Commission Meeting

of

STATE HOUSE COMMISSION

LOCATION: Committee Room 3
State House Annex
Trenton, New Jersey

DATE: June 27, 2013
9:00 a.m.

MEMBERS OF COMMISSION PRESENT:

Amy E. Melick, Chair
Senator Bob Smith
Senator Gerald Cardinale
Assemblyman Paul D. Moriarty
Assemblyman Christopher J. Brown
Charlene M. Holzbaur
Robert A. Romano

ALSO PRESENT:

Robert J. Shaughnessy
Secretary

Gary A. Kotler
Counsel

Meeting Recorded and Transcribed by
The Office of Legislative Services, Public Information Office,
Hearing Unit, State House Annex, PO 068, Trenton, New Jersey
STATE HOUSE COMMISSION
PROPOSED MEETING AGENDA
~~ June 27, 2013 9:00 AM ~~
Committee Room 3, First Floor
State House Annex, Trenton, New Jersey

CALL TO ORDER:

Amy E. Melick, Acting Senior Counsel, Governor's Office
(on behalf of Governor Chris Christie)
Robert A. Romano, Deputy State Treasurer
(on behalf of State Treasurer Andrew P. Sidamon-Eristoff)
Charlene M. Holzbaur, Director, Office of Management & Budget
Senator Gerald Cardinale
Senator Bob Smith
Assemblyman Paul D. Moriarty
Assemblyman David P. Rible

OLD BUSINESS:

1. Approval of the May 6, 2013 State House Commission Meeting (SHC)
Minutes — The verbatim record of the May 6, 2013 SHC meeting will serve as
the official minutes.

2. RPR #12-10, Vineland Developmental Center, West Campus, Block 2101, Part of
Lot 53, Vineland City, Cumberland County

Requesting Party: The NJ Department of the Treasury, on behalf of the Department
of Human Services, requests approval to lease property located on the campus of the
Vineland Developmental Center, West Campus, to the Vineland Board of Education
for the term of one year, to be used for a public school.

Terms: The base rent will be $286,000 annually, with the Lessee being billed directly
for all utilities supplied to the premises. The previous approval was for an annual
rental of $260,000, plus $122,000 for utility expenses. This action was previously
approved by the State House Commission at its meetings of October 13, 2011 and
March 15, 2012. The lease term will expire on September 30, 2013 and the new term
must be approved by the Commission. Real Property Review clearance was
completed with no Department or Agency expressing formal interest or possible
conflict with the proposed action.

NEW BUSINESS:

DEPARTMENT OF TREASURY REQUESTS:
3. RPR #13-22, Ancora Psychiatric Hospital, Block 6801, Part of Lot 1, Winslow Township, Camden County

Requesting Party: The NJ Department of the Treasury, on behalf of the Department of Human Services, requests approval to lease space located on an existing water tower on the grounds of the Ancora Psychiatric Hospital, as well as a small parcel of vacant land adjacent to the water tower, to AT&T Wireless, for the installation and maintenance of cellular antenna and associated equipment.

Terms: It is to be noted that AT&T has a current lease at this site under RPR #92-38. That lease and all renewal options are expiring and a new lease must now be approved. The lease will be for a term of five years with three, five year renewal options. Rent shall be $38,000 for the first year, with annual increases of 3.5% based on the previous year’s rent. Real Property Review clearance was completed with no Department or Agency expressing formal interest or possible conflict with the proposed action.

4. RPR #13-23, Ancora Psychiatric Hospital, Block 6801, Part of Lot 1, Winslow Township, Camden County

Requesting Party: The NJ Department of the Treasury, on behalf of the Department of Human Services, requests approval to lease space located on an existing water tower on the grounds of the Ancora Psychiatric Hospital, as well as a small parcel of vacant land adjacent to the water tower, to Verizon Wireless for the installation and maintenance of cellular antenna and associated equipment.

Terms: It is to be noted that Verizon Wireless has a current lease at this site under RPR #93-30. That lease and all renewal options are expiring and a new lease must now be approved. The lease will be for a term of five years with three, five year renewal options. Rent shall be $38,000 for the first year, with annual increases of 3.5% based on the previous year’s rent. Real Property Review clearance was completed with no Department or Agency expressing formal interest or possible conflict with the proposed action.

5. RPR #13-28, Kean University, Block 104, Part of Lot 1, Union Township, Union County

Requesting Party: The NJ Department of the Treasury, Division of Property Management & Construction, requests approval to convey approximately 10.66 +/- acres of vacant land and improvements to Kean University for a public/private partnership development of student housing and parking facilities. Since this conveyance is to another State agency and has a direct benefit to the State, the property will be conveyed to the University for $1.00.

Terms: There is a precedent for this request, as the State House Commission approved similar conveyances to Montclair State University and the College of New Jersey for $1.00 for the development of student housing. Real Property Review
clearance will be completed if no Department or Agency expresses formal interest or possible conflict with the proposed action.

**DEPARTMENT OF TRANSPORTATION (DOT) REQUESTS:**

6. **Project:** Route 9, Section 22, Parcel VX94B, Block 140, Lot 1, Howell Township, Monmouth County

   Requesting Party: The NJ DOT, Division of Right of Way, Property Management Unit, requests approval to sell to the only adjoining property owner, Gill Petroleum Inc., (Bikram Gill, Tarlochan Grewal and Kashmir Gill, Principal Partners), an irregular shaped, approximately 0.172 acre parcel at the intersection of Wycoff Mills Road and Route 9.

   Terms: The recommended sale price is $152,450, appraised value. The parcel will be assembled to the adjoining commercial property, which currently has a closed gas station for development into a possible gas and mini-market.

7. **Project:** Route 78, Section 5G, Parcel VX49B, Block 2726, Lot 1, Newark City, Essex County

   Requesting Party: The NJ DOT, Division of Right of Way and Access Management, Property Management Unit, requests approval to sell by public auction a 3,426 +/- square foot parcel.

   Terms: The minimum starting bid will be $29,000, appraised value. The appraiser concluded that this parcel could be independently developed.

8. **Project:** Route 33, Section 4, Parcel VX16A2, Block 23, Adjoining Lot 11, Millstone Township, Monmouth County

   Requesting Party: The NJ DOT, Division of Right of Way, Property Management Unit, requests approval to sell a rectangular shaped parcel of vacant land having an area of approximately 0.684 acres or 29,785 square feet. The parcel is encumbered in its entirety with a drainage easement.

   Terms: The property will be sold directly to Edward Brock Sr. and Angelina Brock as to 50% interest as Tenants by the Entirety and Edward Brock, Jr. and Linda Arculeo, jointly, as to a 50% interest as Tenants in Common, the only adjoining owner. The recommended sale price is $20,000, appraised value. The parcel will be used to combine with their existing adjacent commercial property which is currently being farmed and will enhance and make more feasible any future development.

9. **Project:** Route 35, Section 5, Parcels VX16 & VX2J2, Block 816, Adjacent to Lots 5 & 9, Wall Township, Monmouth County

   Requesting Party: The NJ DOT, Division of Right of Way, Property Management
Unit, requests approval to sell a rectangular vacant lot having approximately 0.29 acres or 12,720 +/- square feet, located off of Lakewood Road and near Route 35. The property is not a buildable lot.

Terms: There are two adjoining owners that have both expressed an interest to acquire and, therefore, the parcels are being sold by public auction to the highest bidder with a minimum starting bid of $49,000, the appraised value.

10. Project: Route 1, Section 3H, Parcels VX26C2 & VX27B2, Block 1701, Part of Lots 5 & 6, Plainsboro Township, Middlesex County

Requesting Party: The NJ DOT, Division of Right of Way, Property Management Unit, requests approval to sell irregular shaped, vacant land, having an area of 0.280 +/- acre or 12,225 +/- square feet, to the adjoining property owner, Princeton Healthcare Systems. The property is intended to be utilized for drainage, sewer and utility purposes for the construction of a new children's hospital.

Terms: The recommended sale price is $53,000, appraised value.

DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) REQUESTS:

11. Project: South Mountain Reservation, Block 1.02, Lot 1 (p/o), Block 1.03 Lot 1 (p/o), Maplewood Township, Essex County, Block 5501, Lot 1 (p/o), Block 5503, Lot 1 (p/o), Millburn Township, Essex County

Requesting Party: The NJ DEP, on behalf of the County of Essex, requests approval to allow the County to dispose of approximately 1.54 acres of the South Mountain Reservation in fee and divert an additional 1.35 acres of parkland for drainage easements as part of a County project to improve traffic and safety conditions along a 1.6 mile section of South Orange Avenue (County Route 510).

Terms: As compensation, the County proposes to construct park improvements valued at over $5 million, including a replacement pedestrian bridge, two new pedestrian bridges, a new park entrance at Crest Drive and new trail extensions within the Reservation. In addition, the County will vacate and add to the Reservation approximately 0.42 acre of existing right of way for South Orange Avenue. Although the proposed disposal involves the taking of small slivers of land along South Orange Avenue, this area is heavily wooded and the project will require the removal of approximately 360 trees. To limit the disturbance, stone facade walls, approved by the State's Historic Preservation Office, will be constructed along the new right of way rather than sloping the embankment back to grade. An approved NJ Forester performed a tree survey and calculated tree replacement requirements at 8,500 trees (of 2-inch diameter). During Hurricane Sandy, it was estimated that over 1,500 trees were lost in the Reservation. Tree replacement within these disturbed areas and along the newly realized South Orange Avenue will greatly improve the aesthetics. Essex County is committed to maintaining and watering the replacement trees as needed. Any of the new trees that do not survive for at least two years will be replaced by the County.
Public hearings were held on July 13, 2011 and March 11, 2013. At both public hearings a number of residents in attendance raised various questions and comments concerning the road improvement project. (A copy of the comments are included with each Commission members' briefing materials.)

12. Project: Assiscunk Creek Park 2, Block 144, Part of Lot 10, Burlington Township, Burlington County

Requesting Party: The NJ DEP, on behalf of Burlington Township, requests approval to allow the Township to establish a 10’ wide subsurface sewer line easement across approximately 0.10 acre of Assiscunk Creek Park 2 to allow the connection of a gravity fed sanitary sewer main extension from the Pinewald Lane Pumping Station to the Township’s LaGorce Pumping Station located adjacent to the Park. This extension will eliminate the existing Pinewald Lane Pump Station through the construction of a gravity fed sewer line within the Park.

