSY: --to address these concerns. And from the departments -- it may be a separate approach, but I think should be able to do that, and get that to the Commission.

Okay; so we're on No. 3.

Are there any other comments or questions with No. 3 on the agenda? (no response)

Are there any members of the public wishing to be heard on No. 3, since this is a public meeting? (no response)

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

MR. BRAZ: I'll move it.

MR. SHAUGHNESSY: Thank you; second?

SENATOR SMITH: Second.

MR. SHAUGHNESSY: Motion and second; I'll call the roll.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Director Azarchi.

MS. AZARCHI: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Senator Doherty.

SENATOR DOHERTY: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: That matter is approved.

Now we're moving on to New Business.

The next two matters are requests for easements in and around Stockton University.

No. 4 on our agenda: RPR 21-04, Block 875, part of Lot 1.01, Stockton University, Galloway Township, Atlantic County.

The State of New Jersey, Department of the Treasury, requests approval to grant an easement to Atlantic County on the grounds of Stockton University. The easement is necessary to provide roadway improvements at the intersection of Pomona Road and Vera King Farris Drive.

The improvements will include mill work and overlay of a section of Pomona Road, the installation of a traffic signal, and road widening along the northerly and southerly lanes of Pomona Road to provide both an

eastbound right turn lane and westbound left turn lane at the entrance of Stockton University.

These improvements will address current roadway design standards and public safety by eliminating the *unsignalized* intersection. The easement area consists of approximately 42,786 +/- square feet of land.

Since this action directly benefits the State, the easement will be granted for \$1.

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

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

Hearing none as well, may I have a motion to approve this?

MR. BRAZ: So moved.

MR. SHAUGHNESSY: Okay; I'll take the Chair first. And second -- who was second? Senator Smith?

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Okay, thank you.

I'll call the roll now, if there's no further discussion.

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: Senator Doherty.

SENATOR DOHERTY: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: Thank you. That is No. 4, which has been approved.

Again, No. 5 is another easement. Project RPR 21-05, Block 875, part of Lot 1.01, Stockton University, Galloway Township, Atlantic County.

The State of New Jersey, by Treasury, requests approval to grant an easement to Atlantic County on the grounds of Stockton University.

This easement will include a right-of-way and permanent drainage easement along Pomona Road, necessary to provide roadway improvements. These improvements will include mill work, overlay of a section of Pomona Road, improvements to the roadway vertical geometry, widening on the southerly lanes to provide both eastbound and westbound turn lanes, and entrance improvements to the recreational fields and student residential parking for the University.

These improvements will address current roadway design standards and public safety, and are needed as part of the construction of a new parking lot which would have over 800 parking spaces.

The easement consists of approximately 75,489.50 +/- square feet of land which, by my estimation, is about 1.72 acres in total.

Since this action directly benefits the State, the easement will be granted for \$1.

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

Hearing none, are there any members of the public who wish to be heard? (no response)

Again, hearing none, may I have a motion to approve No. 5?

MR. BRAZ: So moved.

MR. SHAUGHNESSY: Thank you; second?

SENATOR SMITH: 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 Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Senator Doherty.

SENATOR DOHERTY: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: No. 5 is approved.

On to No. 6 on our agenda today.

Project RPR 21-06, ShotSpotter Respond, three locations in the Township of Ewing and the City of Trenton, Mercer County.

Treasury requests approval to lease a portion of rooftop space on three State-owned buildings to ShotSpotter Respond, to provide the New Jersey State Police with information that will detect and locate gunfire. This information will enable a quicker response time to gunfire activity, which will assist our State Police in prosecuting gun-related crimes.

These three rooftops are at the following sites: New Jersey Library for the Blind, 2300 Stuyvesant Avenue in Ewing; the Department of Labor, 1 John Fitch Way, Trenton; and the Justice Complex, 25 Market Street in Trenton.

The lease will be for a term of three years, with one, three-year renewal option.

Since this action directly benefits the State, the lease will be for an annual rent of \$1.

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

Hearing none, any members of the public wish to be heard at this meeting?

Again, none.

May I have a motion to approve this matter?

MR. BRAZ: So moved.