Terms: As compensation, the Township shall pay $2,500 to be deposited into the Garden State Preservation Trust Fund and add the decommissioned Pinewald Lane Pump Station parcel (approximately 0.10 acre in fee) to the Park for recreation purposes. Once the pump station is decommissioned and removed, this 0.10 acre parcel will become part of the Park. The easement will not affect any trees within the Park and, therefore, no tree compensation is due.

13. Project: Hamburg Mountain Wildlife Management Area, Block 190, Portion of Lot 20, Vernon Township, Sussex County

Requesting Party: The NJ DEP, Division of Fish and Wildlife, requests approval to convey a non-exclusive access easement along an existing road (known as Mountain Trail) to Philip and Donna Girlando, the owners of an adjacent undeveloped lot (Block 194.05, Lot 14). Although the Girlando property has legal access along Meadow Lane, a public street, the proposed access easement will allow the Girlando’s to develop their property without constructing a road across an area of freshwater wetlands and steep slopes.

Terms: As compensation, the Girlando’s propose to convey to DEP a 3.2 acre portion of their property for addition to the Hamburg Mountain WMA and either pay an additional $5,500, increase the replacement land by 0.73 acre, or a combination of both. The Girlando’s have requested to defer their decision on addressing the shortfall in replacement value until all other approvals are obtained. Since the DEP does not intend to convey the proposed access easement until such approvals are obtained, the DEP has agreed to this request. In addition, the value of the proposed replacement parcel is subject to upward adjustment if the final survey establishes a larger acreage for the proposed replacement parcel. Therefore, the DEP will allow the Girlando’s to tender a combination of replacement land and cash compensation equal in value to $29,500 (appraisal value of proposed access easement) as long as at least 3.2 acres of replacement land is conveyed to the DEP. Any cash compensation received by the DEP as a result of this conveyance will be
deposited into the Garden State Preservation Trust Fund for use by the DEP for future State land acquisition purposes. The Giraldo's will be responsible for all technical costs associated with the proposed easement conveyance, including survey and recording fees. The Giraldo's shall be required to maintain the access easement area to residential use. (The Block and Lot numbers associated with this transaction are subject to change.)

**DIVISION OF PENSIONS AND BENEFITS' REQUESTS:**

14. Judicial Retirement System -
Requesting Party: The NJ Department of the Treasury, Division of Pensions & Benefits

Terms: The SHC shall sit as the Board of Trustees for the Judicial Retirement System to approve the following:

1. Approval of the Minutes of the Meeting Held on May 6, 2013
2. Confirmation of Death Claims, Retirements & Survivor Benefits

**EXECUTIVE SESSION (as necessary)**

**OTHER BUSINESS (as necessary)**

**ADJOURNMENT**
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**APPENDIX:**

Letter addressed to
Robert J. Shaughnessy Jr.
from
Clifton People Jr.

Letter and map addressed to
Ronald Manzella
from
Philip Connelly
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**APPENDIX (continued):**

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MR. SHAUGHNESSY (Commission Secretary): Good morning.

Welcome, everyone, to the June 27, 2013 State House Commission meeting.

We are 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 at the Office of the State House Commission.

I’m going to, at this point, call the roll.

Acting Senior Counsel Melick.

AMY E. MELICK (Chair): Present.

MR. SHAUGHNESSY: Deputy State Treasurer Romano.

DEPUTY TREASURER ROMANO: Present.

MR. SHAUGHNESSY: Director Holzbaur.

DIRECTOR HOLZBAUR: Here.

MR. SHAUGHNESSY: Senator Cardinale. (no response)

Senator Smith.

SENATOR SMITH: Present.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Here.

MR. SHAUGHNESSY: Assemblyman Brown.

ASSEMBLYMAN BROWN: Present.

MR. SHAUGHNESSY: We have a quorum.

Thank you, Counsel.

At this time I would like to welcome Acting Senior Counsel Melick, who is serving as Chair to this Commission now.
And, again, Assemblyman Brown, thank you very much for your participation.

ASSEMBLYMAN BROWN: Thank you.

MR. SHAUGHNESSY: Moving on: Under old business, we have two items. Approval of the May 6, 2013 State House Commission meeting minutes: May I have a motion?

ASSEMBLYMAN MORIARTY: So moved.

MR. SHAUGHNESSY: Second?

DEPUTY TREASURER ROMANO: Second.

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

Any opposed? (no response)

Any abstentions?

ASSEMBLYMAN BROWN: Abstain.

MR. SHAUGHNESSY: Thank you, sir.

No. 2 on the agenda today is RPR 12-10, Vineland Developmental Center, West Campus, Block 2101, part of Lot 53, Vineland City, Cumberland County.

Treasury, on behalf of the Department of Human Services, requests approval to lease property located on the campus of the Vineland Developmental Center, West Campus, to the Vineland Board of Education for a one-year term to be used for a public school.

The base rent will be $286,000 for the year, with the Vineland Board of Education being billed directly for all utilities supplied to the premises. The present lease of the building will expire in September, and the new lease must be approved by the Commission.
Do we have any Commission members who have comments?

(no response)

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

If not, may I have a motion, please?

ASSEMBLYMAN BROWN: So moved.

SENATOR SMITH: Second.

MR. SHAUGHNESSY: Motion and second.

I'll call the roll: Acting Senior Counsel Melick.

MS. MELICK: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Romano.

DEPUTY TREASURER ROMANO: Yes.

MR. SHAUGHNESSY: Director Holzbaur.

DIRECTOR HOLZBAUR: Yes.

MR. SHAUGHNESSY: Senator Cardinale. (no response)

Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman Brown.

ASSEMBLYMAN BROWN: Yes.

MR. SHAUGHNESSY: Under new business: Nos. 3 and 4 are proposed cell leases at Ancora Hospital. No. 3 is RPR 13-22, Ancora Psychiatric Hospital, Block 6801, part of Lot 1, Winslow Township, Camden.

Treasury, on behalf of the Department of Human Services, requests approval to lease space located on an existing water tower at
Ancora to AT&T Wireless, for the installation and maintenance of cellular antenna and associated equipment. It is to be noted that AT&T has a current lease at this site under a prior RPR. That lease and all renewal options are expiring, and a new lease must now be approved. The lease will be for an initial term of five years, with renewal options. The rent will be $38,000 for the first year, with annual increases of 3.5 percent based upon the prior year’s rent.

Any board members want to discuss this?

SENATOR SMITH: Kind of an obvious question, but I assume it’s the State of New Jersey that’s getting the rent, right?

MR. SHAUGHNESSY: Yes.

SENATOR SMITH: General fund?

MR. SHAUGHNESSY: Yes, absolutely.

SENATOR SMITH: Okay.

MR. SHAUGHNESSY: Any other board member comments?

(no response)

Any public comment on this matter? (no response)

Hearing none, I’ll ask for a motion.

SENATOR SMITH: Move it.

ASSEMBLYMAN MORIARTY: Second.

MR. SHAUGHNESSY: Thank you.

I’ll call the roll: Acting Senior Counsel Melick.

MS. MELICK: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Romano.

DEPUTY TREASURER ROMANO: Yes.

MR. SHAUGHNESSY: Director Holzbaur.
DIRECTOR HOLZBAUR: Yes.
MR. SHAUGHNESSY: Senator Smith.
SENATOR SMITH: Yes.
MR. SHAUGHNESSY: Assemblyman Moriarty.
ASSEMBLYMAN MORIARTY: Yes.
MR. SHAUGHNESSY: Assemblyman Brown.
ASSEMBLYMAN BROWN: Yes.
MR. SHAUGHNESSY: That matter is approved.

Moving onto a similar matter, is No. 4: RPR 13-23, likewise at Ancora Hospital.

Treasury, on behalf of the Department of Human Services, requests approval to lease space located on an existing water tower, again at Ancora, to Verizon Wireless. It is noted, again, that Verizon Wireless has a current lease at this site under RPR 93-30. The lease term will be for an initial term of five years, with three renewal options. The initial rent will be $38,000 for the first year, with annual increases of 3.5 percent based on the prior year’s rent.

Any board member discussion? (no response)
Any members here from the public? (no response)
Hearing none, may I have a motion on this matter?
ASSEMBLYMAN MORIARTY: I’ll make that motion.
SENATOR SMITH: Second.
MR. SHAUGHNESSY: Thank you, Assemblyman; thank you, Senator. Motion and second.

Acting Senior Counsel Melick.

MS. MELICK: Yes.
MR. SHAUGHNESSY: Deputy State Treasurer Romano.
DEPUTY TREASURER ROMANO: Yes.
MR. SHAUGHNESSY: Director Holzbaur.
DIRECTOR HOLZBAUR: Yes.
MR. SHAUGHNESSY: Senator Smith.
SENATOR SMITH: Yes.
MR. SHAUGHNESSY: Assemblyman Moriarty.
ASSEMBLYMAN MORIARTY: Yes.
MR. SHAUGHNESSY: Assemblyman Brown.
ASSEMBLYMAN BROWN: Yes.
MR. SHAUGHNESSY: Thank you. That matter is approved.

No. 5 on your agenda is RPR 13-28, Kean University, Block 104, part of Lot 1, Union Township, Union County.

The State of New Jersey requests approval to convey approximately 10.66 plus-or-minus acres of vacant land to Kean University for a public/private partnership development of student housing and parking facilities. Since this conveyance is to another State entity and has a direct benefit to the State entity, the property is recommended to be conveyed to the University for $1.

There is a precedent for this request, as the State House Commission approved similar conveyances to Montclair State University and The College of New Jersey for $1 for the development of student housing.

Do we have any board member comments on this matter?
SENATOR SMITH: We received a lot of stuff in the package. I understand there was substantial public comment. I would like to reserve until after we hear from the public.

MR. SHAUGHNESSY: Thank you, Senator.

Any other board member comment? (no response)

I do know that we have a number of people here who signed in to talk or discuss this matter and make public comment. So I’d like to have people come up now based upon, I guess, the sign-in sheet.

We have Mayor Clifton People, from the Township of Union.

Hello, Senator.

SENATOR CARDINALE: Hello.

MR. SHAUGHNESSY: Senator Cardinale has joined us.

We’re on Item No. 5, and this is the first of, I think, some public comment on this matter.

Please introduce yourselves.

And one thing I neglected to do before is-- Please be mindful of your microphones and please speak into your microphones.

Please, kindly give us your identity and your affiliation.

MAYOR CLIFTON PEOPLE JR.: Thank you, Mr. (sic) Chairman. I thank you and the committee for this opportunity to -- that I can be heard in reference to some of the concerns that I might have here.

I’m here with my Business Administrator, Ron Manzella.

RONALD MANZELLA: Yes, I’m Ron Manzella. I’m the Business Administrator for the Township of Union. I’m also listed to speak, and I was hoping to accompany and add onto the comments made by my Mayor.
MR. SHAUGHNESSY: Thank you, Mayor.

MAYOR PEOPLE: As I stated in my letter dated June 18, I feel that the transfer of this acreage, and then use, would need legislative approval, and that would be based on the actual cost of the project.

But moving on from there, I walk through my neighborhood -- walk through the neighborhood to get a feel and a visual understanding as to how an 8-story dorm would impact that neighborhood. As I walked through -- to visualize this project -- all I could see was the negative impact of this 8-story dorm -- overshadowing the quality of life that these people -- these residents who I represent tend to enjoy.

I have a problem with 8 stories. I understand that Kean University says that their dormitories are outdated. If that’s the case-- Any time there is anything that is outdated, they could be rehabilitated. I think that’s the route to take. And if you wanted to build new dormitories, then comply with our standards.

It’s unfortunate that a University such as Kean doesn’t come to our Planning Board to discuss these issues. If that happened, I’m quite sure at some point we wouldn’t be here discussing these items today. We probably could have worked things out. Unfortunately, that didn’t happen. And as a result, I am here to voice my concerns in reference to the cost of service from the University.

From June 1, 2012 to 5 of this year -- ’13 -- we had six Signal 11s -- that’s reported smoke and confirmed fires -- at the University dorms; 14 Signal 13s reported, inside gas leaks and smoke conditions; 100 Modified 12s, normal response, for activated fire alarms in the dormitories;
84 Signal 12s, normal response, for auto alarms. These are services that stress our particular departments.

If we talk about adding more dormitories -- and especially 8 stories high -- those complaints will double and put more strain on our budget that we have to manage.

Our residents in our area at the present time, because of lack of parking, have to have permits -- because the students tend to take up all of the parking around -- in the neighborhoods at the present time. These are issues that are going to multiply, and it’s going to create a terrible hardship for our community.

I am really concerned about that neighborhood though. When you talk about increasing dormitories, you talk about -- especially in a college setting -- you talk about frat houses. We have problems with frat houses now. We have to sit on them. We have to have our police force sit on some of the frat houses to eliminate them. They’re disturbances; they’re nuisances in our community.

We don’t have any problem with education. We have problems with what is trying to be built without input from our community. If at all possible, Kean should at least give us the opportunity to participate in planning so that our residents could have -- and our Board, our committee -- could have a better understanding as to what their visions are. Their vision might be the same as ours. We’ll never know until we sit down and talk. That hasn’t occurred. And it’s unfortunate because we’d like to be good neighbors. But that hasn’t happened. This is one of the circumstances that we’re talking about here.
Our resources are-- We managed our resources this year. I’m not sure that we’ll be able to manage those resources with the construction of three, 8-story dormitories in that particular area. It will decrease our property values, it will increase the frat houses, and it will put a terrible strain on our budget.

I’m appealing to this board to consider tabling this matter until such time as the Township of Union and Kean University can sit down and try to work out our differences.

Thank you.

MR. SHAUGHNESSY: Do you have anything to add, sir?

MR. MANZELLA: Again, I’m Ron Manzella, Township Administrator.

I’d like to dovetail to what my Mayor has indicated. To put this in perspective, we all know that we are now required to live with a 2 percent levy cap, and we’re doing very well with that. We have a full paid police force and fire force. They are strained. As the Mayor indicated, there are many, many calls for service. And since the Seton Hall fire many years ago -- and the tragedy -- we’ve taken the approach that anytime a Signal 11 is called, we go in full force. That’s all three fire stations responding with full manpower. We are a lead in the joint effort between mutual aid in Union County.

There are some other things you need to know. Recently, there have been two buildings of multiple stories added right on Morris Avenue, which is a State highway. There is another one that is going to be built on the corner of North and Morris Avenue. These dormitories, as proposed,
are in the back end in a residential neighborhood, on a residential street. No one knows what the impact of this will be offsite.

As you know, we are a member of the Joint Meeting Sewer Commission. That area of town is the end of a line that starts in West Orange. When it rains, we have severe flooding and sewer surcharges in that area. I don’t know if the line can take any more input there. I don’t know right at this moment how much stormwater we can take with more pervious areas taken offline. These are questions that-- If this is the beginning of the process, then these answers should be before you and us as a community.

We represent the Township of Union. You have the fate of those people in your hands. If you allow this to go forward, I know, historically, this will take off and run, and there will be no looking back. And there are too many unanswered questions. Shadowing questions -- on those residents. I don’t care if it’s 6 or 8 stories, no tree is going to block my view. My question for you is: When do my residents get to see the sun? Due east is New York. The sun rises there. Would you want to go out of your house in the morning and look up at three buildings, and you can’t see the sun? Do you want all that dust and material there?

We all know that education is important. We’re all products of a good education. And our institutions are good, but they need to understand they’re a resident of our community. We do all of these services, and we get nothing in return -- not $1 of taxes. If these buildings are built out, I will have to be forced to add firemen, and maybe even more equipment, and maybe even another station in that area. This is not a product -- a process that is benign. We are for education.
You must understand the impact on the community. This is not a rural community. We’re a fully built-out community. We’re 55,000 people. During the day we’re well over 100,000 because of Route 22, because of Morris Avenue, because of Kean University. Morris Avenue is a parking lot. It’s the main thoroughfare to Elizabeth, which is the County seat. In the morning and in the evening, you cannot move.

Now, yes, it’s dormitories. They’ll live there. Kids, as you know, have cars. Kids have visitors. This is a gigantic problem for the Township of Union. And you must give further consideration to this. There are too many unanswered questions before you. What will it look like? What impact will it have on my sewer system, my storm (indiscernible)?

Now, if we can’t come to answers today, how can we move forward? I assure you, if you approve this, the next time you hear about it will be the cornerstone being laid on those buildings. For these reasons, we don’t think you have enough information to make a sound judgement about 10 acres of land.

I thank you. And I know the Mayor, and the Township Committee, and more importantly the citizens off Woodland Avenue will appreciate your conscious deliberation on this, recognizing this is not an isolated matter. It touches to the heart of the quality of life in a community that prides itself in having a real strong fabric of community, of neighborhoods. This will destroy this neighborhood.

Thank you for your time and patience.

MR. SHAUGHNESSY: Thank you very much.

I’m going down the sign-in sheet.
SENATOR SMITH: How about a couple of questions?

MR. SHAUGHNESSY: Absolutely, Senator.

SENATOR SMITH: The Mayor made the comment that perhaps if the University met with the Township, some of these issues could have been ironed out. What efforts have there been to the communication between the two parties?

MR. MANZELLA: If I may answer that, I do get minutes of their meetings. By law, Kean is a part of the State of New Jersey -- the superior government. They don’t have to come to our Planning or Zoning Board. In my former life, I was the County Administrator in Essex County. I needed to go-- If we were doing a project, I went to the Town Council of Verona, or Belleville, or Bloomfield and explained the issues at hand to those elected officials.

SENATOR SMITH: Right. Obviously, you have concerns. Did you ask to meet with them about the issues?

MR. MANZELLA: We’ve met.

SENATOR SMITH: You’ve begged?

MR. MANZELLA: We’ve met.

SENATOR SMITH: Oh, you’ve met. Tell us about that.

MR. MANZELLA: We had a very open meeting a couple of weeks ago. But it was already in motion. It wasn’t something where we sat down and said-- At the beginning of it, we didn’t know-- I read about it in the notes. And Phil Connelly is here. He is a wonderful gentleman. And we’ve talked. But it’s already taken place when we talk. It’s already more than an idea.
SENATOR SMITH: When you met with him, did you bring up the issues that you brought to us today?

MR. MANZELLA: Certainly.

SENATOR SMITH: What was the reaction?

MR. MANZELLA: They understood our concerns. But we’re here today.

SENATOR SMITH: Did they say they would do anything about those?

MR. MANZELLA: No.

SENATOR SMITH: So there is no discussion about any possible revenue to support local services? There is no discussion about the height of the building?

MR. MANZELLA: 2007 was the last in-lieu-of-taxes payment we received, for $30,000.

SENATOR SMITH: Right. You get that from the State anyway, right?

MR. MANZELLA: It comes to us in their name.

SENATOR SMITH: Okay.

MR. SHAUGHNESSY: Any other members have questions for these gentlemen?

ASSEMBLYMAN MORIARTY: I’m reading a letter here from Mr. Connelly. You had a meeting at a restaurant, I guess -- the two of you.

MR. MANZELLA: There were other people in attendance about three or four weeks ago on another matter. But this came up.

ASSEMBLYMAN MORIARTY: And in the letter from Mr. Connelly, he says that Kean will insist that the project is designed and
constructed with consideration of the neighboring property owners in mind. Did he expand on that at the meeting?

MR. MANZELLA: No. In the letter he explained that there would be a setback of 250-feet on the first phase, 175 on the second phase with two rows of trees.

My question is-- My statement is: Once I go above the height of the trees, there is a building there. And we’re talking 6 to 8 stories.

ASSEMBLYMAN MORIARTY: And they’re how far away, 250 feet?

MR. MANZELLA: From the property line. If you can picture Kean as one large, square city block with Green Lane to one, Morris to the other, North Avenue, and Woodland -- is their main campus. Woodland is a residential neighborhood; Morris is a State highway, North is a county road, Green Lane is the Township’s property. It is like having -- not quite like a city university, where you’re intermingled. It is separate. But it’s right there, and it’s right at the end of Morris Avenue. It is a bottleneck. I invite anyone to try to go from my office at Town Hall to Elizabeth Town Hall in under an hour at rush hour.

ASSEMBLYMAN MORIARTY: You mentioned that there are problems with parking in the neighborhoods.