MR. SHAUGHNESSY: Motion; and second, please?

SENATOR SMITH: Second.

MR. SHAUGHNESSY: Thank you.

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: Senator Doherty.

SENATOR DOHERTY: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: No. 6 has been approved.

As previously stated, No. 7 is going to be held until our next meeting.

We are now on to No. 8 on the agenda.

The project is Colony Pool and Esternay Field, Block 62.08, Lot 18; and Block 105, Lot 6, in the Township of Chatham, Morris County.

DEP, on behalf of the Township of Chatham, requests approval for the diversion of a total of 0.05 +/- acres of Green Acres-encumbered parkland at Colony Pool and Esternay Field, in connection with the occupation by T-Mobile Northeast, LLC cell towers that have been there past their authorized term of temporary use. T-Mobile had to temporarily relocate its two cell towers to the above locations due to a North Central Reliability

Project for a transmission upgrade by PSE&G. T-Mobile then remained in these temporary locations beyond the 30-month maximum period due to the North Central Reliability Project. As a result, this continued occupancy was considered to constitute a diversion.

T-Mobile has since vacated these locations.

To compensate for the diversions, T-Mobile has paid the Township \$217,942.98 for the purchase of approximately 0.86 acres of replacement land within the Township.

Do any members have any questions on this matter?

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes, I do.

T-Mobile -- did they erect the towers on Green Acres property?

J U D E T H P I C C I N I N I Y E A N Y, Esq.: They moved them temporarily onto two Green Acres-encumbered locations.

SENATOR SMITH: All right; so it's--

MS. PICCININI YEANY: So they're temporary towers. They used to be on the electric transmission towers, and they installed temporary towers on two parts.

SENATOR SMITH: Okay.

So Judeth, you're not believing that they acted in such a way that they knowingly violated the Green Acres rules?

MS. PICCININI YEANY: Oh, absolutely--

SENATOR SMITH: Or did they have permission?

MS. PICCININI YEANY: Yes, they had permission.

And absolutely not. We have no concerns that this was any kind of a knowing violation. It was necessitated. They had to get off the tower so that the towers could be replaced. And we are entirely convinced that the delays were beyond their control.

SENATOR SMITH: Okay, thank you very much.

MR. SHAUGHNESSY: Thank you, Senator Smith; and thank you, Ms. Yeany. We appreciate it.

Any other questions on this matter? (no response)

Okay, hearing none, do any members of the public wish to be heard on No. 8 on our agenda? (no response)

Hearing none, may I have a motion to approve?

MR. BRAZ: So moved.

MR. SHAUGHNESSY: Thank you; second?

SENATOR SMITH: Second.

MR. SHAUGHNESSY: Motion and second; thank you, Senator.

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: Senator Doherty.

SENATOR DOHERTY: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: No. 8 is approved.

This actually concludes the State House Commission agenda for today.

Next we will move to consider the Division of Pensions and Benefits requests via the Judicial Retirement System.

But please, may I have a motion to adjourn as the State House Commission and convene as the Judicial Retirement System Board of Trustees?

MR. BRAZ: So moved.

MR. SHAUGHNESSY: Thank you.

ASSEMBLYMAN DiMAIO: Second.

MR. SHAUGHNESSY: Motion and second; thank you, Assemblyman.

All in favor? (affirmative responses)

Any opposed? (no response)

Any abstentions? (no response)

Okay, we are now sitting as the Judicial Retirement System Board of Trustees for that portion of the agenda.

No. 9, this is; No. 9 on the agenda, specifically paragraph 1 -- or subsection 1 of the agenda.

May I have a motion to approve the minutes of the meeting held on January 25, 2021?

MR. BRAZ: So moved.

MS. BRENNAN: Second.

Second; thank you, Deputy State Treasurer.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

(confers with Counsel)

Oh, great; thank you, Counsel.

So all in favor? (affirmative responses)

Okay, No. 1 on this agenda is approved.

No. 2 is a confirmation of the death claims, retirements, and survivor benefits as evidenced in the members' packages.

May I have a motion on that?

MR. BRAZ: So moved.