MR. MANZELLA: Right. The neighbors there have come and petitioned the Township Committee to pass an ordinance for residential parking permits only so that we can enforce people who didn’t have a permit, which would be students.

ASSEMBLYMAN MORIARTY: They proposed to add some parking as part of this expansion. Would that help?
MR. MANZELLA: I don’t believe it would nearly meet the needs.

ASSEMBLYMAN MORIARTY: Would you say that the relationship between the governing body -- the municipality and the University have been strained?

MR. MANZELLA: Over the years, yes.

ASSEMBLYMAN MORIARTY: For how long would you say?

MR. MANZELLA: I’ve been with the Town for 10 years. I would say at least that long.

ASSEMBLYMAN MORIARTY: Is it basically over--

SENATOR SMITH: No, it has to do with his being a citizen of the town. That’s when everything went to hell. (laughter)

MR. SHAUGHNESSY: Members, I’m going to ask you to speak into the microphone as well, please.

Thank you.

ASSEMBLYMAN MORIARTY: Is that basically over the use of services and not feeling that you’re getting some compensation?

MR. MANZELLA: I think it’s the lack of communication before the facts.

ASSEMBLYMAN MORIARTY: That’s unfortunate.

Thank you very much.

MR. SHAUGHNESSY: Assemblyman Brown, please.

ASSEMBLYMAN BROWN: Thank you, Mr. Shaughnessy.

How are you?

MR. MANZELLA: Good.
ASSEMBLYMAN BROWN: Could you describe the property? What is there now?

MR. MANZELLA: Well, there are some older buildings that, years ago, were used as classrooms for, I believe -- that taught children of professors or people who attended. It’s underutilized now. It’s not part of the campus. It’s part of the campus, but it’s not the newer area.

Kean has really undergone an amazing amount of growth over the last years -- from basically a teaching college. It’s taken on -- similar to Montclair State, where it’s grown. But it’s typical of your State schools in the north -- landlocked. I mean, the homes were there before the college started to grow. So you’re building a lot and you’re taking a lot of impervious surface away. And you’re adding a lot of human beings in a very small area.

ASSEMBLYMAN BROWN: Can you describe the buildings that are there now? Are they 1-story, 2-stories? How many buildings?

MR. MANZELLA: On the campus there is, I believe, three, relatively new, multi-story dormitories.

ASSEMBLYMAN BROWN: No, no, no. I’m talking about on the property that’s being sold.

MR. MANZELLA: That’s already there.

ASSEMBLYMAN BROWN: There are already dormitories there?

MR. MANZELLA: Yes.

ASSEMBLYMAN BROWN: Okay.

MR. MANZELLA: Relatively new. I think within the last five, six, seven years.
ASSEMBLYMAN BROWN: And they’re looking to expand off of--

MR. MANZELLA: They’re looking to add three additional, from my understanding.

ASSEMBLYMAN BROWN: Okay. So there is no tax revenue coming right now from those particular buildings or that land now, as it stands.

MR. MANZELLA: As it stands, no.

ASSEMBLYMAN BROWN: The only issue is the height of the new dormitories that this would bring.

MR. MANZELLA: I think any additions will, to some degree, cause additional infrastructure problems, additional neighborhood problems. I wish we could have sat prior to this and talked about what would work for us.

ASSEMBLYMAN BROWN: The students who would live in this dormitory-- I went to The College of New Jersey, and we didn’t have a lot of dormitories. And we would live in the community and rent houses. Is that the situation now at Kean University, where a lot of kids-- Maybe they only give on-campus housing for a certain time period.

MR. MANZELLA: There is a lot of on-campus housing.

ASSEMBLYMAN BROWN: There is, but up to a certain age and--

MR. MANZELLA: No, I believe it’s-- But I think what’s happening is, the older kids will try to have -- we’re using the term fraternity. It’s not a fraternity like Rutgers. But four or five people get on a lease, and it’s off-campus -- it’s all throughout the town.
ASSEMBLYMAN BROWN: Right. And they’re living throughout the towns. And you’re sitting on these houses. Is this being built-- And I can ask this to Kean, and I will. Is this being built to attract those students back onto the campus, or are they expanding?

MR. MANZELLA: I believe it’s to attract foreign students.

ASSEMBLYMAN BROWN: Foreign students.

MR. MANZELLA: Yes.

ASSEMBLYMAN BROWN: All right. But there is already housing there. It’s already a use that they’re doing now. The use isn’t the question, it’s the amount of use.

MR. MANZELLA: The amount. I think-- Again, thank you for your questions, because that shows how much more information we need to have before anyone can make a decision.

ASSEMBLYMAN BROWN: Well, I think this committee’s only job is to sell property, not to evaluate the plan that’s being done here.

MR. MANZELLA: I appreciate that. But it’s the beginning.

ASSEMBLYMAN BROWN: You’re presenting questions. I understand, but our job is to evaluate whether we should transfer this property or not -- whether this is a conforming use or not.

Am I correct?

SENATOR SMITH: I don’t know if I 100 percent agree. The bottom line question is: Do we sell or not sell?

ASSEMBLYMAN BROWN: Right.

SENATOR SMITH: There is a whole subset of questions. For example: Is the price right? Should there be conditions of the sale? And I
don’t think we know that until we really know what’s intended for the property.

I’m going to suggest to the Chair that maybe, instead of following the order, why don’t we get the University up here and find out what they’re planning to do and how this deal is going to work, if that’s not a problem?

MR. SHAUGHNESSY: I also note that Assemblyman Cryan is here and has signed in indicating a willingness to communicate on the matter. So whatever order you want to go in--

SENATOR SMITH: Well, we always defer to Assembly people. But I don’t know if he wants to go next or wants the University to go next.

ASSEMBLYMAN JOSEPH CRYAN: Good morning.

MR. SHAUGHNESSY: Good morning, Assemblyman.

ASSEMBLYMAN CRYAN: I like it better on that side. (laughter)

ASSEMBLYMAN BROWN: I like it better out in the parking lot. (laughter)

ASSEMBLYMAN CRYAN: I bet you do, Chris. (laughter)

Thank you, members of the Commission and to all of you, not only for your service, but for the opportunity to speak today.

I just want to follow up very briefly on some of the comments Administrator Manzella made, just to make sure we’re on the same page.

Where this project is currently proposed for are not new dormitories. They are 1- or 2-story buildings, to be correct. They’re 1-story buildings that are old by any reasonable standard. The University does have new dormitories that have been constructed in the past four or five
years. They’re located in the central part of the campus, not here. Part of the problem that we come here today with is because it’s not only the location of the dormitories, and the size, and the proposal-- But to be clear, it’s the spot, that is being proposed for this construction, is not currently multi-story facilities in any way. So when the residents -- the taxpaying residents, which I would argue are part of the mission of this Commission, as it is for the mission of any board in New Jersey -- the taxpaying residents of Woodland Avenue, Summit Avenue, Lowden Avenue, Birch Avenue, Summit Lane -- all those folks would be directly impacted because they’re currently seeing 1 or more stories -- 1 or 2 at the most -- going to 8. So there is a significant difference, not only in terms of visual, in terms of height, but also quality of life, which I do believe is the mission of this Commission and anybody else.

Thank you for that -- and just the opportunity to follow up. Hopefully that makes it a little clearer.

My first question to the Commission, before I begin my real comments, is: You have a letter from Mayor People to Mr. Shaughnessy -- it’s dated June 18 -- where it raises the legal issue of whether or not the Commission has the opportunity and actually the ability -- the authority to do this today. I’m assuming some of you have had the opportunity to take a look at it. It’s the contemplated transfer of 8.6 acres -- Kean University -- and cites the N.J.S.A. statute. Has that had an opportunity to be reviewed by Counsel?

MR. KOTLER (Counsel): Assemblyman, very briefly, I did take a look at that citation. Unless the citation is wrong, or I looked at the
wrong section, I find that language to exempt this sort of project from local property taxation or any special municipality assessments.

ASSEMBLYMAN CRYAN: So as Counsel you disagree with the citation -- the opinion.

MR. KOTLER: Well, there’s not an opinion stated, per se. There is a cite to a statute. I don’t know if the Mayor is an attorney.

ASSEMBLYMAN CRYAN: No, it’s cited from the redevelopment attorney for this particular area.

MR. KOTLER: Yes, but this letter is authored from the Mayor.

ASSEMBLYMAN CRYAN: It’s from the Mayor. You’re right.

Second: I’d like to note -- in Item 5 of your agenda, it does note the previous public/private partnerships of Montclair State University and The College of New Jersey. While I certainly can’t speak to The College of New Jersey at all, I was on this Commission for part of the Montclair State discussion -- which, by the way, was tabled by this Commission at least twice to my memory, perhaps more. And as many of you may recall -- not only the contentiousness of the issue at the time, but significant input from the local communities of Montclair and Clifton -- something that’s clearly missing in terms of this application. So citing it here -- if we want to use the Montclair State example, I would ask -- which is my only goal here -- is to ask you to table this today so you know where I’m coming from and to get a project that is actually workable within -- which is a win-win. I’m not looking for a win-lose; I’m looking for a win-win. Certainly 8 stories is a win-lose for the Township of Union and its taxpayers residents.
I’d like to just note a couple of other items to you so that you have them. This project is slated to be $120 million. And while the vote today is considered to be in the State’s best interest, I certainly have to -- at least from the head-scratching idea -- wonder how a project can be sold for $1 and then do a development for $120 million, with the profit motive as part of it, and not have the State of New Jersey share in any of that profit line. But certainly, I think, at least from a shock-to-conscience standpoint, I have to wonder how that is, in fact, in the State’s best interest.

You’ve heard already from the Mayor and from the Business Administrator that there are significant concerns. I want you to just take a moment and picture it. While we may or may not be here as planning board members -- which we obviously, in the Township of Union, as an elected official, don’t have any input on -- Kean University has made that very clear that they will not participate in the Township of Union’s proposals or ideas along the way, as we’ve seen from the multiple-story buildings that are there already.

What I want you to understand is that it’s 175 feet, according to Mr. Connelly’s letter, to the closest street -- 250. I want you to think about that for a minute. These are communities that have paid -- paid repeatedly-- And I don’t expect you to affect your judgement-- For example, the Township of Union paid $4.1 million for the opportunity to build a rail station, which Kean University has used to accentuate its growth without a dollar of the University’s funding to participate in that. We here on the State Commission -- for those of you who are veteran members may remember -- we signed a lease -- as a matter of fact, I believe it was my second to last meeting here -- that took almost a decade to get, and in my
view -- and I’m sure they would disagree -- from the insurgence of Kean University.

And finally, in terms of the State’s best interest for this project-- For those of you who are elected officials here -- and today we may actually vote in terms of the transferring of the bond issue and the moneys where Kean University receives $34 million. I want you to understand the benefit to the State of New Jersey for this project. This project is designed for international students. I had a discussion with an elected official last night who said to me, “What’s the problem? If it’s going to help New Jersey students stay here, what’s the problem?” This isn’t designed for New Jersey students. These are suites. They’re designed to be year-round use. Estimated usage -- because I don’t -- I absolutely admit this is an estimate -- of over 1,000 new students by the time this is done, which is larger than many communities in the State of New Jersey -- would be added by this. And I want you to, again, understand, when we vote, we vote for the best interest of the State. So today we’ll be voting potentially on a project that would transfer, for $1, $120 million capital investment without the State of New Jersey receiving one penny from that. We would vote to import students as opposed to New Jersey students getting the full value or opportunity for that. And we would impact the people who actually pay our salaries, the taxpayers of New Jersey, the folks who reside and live on the streets that I named to you earlier. And those reasons, as well as the precedent from Montclair State; the concern over the fact that, as you’ve heard today, the Township of Union has significant concerns about the project; and the fundamental desire to simply have a working project that works for both sides. And, again, understanding that we are
not against dorms. We are not against an opportunity for the University to have an opportunity to grow. We are, in fact, opposed to this project for size, dimension, accountability, and impact to our community -- to the community I have the opportunity to be an elected official -- represent. For those reasons -- and most primarily because it’s not in the State’s best interest -- I would ask that you defer the vote today. I would ask that you ask the sides to come back and have a manageability of the project that actually makes sense so that we’re clear on what our purpose is today.

I’d be happy to answer any questions you may have.

SENATOR SMITH: Do you have any more knowledge of the financial arrangements? This was framed as a public/private partnership. What’s the deal, as you know?

ASSEMBLYMAN CRYAN: What I understand from the documents that I’ve read so far-- And by the way, they’re documents, that showed a bid project that was out there, that were received well after the fact. Obviously, as the Mayor and the Business Administrator noted, they were already conceptualized without input at the beginning of the process.

I understand it to be $120 million (indiscernible).

Bob, to be perfectly blunt, I understand they need the bill that’s up today, with the 70 pages of amendments on the New Jersey Economic Opportunity Act, in order to fill it. And I only got those amendments last night about 8:00, so I haven’t had the opportunity to review them.

SENATOR SMITH: I just got them this morning.

ASSEMBLYMAN CRYAN: Yes, you just got them this morning.
My understanding is that they need that piece as well to finish this deal. I don’t know if there has been a developer selected. I had conversations with a couple of folks who said there was. I’m not sure of that.

SENATOR SMITH: We need to hear from the University.

MR. SHAUGHNESSY: Fine, Senator.

Thank you very much.

ASSEMBLYMAN CRYAN: Any other questions? (no response)

I thank all of the Commission. Thank you.

MR. SHAUGHNESSY: Thank you.

May we please hear-- I know a number of people on behalf of Kean have written in. I don’t know if you want to arrange your comments in any particular order. But we had Mr. Hansen and Mr. Coyle, I believe. We also have Ms. Murray-Laury and Mr. Connelly. But there are a number of people here on behalf of Kean.

Please identify yourselves and your affiliations.

MICHAEL A. TRIPODI, ESQ.: Yes. Good morning, Mr. Secretary, members of the Commission.

MR. SHAUGHNESSY: Good morning.

MR. TRIPODI: My name is Michael Tripodi, and I’m University Counsel at Kean University.

ASSEMBLYMAN MORIARTY: Could you spell your last name?

MR. TRIPODI: Sure, T-R-I-P-O-D-I.
And as Mr. Shaughnessy mentioned, we do have our team here to address specific questions. With me is Mr. Phil Connelly, Executive Vice President for Operations. And, again, we’re here to address any questions from the Commission.

Some things were brought up by members of the Commission and Township officials. Just to, again, confirm why we’re here today, we’re here about the conveyance of the property pursuant to your statutory authority that the State House Commission has.

I concur with Counsel about the -- this project is a public-purpose project. Our University -- this property is part of the existing 117 acres that are currently there. So this isn’t an additional 10 acres -- 10-plus-or-minus acres within the 117 acres of the Union Campus. So it’s not any new development acreage; it’s already on the campus.

The other thing, as far as statutory authority goes, Kean is a State public higher education institution. And my reading of one of the statutes actually-- It’s my opinion that this is an intra-agency transfer. Approval by the Commission is a formality by statute: 52:31-1.3A exempts State House Commission approval for public lands for public purpose. And nothing is changing on the Kean University campus. We have our Vice President for Student Affairs, Janice Murray-Laury, who can talk about the need for our dorms. The Township officials touched upon it. There are outdated residential facilities that need to be rehabilitated. In some of those cases, the buildings are almost 30 or 40 years old. They’re beyond rehabilitation. So we need to get new, updated facilities to accommodate our students. Ms. Murray-Laury can talk about the-- There was mention about -- for the foreign students. But it’s my understanding that it’s not
only for international students, but also our freshmen students and
graduate students, because there is a real need for this housing. But I will
let her address that issue.

I just want to emphasize, again, that this is a public purpose.
We are a higher education institution. As staff referenced in your agenda
item, the precedent is before this Commission for The College of New
Jersey and MSU projects -- also which the Assemblyman noted before. And
we are following the same public/private partnership legislation that the
Legislature passed in order to help the State colleges grow and further their
public purpose. In this instance, I think you see most of the colleges and
universities are building residence halls to attract students.

There is a big brain drain amongst our graduating high school
students. A lot of them are going out of state. So we need the tools, as
State colleges, to keep our students and attract them, and that’s through
having these residence halls. But I won’t speak to that.

Those were just my general comments and my legal comments.

I will turn it over to Mr. Connelly.

PHILIP CONNELLY: Thank you, and good morning.

My name is Philip Connelly. I am the Executive Vice President
of Operations at Kean University, and I’ve been in that function since
September of 2002.

We are here today to ask for your conveyance of this property
so we can improve Kean University. There is a tremendous amount of data
that has been gathered throughout the years about what makes a college
and university successful.
One of the challenges we are having right now at Kean University is the fact that our graduation rate is just above 20 percent. There is a tremendous amount of data that is out there that says a residential student will graduate -- 80 percent of residential college students will graduate within four years. It is in our best interest to have these students be given all the resources and facilities that we can possibly give to them so that they will graduate in a timely fashion. For every year that a student defers their graduation, they are losing approximately $65,000 of financial benefits themselves. And that would be the additional cost to them of going to school, plus the loss of revenues that they would be able to attain as they’re gainfully employed.

So this is part of the mission that we’re doing here. Also, looking forward to when they graduate and become alumni, again there are overwhelming statistics and data that has been gathered that the people who are more likely to contribute back to the university after they have graduated are those people who have resided in those institutions. And that is part of the goals that we are setting for Kean University.

As far as this project and what we’re trying to achieve here--Yes, we are trying to become a global institution. Because if you take a look at the economics of not only the State of New Jersey, but the country, one of the few products we can sell to foreign countries is higher education. Right now we presently operate in partnership with Wenzhou University in China -- is on the campus -- an English-speaking campus. We have full plans of having those Chinese students come to us this summer. That’s economic development. They are coming here, paying tuition, fees, housing to us. So here is a way where we’re trying to turn the economic tide --
where the Chinese are actually paying us for something rather than us paying the Chinese for all the products we consume.

Also, we’re trying to give our American students -- ultimately as this University gets built up -- the opportunity to go and experience the culture and life of living in China if they choose to. That’s their option. And that’s what we’re attempting to do here. We’re attempting to build a global institution. And while our primary focus is on China, we also have relationships with universities in France and India that we’re also trying to bring those students here so they will pay us tuition and fees. And they would be paying the out-of-state rates. They would not be paying the state rates. So that is also part of what we’re trying to achieve here. We’re trying to expand the number of beds that we have on our campus, because we have the lowest bed-to-student ratio of any four-year public college in the State of New Jersey. And we’re trying to improve that.

A couple of comments-- I would like to address a couple of the comments that were made. The parking issue is one that -- they blame the Kean students for the parking, and we’ve been trying to address that. One of the things we did -- and we used to have a $100 parking fee for the students. So in trying to remove that obstacle so the students wouldn’t have another $100 fee, we eliminated it. So we try to encourage the students -- “Don’t park on the Township roads. We’re not going to charge you $100.” I will say, based on my own observations, that many of the people who do park in those neighborhood areas are the people who are trying to avoid paying the parking fee for New Jersey Transit, because the New Jersey Transit parking lot is right there. So you go a couple of
hundred feet, park in front of somebody’s house, walk to the train station, and you don’t have to pay the Transit fee.

As far as the location: Again, we are very limited in the amount of land we have. There aren’t a lot of opportunities for us to -- unless -- and I know the Township wouldn’t like this -- if we went out and acquired land on the open market and then took it off the rolls. So we’re trying to stay within the confines we have.

Also, as far as our existing residence halls: We have done major renovations there over the past 10 years that I’ve been there. There used to be kitchenettes in the rooms, and there used to be a tremendous amount -- and I will readily admit -- there were tremendous amounts of calls for fire services with the fire alarms going off. All of those kitchenettes have been removed. We’ve done total renovations of our existing residence halls to eliminate that call for service for the Union Fire Department. And all the planned residence halls will not have those. We have community kitchens now. On the first floor, there would be large kitchen areas that would be similar to a commercial kitchen that would have all the amenities that would allow any student to go down there and cook whatever food they want to. But it wouldn’t be in that isolated area that would be more tempted to set off the fire alarm. So we are addressing many of the issues, as we have.