ASSEMBLYMAN DiMAIO: Second.

MR. SHAUGHNESSY: Motion and second.

Deputy Chief of Staff Braz.

MR. BRAZ: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Brennan.

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: Director Azarchi.

MS. AZARCHI: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Senator Doherty.

SENATOR DOHERTY: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: The third matter is receipt of the financial statements for July to October 2020.

Any questions or comments about that? (no response)

Seeing none, are there any members of the public who want to be heard in this matter? (no response)

Again, none; may I have a motion, please?

MR. BRAZ: So moved.

MR. SHAUGHNESSY: Thank you; second?

MS. BRENNAN: Second.

MR. SHAUGHNESSY: Thank you.

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: Senator Doherty.

SENATOR DOHERTY: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: And Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: No. 3 is approved.

We're now moving on to No. 4 on the JRS agenda. These are the adoption of disability retirement process regulations.

As you may recall, on October 20, the Commission approved the regulations for publication. They were published, and I understand no comments were received. So we are now proposing to finally adopt those disability retirement process regulations.

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

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

Hearing none, may I have a motion to approve No. 4 on the agenda?

MR. BRAZ: So moved.

MR. SHAUGHNESSY: Thank you; second?

ASSEMBLYMAN DiMAIO: Second.

MR. SHAUGHNESSY: Okay, 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 Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Senator Doherty.

SENATOR DOHERTY: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: And Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: No. 4 on the agenda is approved.

The fifth, and I believe the final, matter on the agenda is Judge Mary Ann O'Brien has an appeal concerning the denial of her purchase request of service credit.

And--

(confers with Counsel)

And I will -- I will add that we are -- have the advice and counsel of Deputy Attorney General Christopher Meyer, who is, I understand, on the phone. And I also understand, if the members wish, we can move into Executive Session to receive advice from the Deputy Attorney General with regard to this matter.

MS. BRENNAN: Could we, first, hear from the Judge before moving into Executive Session?

ASSEMBLYMAN MORIARTY: Yes.

MS. BRENNAN: And then if we need to go -- if we need to circle back, we can. But I would just like to hear the Judge before we move into Executive Session.

MR. SHAUGHNESSY: Deputy State Treasurer, of course.

Judge O'Brien, are you there?

HONORABLE MARY ANN C. O'BRIEN: Yes, I am; yes, I am.

MR. SHAUGHNESSY: Great.

JUDGE O'BRIEN: And I would be happy to address the Commission; and I really appreciate the time given by the Commission in hearing my matter.

So I'm here today on my application to the State House Commission to receive credit for my time in previous service, rendered in office, position, or employment within the State; particularly in the county and municipal government.

And this application is based upon a specific statute in the Judicial Retirement System, which statute's citation is N.J.S.A. 43:6A-14.2, which I'll refer to as *Section 14.2*.

Section 14.2 provides that any judge who shall be appointed to sit on any of the several courts, who wishes to receive credit for previous service rendered in office, position, or employment of this State; or of a county, municipality, board of education, or public agency of the State, shall file an application, therefore, with the State House Commission; and pay into the Annuity Savings Fund the amount required, by applying the factor supplied by the actuary as being applicable to his age at the time of purchase, to his salary at that time.

So I'm here today to ask the State House Commission, sitting as the Board of Trustees of the Judicial Retirement System, to have this matter sent to the actuary to calculate the amount required to be paid by me into the Annuity Savings Fund to receive credit for previous service rendered in office pursuant to Section 14.2. Or, in the alternative, to have this matter

returned or remanded to the Division of Pensions and Benefits to reconsider this matter, with the direction that my application be handled and processed pursuant to Section 14.2.

Interestingly, the statute states that the application is to be filed with the State House Commission. The JRS handbook, on the other hand, states that a request for a quotation should be filed with the Division of Pensions and Benefits, the JRS, which I did; I followed the handbook.

But in actuality, per the statute, this could be considered the first application of this matter to the State House Commission, rather than as proceeding from a denial.

Just a brief background: I present as a very rare situation before the Board today, as I am over 60 and would never qualify for the full judicial pension, which requires 10 years on the bench before age 70. Yet, I do have over 10 years of previous service rendered in governmental office in New Jersey.