And going back to the communications between the Township: Kean University is governed by our own Board of Trustees. We need their approval when we submit items for them to approve before we can submit it to the Township. I think it’s only proper and prudent that our Board take that action before we share the information with the Township, and we do.
We send the Township both electronic and hard copies of every item that comes before our Board of Trustees, of which this public/private partnership did. And it was sent to the Township. And we believe it was sent appropriately as soon as our Board of Trustees took those actions. So we do try and work with the Township. However, we do have-- Hopefully you can appreciate that we are a self-governed institution, and we are responsible to the Board of Trustees who set the policies for our institution, and they adopt the mission of Kean University, which is an institution of accessibility, affordability, and opportunity. And that’s all we’re trying to achieve here.

I’d just like to thank you. If you have any questions--

MR. SHAUGHNESSY: Thank you, Mr. Connelly.

Any questions?

Senator Cardinale.

SENATOR CARDINALE: The status of the title is an interesting point. It isn’t fully covered in the information that I’ve received and that I’ve read. What is the status of title that we’re dealing with here? You mentioned that this is part of the University campus presently.

MR. TRIPODI: Yes.

SENATOR CARDINALE: Is the rest of the University campus, absent this piece, titled in the State? What is our whole--

MR. TRIPODI: Sure, I can answer that, Senator. I indicated before that the main campus is situated on 117 acres. So this property is deeded under the State of New Jersey for the beneficial use of Kean University. Within our 117-acre campus-- Probably the members are familiar with the New Jersey Educational Facilities Authority. When we
fund projects, we convey the building and 10 feet around the building to the New Jersey Educational Facilities Authority. So I believe we have at least three buildings that were funded with EFA bonds. So there were little cut-outs where the New Jersey Educational Facilities Authority owns those buildings that they funded. But this acreage that we’re talking about is owned by the State of New Jersey for the beneficial use of Kean University.

SENATOR CARDINALE: So what we’re being asked to do is essentially a technical--

MR. TRIPODI: Correct.

SENATOR CARDINALE: To facilitate the issuance of bonds.

MR. TRIPODI: Through the EDA, through the public/private partnerships, correct.

SENATOR CARDINALE: Right, but it’s only a technical transfer. This is not a practical transfer of land. We couldn’t use this land to build a police station if we wanted to for the State Police. That’s not a purpose that we would be able to use this land for.

MR. TRIPODI: Correct. It’s in the middle of a college campus. You can’t build a Wawa there either.

SENATOR CARDINALE: Okay. Thank you.

MR. TRIPODI: You’re welcome, Senator.

MR. SHAUGHNESSY: Any other Commission members have--

Yes, Senator Smith.

SENATOR SMITH: Tell me about the public/private partnership.
MR. TRIPODI: Sure. The public/private partnership act was passed and made a part of the State College Contracts Law.

SENATOR SMITH: Right. What are the details of this public/private partnership?

MR. TRIPODI: I can bring someone up to address those specifics, which is currently in negotiation. We have an EDA deadline also to meet.

JOSEPH M. COYLE: Good morning.

My name is Joe Coyle. I’m the President of University Student Living. We are the negotiating developer on the project with Kean University.

SENATOR SMITH: What do you mean you’re the negotiating developer?

MR. COYLE: I’m sorry?

SENATOR SMITH: You are?

MR. COYLE: We’ve been chosen as the developer to move the project forward. We’re still in the process of negotiating, so it’s not a finished product. We have not signed any documents as of yet. We’ve just been awarded the opportunity to negotiate.

ASSEMBLYMAN MORIARTY: Who are you with again?

MR. COYLE: University Student Living. It’s a member of The Michaels Organization, which is the largest owner and operator of affordable housing in the country, and certainly in New Jersey. We’re local. We’re in Marlton, New Jersey.

ASSEMBLYMAN MORIARTY: Have you done student housing elsewhere?
MR. COYLE: Yes, actually in my career I’ve done it for 20 years. But the company -- The Michaels Organization has only been in the business for two years. But just last year we completed a $55 million project for Rutgers-Camden. That was originally a public/private partnership. We were going to master lease to the University for a very short period of time. The University decided to acquire it instead somewhere in the middle of the development.

SENATOR SMITH: And what’s the plan for this facility?

MR. COYLE: So the overall process is: We’re trying to find the least expensive way to finance a transaction on behalf of the University without affecting the credit of the State and the University itself.

SENATOR SMITH: So you’re going to build it.

MR. COYLE: We will be building the project and taking the risk of construction. We will not own the project. It will be owned by a conduit, not-for-profit who will raise 100 percent of the financing based on our ability to manage this property to 120 percent of the debt service coverages after expenses. So we need-- Unlike the University -- they can manage to one-to-one coverage -- we have to provide some return for the--

SENATOR SMITH: Of course. What is the rate of return?

MR. COYLE: Twenty percent over the cost -- 20 percent over the debt service. It has to be 1.2 coverage.

SENATOR SMITH: In terms of your organization, what are the annual revenues anticipated from this project?

MR. COYLE: Again, we wouldn’t be taking the revenues. It goes to a nonprofit that will own it. But the nonprofit will get about $11 million in gross revenues.
SENATOR SMITH: I thought you said you were going to operate the facility afterwards.

MR. COYLE: We will operate it. We will act as the manager on behalf of the--

SENATOR SMITH: You’re not doing that for free.

MR. COYLE: No, no, of course not.

SENATOR SMITH: So what is the revenue?

MR. COYLE: Two percent of the gross revenues would go to our company, and then we’d defer 2 percent below the line to make the return, so it’s a 4 percent development -- 4 percent management fee.

SENATOR SMITH: Of $11 million.

MR. COYLE: That’s correct, sir.

SENATOR SMITH: It’s about $400,000 a year.

And how long is your contract anticipated to run?

MR. COYLE: I believe we’re negotiating a five-year contract to manage, with the right to renew.

SENATOR SMITH: And the nonprofit-- I assume that it’s going through the nonprofit. The nonprofit is paying off the bonds.

MR. COYLE: That’s correct.

SENATOR SMITH: Okay. And how about the cost of construction? Are you doing it?

MR. COYLE: We are doing the construction.

SENATOR SMITH: Okay. In one of the documents -- and I think it was probably a misprint -- but it said that there was going to be a public labor agreement. Did somebody mean to say it was a project labor agreement?
MR. COYLE: Project, yes. That’s correct.

SENATOR SMITH: So it will be all done union.

MR. COYLE: That’s correct.

SENATOR SMITH: Okay. When you’ve done this at other universities, did -- was there -- because you now have some experience with this. Did the university ever go out to the community to see if there were concerns in those other projects?

MR. COYLE: Certainly there were projects where they’ve gone out to the community with concerns.

SENATOR SMITH: Mr. Connelly, the comment that you made that you wanted to wait until your Board of Trustees acted-- The problem with that is the Board of Trustees gets presented with a plan and they say yes or they say no. Do you believe that if you met with the Town a year or year-and-a-half ago to talk about this project that you wouldn’t be at a meeting today where the Town is now in opposition to the State moving ahead?

MR. CONNELLY: I’m not sure, sir.

SENATOR SMITH: Do you have regular meetings with the Town to discuss what’s going on at the University?

MR. CONNELLY: Formal meetings, no, sir.

SENATOR SMITH: Why not?

MR. CONNELLY: We send them our agendas as they’re approved by the Board of Trustees, and then we wait for them to say what they want to discuss. I mean, there are a multitude of items that are on our agendas, and we send them to them in anticipation they will contact us
with the items they want to discuss. I mean, we do that on a regular basis, sir.

SENATOR SMITH: There might be an improvement to that.

MR. SHAUGHNESSY: Senator, would you be able to speak--

SENATOR SMITH: I'm sorry, you're right.

MR. SHAUGHNESSY: Your words are important.

SENATOR SMITH: It might be-- I'm not telling you how to
do your business, but for the future I think you would be wise to set up quarterly meetings. I know in other universities around the state they do that, if for no other reason than to say hello and have a cup of coffee so that tensions like this don't build up to the level that they're at today. I mean, it's not a wonderful thing to have one government fighting with another governmental entity. It puts everybody in a very uncomfortable position.

The comments heard from the Mayor and the Assemblyman was that they are not necessarily in opposition to the project, but they have two major issues which are the way in which the development is proposed and perhaps some help to municipal services. Is there any value to you sitting down with them and talking those issues through?

MR. CONNELLY: Yes, there is value. But I also want to make one correction. Several years ago, we contributed $300,000 to the Township for the specific purchase of a fire engine. So to say we did nothing-- I need to make that correction.

SENATOR SMITH: And listen, that's a good thing.

MR. CONNELLY: And that was all part of another project we were working on, and they wanted some participation.

SENATOR SMITH: Right. I understand that.
Tell me about the cost of construction. Was the Assemblyman correct in that you’re talking $120 million?

MR. COYLE: Over two or three phases of a project, that would be correct. We’re not expecting to build all of this at one time.

SENATOR SMITH: And what is the anticipated profit margin, even though I know there’s the risk of construction? Nobody does anything for free. What’s the anticipated profit margin in that $120 million of construction cost?

MR. COYLE: Of the $120 million, it would be about $5 million.

SENATOR SMITH: Five million dollar profit.

MR. COYLE: Correct.

SENATOR SMITH: And then the $400,000 per year afterward.

MR. COYLE: That’s correct.

SENATOR SMITH: Okay. Just so that we’re not -- any of the lawyers -- so that nobody is getting in any trouble, especially lawyers, University Student Living -- who are the principals of it? I want to make sure I don’t have a client in this.

MR. COYLE: Sure, that’s fine. Michael Levitt is the single owner of all of the entities of The Michaels Organization. So University Student Living is 100 percent owned by Michael Levitt of The Michaels Organization -- again, the largest affordable housing developer in the country and in the State of New Jersey.
SENATOR SMITH: It would be helpful, I think, to know a little bit more about the project. Give us the 60-second summary of what the project will be.

MR. COYLE: Sure. Would you like to see pictures of what it’s going to--

SENATOR SMITH: If you have pictures, it would be better.

MR. COYLE: We do.

SENATOR SMITH: That’s 10,000 words you would be taking care of like that.

MR. COYLE: That’s exactly right. (laughter)

While that’s happening, I wouldn’t mind mentioning -- and better experts will give you better advice here -- but it’s really the back of the properties. There is not a public street there. It’s the back of homes that already have pretty tall, deciduous trees on the back of their property facing the University. And rightfully so; they’re a good buffer. We’re going to add to that buffer, and that’s what we will show you here, as well as show you the site line.

RONALD J. HANSEN: Good morning.

I’m Ron Hansen. I’m a Senior Vice President at University Student Living.

Accompanying me, along with Joe Coyle, is Larry Uher. He’s from Netta Architects. He’s the project architect.

We’ve handed out some things based upon the questions you’ve already gotten, thinking that maybe we can give you some answers, specifically.
MR. SHAUGHNESSY: Mr. Hansen, would you identify what you’ve handed out here today?

MR. HANSEN: Sure. Before you I have four 11x17s showing initially where are the parcels of land in relation to Kean and its neighboring community, as well as some aerial photos that show you what exactly is on that land. And I will describe that so you can see what the aerial really shows you.

We’ve talked about the totality -- the three parcels that we’re talking about for Kean. We know them as Parcel 1, 2, and 3. They add up to that 10.6 acres, you see. The only exception is that there is a stream that Kean would still own that wouldn’t have any facilities on it. It’s important for some of the water -- controlling stormwater.

So looking at Parcel 1: This is really what the Township was talking about today, about where the facilities we’re talking about building and the adjacency issues. On that parcel today are five buildings totaling 45,000 square feet. It was a campus school building. I think it was a former elementary school built in the ’50s or ’60s -- single-story. It’s a relatively inefficient building. You see the structure there. It’s kind of like the little -- like you see most elementary schools built back in the day -- 1-story with classrooms with windows. There’s some parking. The red line indicates the boundary of the survey for where we’re talking about the lease being. The red line is roughly a 250-foot line, just to give you the perspective. And on the center of the photo you see the houses -- basically the neighbors that would be neighboring that parcel of land. They’re all normally 2-story structures with a back yard, six-foot fence. And I will
show you the picture if you’re really interested. That site is where we’re talking about the student housing being built.

Based upon the concern of the President of the University—He asked that we stay as close to Cougar Walk -- which is right on the upper, right-hand corner where the line comes across, you see it marked Cougar Walk -- it’s kind of toward the middle in light print -- to try to stay as far away from the neighboring residential area as we possibly could. And that’s essentially where we’re contemplating putting in the 8-story buildings that have been discussed.

Now, the footprint is large enough to where another facility could be built. Initially, it was planned that it should be an 8-story building. But given the concerns, we put it down to a 6-story building because—And I will show you more pictures.

What I just handed you is—We heard the concern about line-of-sight, and what would the neighbors be looking at. In the upper, top-left corner -- 1, 2, 3 -- are pictures looking from where the residential -- should anybody sit on their fence looking out into the land we’re talking about. And you see there is a number of large, 50- and 60-foot trees that basically border Kean that I’m looking under. And then Picture 5 is looking from that same parking lot toward the houses in a panoramic view. So it’s somewhat a little bit curvilinear. But you can see basically a couple of things from that picture on the bottom of the one marked 5. One is that you see the shadows are facing in toward Kean. This was taken around 1:00 in the afternoon. So the sun actually moves along the southern hemisphere. And basically, during the afternoon the sun actually shines into the property, not out of it.
SENATOR SMITH: Did you say that the dorms are now planned to be 6 stories high?

MR. HANSEN: Along Cougar Walk, the idea is 8, because we’re trying to get 600 beds. That’s what the market study said is the need for Kean University for having housing mostly for current freshmen -- 460 of that is for freshmen, and 140 for upper classmen, international students, etc.

SENATOR SMITH: You’re killing me with details.

MR. HANSEN: I’m sorry, sir.

SENATOR SMITH: Are all three dormitories 6 stories, or is one dormitory 6 stories?

MR. HANSEN: The first phase is two buildings, 8 stories apiece. The face closest to the residents will be 6 stories.

ASSEMBLYMAN MORIARTY: Which parcel is 6 stories, Parcel 1?

MR. HANSEN: In Parcel 1 there is -- the buildings we’re talking about -- the 8 stories on Cougar Walk.

ASSEMBLYMAN MORIARTY: If you may, which parcel would be 6 stories, which parcels are 8?

MR. HANSEN: In Parcel 1 there is a combination of two 8-story buildings and one 6-story building.

ASSEMBLYMAN MORIARTY: Just in Parcel 1.

MR. HANSEN: In Parcel 1.

In Parcel 2 is where the plan calls for a parking structure to go and replace what is currently a maintenance facility. And Parcel 3 would be the remainder of the residential buildings. Currently, the plan is to
demolish one of the older residence halls and replace it. And for planning purposes, Phase 1 is really what we’re trying to get approval for and get it financed so that those houses are ready for 2015.

Again, sir, stop me at any time.

The red building is what we’re planning on building -- starting construction around the beginning of next year and having it delivered by 2015. That’s approximately 600 beds of 8-story building along Cougar Walk. This blue building is what we’re calling our second phase, which is closest to the neighbors. That’s why we’re focusing on that. That would be a 6-story building, staying about 170 feet away from that southern-most boundary nearest the neighbors.

DIRECTOR HOLZBAUR: And so on this diagram, is that the 6-story building?

MR. HANSEN: The 6-story building would be closest to the--

DIRECTOR HOLZBAUR: And then how close is the blue to the red?

MR. HANSEN: The blue to the red is 50 feet, and then these buildings are about 250 away from--

L A U R E N C E   U H E R: Probably closer to 300 feet away.

ASSEMBLYMAN MORIARTY: The trees that you would add -- are they at ground level, or is there a berm that’s being added?

MR. HANSEN: No, it’s all at ground level. The site is relatively flat. The only issue is, where the existing trees across the street -- they’re all deciduous trees. So in the winter, obviously, they lose their leaves. So the idea would be to put some evergreens in there to block it basically year round.
SENATOR SMITH: Did you show this draft site plan to the Town?

MR. HANSEN: I believe Mr. Connelly sent a letter saying that they were going to consider that.

ASSEMBLYMAN CRYAN: (speaking from audience) No, the only thing that the town has seen is this.

MR. SHAUGHNESSY: We can’t hear you.

ASSEMBLYMAN CRYAN: We actually just asked for a copy. I’m going to speak up here. It’s a little bit -- it’s amazing to see drawings here. The only thing we saw, Bob, was this--

MR. SHAUGHNESSY: Your testimony is not being received.

ASSEMBLYMAN CRYAN: I hear you. But for common-sense approaches -- I’m telling you that as an elected official on behalf of the Mayor and Business Administrator, this is the first we’ve heard of parking. We haven’t seen any (indiscernible). It’s ridiculous.

SENATOR SMITH: You were saying.

MR. HANSEN: So, anyway, on that line of sight to this blue building, if you’re in these houses here-- What we planned on is, these trees then would deal with or address the concern that we heard -- that there was a concern about the view from the neighbors looking into the property. So what we did was reduce the height of the building. We plan on putting in the landscape buffer so that the view would be improved. And the diagram in the middle -- this is trying to figure out how big these trees would be to block the building -- they would have to be about 25 to 30 feet tall.

MR. UHER: If I could just add a comment: There are several plans that we have developed, and none of--
MR. HANSEN: This is Larry Uher, from Netta Architects.
MR. UHER: Larry Uher, Vice President, Netta Architects.
ASSEMBLYMAN BROWN: Where are you located?
MR. UHER: I’m sorry.
ASSEMBLYMAN BROWN: Where is your office located?
MR. UHER: Mountainside, New Jersey.

None of these plans have been approved by the University. We are still in development of many of these plans. We have presented three different options on site layouts to the University. They are all in -- presently being reviewed by the President and his committee. So what I’m showing you today has not even been approved by the University. So they’re not in a position at this point to even go to the Township to present it to them because the University itself has not accepted these plans presently.

SENATOR SMITH: Would it be fair to say that if the Board of Trustees said, “You’re not being aggressive enough. We would like this to be 13 stories high,” that it would be in your purview to do that?

MR. UHER: I can tell you from the initial RFQ that was issued, they stated that the buildings could not be any larger or taller than 8 stories.

SENATOR SMITH: You can change an RFQ.
MR. UHER: Correct. From all the information we’ve received--

SENATOR SMITH: They don’t want to do more than 8.
MR. UHER: They don’t want anything more than 8 because that’s the tallest building they have on the site currently.
SENATOR SMITH: When you did the draft site plan -- or the three alternative site plans, did you consider other locations for the dormitories on campus?

MR. UHER: We were provided this lot as the lot to--

SENATOR SMITH: You were told that was the lot.

MR. UHER: Correct.

SENATOR SMITH: Have you looked at the rest of the-- Maybe I should ask the University. Have you looked at other sites on the University property that might be appropriate just to make sure we’ve checked out the alternatives? Whoever wants to take the ball.

MR. HANSEN: I know I can answer that. When we were looking at the RFQ, we were given this parcel of land. And we were also looking at where other facilities could possibly be built in a better place. And the answer is that this location is where there is the old, 1-story building. It seemed to be the largest piece of land that we could build a housing facility on with the minimal amount of demolition required.

SENATOR SMITH: Okay. I thought I heard Mr. Connelly say that -- and it could be supplemented by the Dean of Student Housing -- that there are a number of existing dormitories that are in pretty decrepit condition. Is that true?

JANICE MURRAY- LAURY: There are at least two that--

MR. SHAUGHNESSY: Please come up.

MS. MURRAY-LAURY: Thank you very much.

My name is Janice Murray-Laury. I’m the Vice President for Student Affairs at Kean University. I have been associated with Kean University for many years and in this position for 10 years. So I have an
appreciation for the campus prior to our two current buildings -- the ones we were speaking about as being new. And I’m also participating on this committee as we’re discussing our future.

SENATOR SMITH: Tell us about the existing dormitories that are not in the best of condition.

MS. MURRAY-LAURY: The existing residence halls-- The residence halls at Kean University are all up to code, and they are acceptable. There are two in particular--

SENATOR SMITH: You had to struggle getting that word out.

(laughter)

MS. MURRAY-LAURY: The only reason I say that is that there is always somebody who loves that old building, and they just like it that way. And we make sure that it has all the fire safety and it gets all the support with regard to security and so forth. But sometimes the renovations, the modifications are just not efficient in terms of cost or in terms of the effect. Students may want to be in that old building for some reason or another, but on the other hand it doesn’t give them the convenience of the elevator, it doesn’t give them the convenience of the type of air conditioning, and so forth. So there is that kind of experience.