Shortly after being appointed on October 29, 2020, I received a handbook from the JRS which states initially there's a mandatory 12 percent contribution of salary toward the JRS each year. And I read through the membership book and I saw that there are three levels of pensions -- the first being the full judiciary pension of 75 percent upon completing 10 years on the bench.

But there is a second level, which is 50 percent of salary. And that requires a 15-year combination of judicial and non-judicial service; and at least five of those years have to be judicial service on the bench.

And then there's a third level, which is 2 percent for each year on the bench.

I believe that, in accordance with the statute, I meet the statutory requirements of the second level of 50 percent.

There are three ways to qualify for the 50 percent pension; and that is, number one, having former membership in a New Jersey State-administered defined benefit retirement system,

The second way is having previous service rendered in an office, position, or employment of the State of New Jersey; or of a county, municipality, board of education, or public agency of the State of New Jersey, provided the annual salary or compensation is at least \$500. And the third is military service after enrollment.

So it is my position that I meet the 50 percent, prong 2, previous service, because I have approximately 11 years of W-2 employment with Burlington County -- four years as Surrogate and five years as a Freeholder, now Commissioner; and Medford Township -- two years as a Councilwoman -- and I had at least \$500 annual salary. And I will have, hopefully, at least seven years on the bench before being considered for tenure.

So I will have the 15-year combination of judicial and non-judicial time.

Now, as I became a Councilwoman on January 1, 2008 -- six months after the effective date of the DCRP, or Defined Contribution Retirement Program -- I was not permitted to become a member of PERS, the Public Employees Retirement System.

So within two weeks of receiving the handbook, on December 5 I applied for the second level -- the 50 percent pension -- seeking a quote to purchase my prior time as a New Jersey governmental employee. Per the chart contained in the JRS handbook, I calculated the time that I wished to

purchase -- seven years and one month -- at \$140,000, and I offered to pay that by year's end.

Instead of a quote, I received a very quick denial, two days later, on the basis that my request was to purchase former membership, which could not be done because one can't purchase service under the Defined Contribution Retirement Program, DCRP.

On December 17, I reiterated that I was not seeking to purchase former membership in a retirement system, but rather seeking to purchase credit for my time -- my previous time serving in public office, as set forth within the handbook. And on December 18, I wrote that the previous service category does not make reference to being in any prior retirement system. It's separate; it's purchasing time -- credit for time.

On December 18, JRS stated that it didn't matter because both were treated the same way.

On December 23, 2020, I provided the language from the statute of Section 14.2. And then the JRS asked for more time to look into this further.

Then on February 25, I was issued a denial by the Quality Control Supervisor on the basis that none of the New Jersey State retirement plans permit a purchase from DCRP. But that letter did not list the Judicial Retirement System, and the letter did not make any reference whatsoever to the statute, particularly Section 14.2.

So I understand that DCRP is not a purchasable pension as former membership. But the statute I have cited has a special carve-out to allow time to be purchased as previous service.

So I submit that, contrary to the February 25, 2021, denial, there is a distinction between the ability to purchase prior membership in a prior pension, versus receiving credit for time where there is no prior pension. And there are many other retirement systems that allow the purchase of time, as long as that time does not have a vested pension component.

My supplemental submission, dated April 5, 2021, sets forth many instances, or carve-outs if you will, in other New Jersey State pension systems, where a member can purchase credit for time when there was no prior pension or no vested right to retirement benefits in another retirement system.

The first one is PERS, the Public Employee Retirement System. In that system there's a case called *Cheryl Anderson*, dated February 20, 2020, where the Board of Trustees for PERS noted that under PERS regulations a member has the option to purchase service -- such as one, former membership credit -- so a prior system; or former service with any other employer, which would have qualified at the time the service was rendered; or number three, continuous temporary service leading without interruption to enrollment. So this would be temporary service -- there's no pension -- but after enrolling into PERS that member could purchase their time when they were a temporary employee. And within PERS, there is a statutory provision that refers to the DCRP, and it's Section -- it's 43:15A-39, Service Creditable Toward Allowances. It provides for the retirement system to -- it says "shall credit the member with the time of all service rendered during the year that the member was a participant of the DCRP, and making a contributions to that program."

So in my instance, I had contributions, and the government employer made contributions. So the time should be accepted for purchase -- credit for purchase.

The Police and Firemen's Retirement System also permits purchase of service credit for certain periods of prior service with public agencies -- like prior service with public agencies; or private, nonprofit organizations. Section 11.11 of that statute of Police and Fire permits the purchase of service credit for prior public employment in other states. So if police or a fire fighter had time in another state, that time could be purchased; or military service rendered prior to becoming a member, provided that the member does not have a vested right to retirement benefits in another retirement system.

The Police and Fire also has a purchase formula that is very similar to that of the Judicial Retirement System, with a calculation of a number by -- multiplied by the number of years and the rate, and that is to be determined by the actuary.

Also Police and Fire has the DCRP provision of creditable service within the act -- where the retirement system shall credit the member with the time of all service rendered when a participant of DCRP and made contributions to that program.

Teachers' Pension and Annuity Fund -- prior service credit can be purchased for school service in other states, or other public employment in other states, which would be eligible if employed in this state; and then also can purchase credit for time and military service rendered prior to becoming a member. And the Teachers' Pension and Annuity Fund also has a similar purchase formula that exists with the Judicial Retirement System.

So it's submitted that these special situations, or carve-outs, are a product of legislative action and public policy. You know, it's the Legislature of the State of New Jersey which has specifically determined, within each retirement system, who should be eligible to receive credit for time for these special situations where there's no prior membership in a pension system. And this special situation, or carve-out, exists in the Judicial Retirement System. Section 14.2 of the JRS is such a special situation where a member can receive credit for time spent holding an office, position, or employment in a state, county, or municipality; as well as the ability to purchase that time in accordance with the formula set forth within that exact statutory provision -- which is similar to PERS and Fire and Police, and Teachers'. And this special situation in the JRS is specifically set forth for a judge.

Accordingly, it's my application today to be able to purchase such time per the statute. Section 14.2 states that as a judge -- and I am requesting and seek to be given credit for my time rendered in office, position, or employment of the State, or county, or municipality, by allowing my filing of an application with the State House Commission, and my paying into the annuity savings fund the amount supplied by the actuary, calculated in accordance with the statute.

So again, I respectfully reiterate my request that the matter be sent to the actuary or the State House Commission to calculate the amount required to be paid by me into the annuity savings fund, by applying the factor -- applicable to my age and the time of purchase to the salary at that time, to receive credit for previous service rendered in office pursuant to -- it starts with N.J.S.A. 43:6A-9 and Section 14.2. Or, in the alternative, it's

requested that the State House Commission remand or return the application to the Division of Pensions and Benefits to reconsider this matter, with direction to handle and process the application pursuant to and taking into consideration the specific statutory provisions of the Judicial Retirement System -- namely Section 9 and Section 14.2.

And lastly, I ask the State House Commission to kindly consider the case of *Steinmann v. State*, Department of Treasury, Public Employees Retirement System, 415 N.J. Super., 335, active 2010, which holds that pension statutes should be interpreted liberally in favor of the persons intended to be benefited thereby.

It is submitted that Section 14.2 is specifically applicable to the application herein, and should be interpreted to authorize the matter to be forwarded to the actuary, as set forth within the statute.

So I thank you for your time.

MR. SHAUGHNESSY: Thank you, Judge O'Brien. We appreciate that.

And I will note that the State House Commission did receive your supplemental submission No. 2, dated April 20, 2021, and that's part of the record.

JUDGE O'BRIEN: All right; thank you very, very much.

MR. SHAUGHNESSY: Do any members, at this point, have any questions or comments with regard to Judge O'Brien?

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Okay, Senator Smith; thank you.

SENATOR SMITH: So has the AG had the benefit of the supplemental submission?

MR. SHAUGHNESSY: Yes.

SENATOR SMITH: And I know that we have the AG available. But Mr. Shaughnessy, maybe you can give us the short version of the Attorney General's position recommending the denial of the request.

MR. SHAUGHNESSY: I don't know that I should be providing that. I think it should come from the Division of Pensions and Benefits or the Attorney General's Office.

MS. BRENNAN: Can I also-- I'm sorry. Can I make a motion that we go into Executive Session?

SENATOR SMITH: Good idea.

MS. BRENNAN: Would that be acceptable, Senator Smith?

SENATOR SMITH: Absolutely.

MS. BRENNAN: Okay.

MR. KOTLER: Sure, we can take that motion.

ASSEMBLYMAN MORIARTY: I second that motion.

MR. SHAUGHNESSY: Okay.

So we have a motion to move into Executive Session, which has been seconded.

Any further discussion on that motion? (no response)

Hearing none, then we have a motion and a second.

All in favor to move into Executive Session to receive advice from the Deputy Attorney General in this matter? (affirmative responses)

MR. SHAUGHNESSY: Any opposed? (no response)

Hearing none, then what we'll be doing is moving into Executive Session.

I believe the Counsel of the State House Commission would like to say something.

MR. KOTLER (Commission Counsel): Good morning, everyone.

For the public -- just know that we will be going into Executive Session, and hope to be back to the public as soon as possible. And the matters discussed in Executive Session will remain confidential for as long as the need for confidentiality exists.

Okay, thank you.

Now what we will do is put all the members of the public into a waiting room, and then we will reconvene in that group Executive Session.

So Cindy, if you can arrange for--

MR. SHAUGHNESSY: Thank you, Counsel.

(State House Commission goes into Executive Session)

(State House Commission returns from Executive Session)

MR. SHAUGHNESSY: Okay, people are returning to the public room; terrific.

Can everyone hear me?

MS. BRENNAN: Yes.

MR. SHAUGHNESSY: So thank you for your indulgence.

So we had an opportunity to meet in Executive Session, and arising from advice and counsel of the Division of Law, we are now back in public session and sit as the Judicial Retirement System Board of Trustees.

Based upon the Executive Session do we have a motion to consider?

MR. BRAZ: Yes, Secretary. And if I phrase this wrong, please correct me. But this is a motion to consider the Judge's request to purchase time with her JRS pension.

MR. SHAUGHNESSY: Okay.

(confers with Counsel)

So there is, as I understand it, a motion to approve Judge O'Brien's appeal in this matter. And is there also an additional motion to remand the matter, otherwise, to Division of Pensions and Benefits to do an--

SENATOR SMITH: We should probably be more specific -- for the purpose of providing the appropriate number for the purchase of service.

MR. SHAUGHNESSY: Okay, so we have a two-part motion--

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: --which we will consider together; okay.

We have a motion; is there a second to that motion?

SENATOR SMITH: Second.

MR. SHAUGHNESSY: Thank you, Senator Smith.

Any further discussion? (no response)

Hearing none, I'll call the roll.

Deputy Chief of Staff Braz.

MR. BRAZ: And just for clarity purposes, a "yes" is to approve the Judge's appeal?

MR. SHAUGHNESSY: Yes, sir.

MR. BRAZ: So I vote in the affirmative -- "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: Senator Doherty.

SENATOR DOHERTY: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty has been marked as an abstention.

And Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Yes.

MR. SHAUGHNESSY: That matter is approved on both of those points.

So I believe that concludes our meeting for today.

I will need one final motion to -- or two final motions -- one final motion to return to sit as the State House Commission.

MR. BRAZ: So moved.

SENATOR SMITH: Second.

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

And we are sitting as the State House Commission.

I need a final motion to adjourn this meeting.

MR. BRAZ: So moved.

MR. SHAUGHNESSY: Thank you; second?

SENATOR SMITH: Second.

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

Thank you so much for your time and consideration today; and we appreciate working through these technical challenges sometimes, until we meet again in person.

MR. BRAZ: Bob, a sincere thank you to you and your team.

MR. SHAUGHNESSY: Thank you very much, Justin.

ASSEMBLYMAN DiMAIO: Have a great day.

JUDGE O'BRIEN: Thank you all; thank you very, very much.

(MEETING CONCLUDED)