SENATOR SMITH: How many beds are in those two buildings?

MS. MURRAY-LAURY: We’re looking at about 200-plus beds in those two facilities.

SENATOR SMITH: In the two buildings total?

MS. MURRAY-LAURY: Yes, in those two small buildings.
In addition to that, we have buildings that are-- Those are the really old ones. Then we have four buildings that are in the 40-, 35-year range. And those buildings are apartment-style. They are well-maintained. Those are the buildings where we used to have stoves. They have been retrofitted so that students now have community kitchens in each one of those buildings, the air conditioning, the plumbing, and so forth. They’ve been renovated very carefully. Students still like that option. However, the students really prefer the new facilities, which helps us appreciate the fact that we would be able to fill the new facilities. We’d also be able to support the ones we currently have.

As someone already testified, Kean University has the lowest student-to-bed ratio for our peer institutions. We’re looking to sustain enrollment, to make sure that students who are first-generation -- most of our students are from the State of New Jersey -- come in and make effective and efficient progress to earn their degree. It helps us, it helps the State, it helps the economy.

SENATOR SMITH: Back to the dormitories.

MS. MURRAY-LAURY: Okay.

SENATOR SMITH: Where are the old buildings located on the campus map.

MR. HANSEN: If we look at Parcel 3 -- those two buildings -- Dougall and Whiteman are the oldest ones that Janice was talking about. On the map they’re right dead center. They have DO and WH in it -- if you look at the Kean University campus map.

ASSEMBLYMAN MORIARTY: It’s those two.
MR. HANSEN: And they’re the same buildings -- how the aerial view of -- one perpendicular to the other in Parcel 3.

ASSEMBLYMAN MORIARTY: Did you say there are 200 beds or 200 rooms in those?

MS. MURRAY-LAURY: Two hundred rooms.

ASSEMBLYMAN MORIARTY: Two hundred rooms. How many people in each room? I’m sure it varies. How many people altogether?

MS. MURRAY-LAURY: On average we’re looking at 2.

ASSEMBLYMAN MORIARTY: So about 400 people live in those two buildings. (affirmative responses) And then the other four buildings that are apartment-style -- how many people live in those buildings?

MS. MURRAY-LAURY: Total we have about 800 -- a little over 800 in those.

ASSEMBLYMAN MORIARTY: I’m sorry. I interrupted your line of questioning.

SENATOR SMITH: It’s all right.

How old are the two that are on Parcel 3?

MS. MURRAY-LAURY: I’m not sure of the exact date of those. I do know that they’re older than the quad buildings, which are the 35-year-old ones.

SENATOR SMITH: I have to ask what is kind of the obvious question to me: Why not tear them down and build your new buildings there? Parcel 3 is nowhere near the residential neighborhood.
MR. HANSEN: Part of the reason is in order to sustain the current student capacity. If we tore those buildings down, we’d take those 200 offline for a year-and-a-half. So the idea is building on a green space to sustain the capacity. And then when the capacity is built, then we can go and tear the other one down.

SENATOR SMITH: So there is a plan for Parcel 3.

MR. HANSEN: Yes.

SENATOR SMITH: What is the plan for Parcel 3?

MR. HANSEN: Larry was right. Obviously, we’re in discussions with the University. The President has been receiving input. We have meetings essentially every week to talk about design and aspects of the project. The purpose of today is that this is one of the key steps in order for us to be able to move forward on a timeline. And the public/private venture enactment has to be in by August 1. And then that law hasn’t been extended yet. So essentially we’re on a tight timeline. So the plans that we’re developing, we’re presenting to the President essentially almost every other day as we get more input, and put it into play. So the overall plan is to build out Parcels 1, 2, and 3, totaling up to 1,200 beds with parking. The first phase of that is to add the capacity so that it allows us to essentially tear down other houses.

ASSEMBLYMAN MORIARTY: So the first part would be to tear down the buildings on Parcel 1, build the red portion that you show there, and then at a later time build the second phase -- the blue portion that’s on that diagram. And then at some point in the future you’ll tear down these two buildings on Parcel 3 and build something new there as well? Is that correct?
MR. HANSEN: Yes, sir.

ASSEMBLYMAN MORIARTY: And Parcel 2 would be potentially a future parking area where you would tear down those buildings and create just parking?

MR. HANSEN: Yes.

ASSEMBLYMAN MORIARTY: I think I understand.

Can you tell us how many-- Can you, for the record, Janice -- and can you spell your last name?


ASSEMBLYMAN MORIARTY: Can you, for the record, put on the record who would be in these new dormitories? There has been conflicting testimony. I’ve heard testimony that these are being designed solely for international students and would not benefit New Jersey students at all. I’ve heard on the other side that this would be for many New Jersey freshmen and graduate students. Can you put on the record, from your point of view, who would likely be living in these dormitories?

MS. MURRAY-LAURY: Principally they would be students of Kean University who, for the most part, are New Jersey residents and, for the most part, are undergraduate students. We are also looking to build and strengthen graduate housing. There is a focus for graduate housing. We want a design that would support the interest of international students as well. It is not unusual for international students to be part of the American undergraduate and graduate experience, especially now with the global orientation of the economy. Therefore, particularly in the summer and during other down periods, having international students present is definitely a plus.
With the campus in China, we will have students there who will benefit from an opportunity to learn at Kean University, very possibly during the regular academic year, just as our students would have the opportunity to study in China during the regular academic year. That’s the strategic focus or interest at some point. That’s down the road.

Immediately -- and our feasibility study is based upon undergraduate, Kean University students as they are present to us. They are New Jersey residents, and undergraduates and graduate students. We have some international students, but that will grow.

ASSEMBLYMAN MORIARTY: So would you say the overwhelming percentage of students in this housing would be New Jersey students?

MS. MURRAY-LAURY: Yes.

ASSEMBLYMAN MORIARTY: Okay. Thank you.

DIRECTOR HOLZBAUR: Once all three phases are finished, what is the net add of beds?

MS. MURRAY-LAURY: Twelve hundred beds.

MR. HANSEN: Yes, but we’re taking the 200 off so it would be somewhere around 1,000.

DIRECTOR HOLZBAUR: A thousand.

MR. HANSEN: It would be somewhere around 1,000 because we have to take out the 247 apartments that we’d be tearing down and adding 1,200. So the overall net would be about 1,000.

SENATOR SMITH: How high will the dormitory be on Parcel 3?
MR. HANSEN: It would probably be 8 stories because the adjacent buildings are 8 stories also.

UNIDENTIFIED SPEAKER FROM AUDIENCE: (indiscernible)

MR. HANSEN: I stand corrected. Obviously, we still have a lot of planning to do.

MR. SHAUGHNESSY: Nothing can be heard from the audience, by the way.

MS. MURRAY-LAURY: Could I add something to that? That’s absolutely correct. We haven’t finalized a plan.

At the last meeting we had, the President made it absolutely clear that he wanted this design and this footprint to reflect the interest of our community. When he speaks about the interest of our community, he thinks about the interest of Union City, Union County.

SENATOR SMITH: Why (indiscernible) fighting?

MS. MURRAY-LAURY: Sometimes the best people, with common interests, have issues. But it doesn’t mean they don’t necessarily hear each other. And I do-- After this meeting, I’m confident that there will be more conversation. I do think this particular project, in terms of the information that Kean has brought forth, should fit what we’re required to provide. But I think there is that other part that is that element of communication that needs to be enhanced.

SENATOR SMITH: Big time.

MS. MURRAY-LAURY: But you have to appreciate too that we are looking at trying to build a design that will support the interests of
all involved. The opportunity to build a design and realize this project really requires you to take an action that allows us to go forward.

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

Any other public comment on this particular matter? (no response)

SENATOR SMITH: That was it for the sign-ups?

MR. SHAUGHNESSY: I just want to make sure. Did anyone else sign in wishing to be heard on this matter? (no response)

If there are no other questions or comments, I'll call for a motion.

SENATOR SMITH: Well, let’s talk about that for a second. The very strong statement in the materials provided to the committee is there is precedent for this. And the reference is to Montclair State and The College of New Jersey. And I, for the good of the order, have no problem with the transfer for $1 to help our colleges and universities. And I do think, at the end of the day, there is a lot of merit to this project.

But the one fatal flaw in all of this is the way in which the Town has been treated. I mean, they’ve been treated with utter disrespect. There’s been no communication, no chance to have any input, no chance to really discuss their issues. And if we’re talking about precedent, when we had Montclair we said, “Go meet and come back. Try to come to a resolution. Come back.” And I think we did that on several occasions because we weren’t happy with the result.

Now, I understand there is a time issue here. It sounds like we have the proverbial gun at our heads because, number one, we want to see---
First of all, we want to see construction in this state, we do want to see people working, and we do want to see better higher education. But we’re not the ones who created the situation. The University created the situation by not doing communication 101 with the Town in which they are located. So I’d like to make a suggestion that we defer this for two to three weeks, not for the next year. I don’t mind coming down. We’ll try to do it on a day where we aren’t all at the beach. But I don’t have a problem coming down. But I’d like these two parties to sit in a room and actually try to work out their issues. Because once we let this go, it’s carte blanche. They’re going to do anything they want. And by the way, I’m sure what they want to do is for the good of New Jersey. I don’t have a question about that. But I do think that there needs to be some discussion between the Town and the University. So I am going to move that we adjourn this for 21 days. Let’s give them three weeks to meet, we’ll come back, and we’ll get it down at that time.

MS. MELICK: Senator Cardinale.

SENATOR CARDINALE: I tend to agree with my fellow Senator most of the time, but I think I’m going to disagree this time because we’re getting into planning board-like issues. We’re not giving them an extra 10 acres. They already have this property. We’re dealing with a technical glitch that they need in order to sell their bonds, in order to engage in whatever project that--

As a practical matter, I don’t think that we’re equipped with the kind of expertise. I mean, we individually have a great deal of expertise, but we don’t have the experts to advise us to do the studies. We’re going to
have to rely on the same information that we’ve heard. And I just don’t think we should be getting into planning board-like issues here.

SENATOR SMITH: I agree. Listen, I go to a planning board three nights a week. I don’t want to be on another planning board. I don’t want to be a planning board member.

SENATOR CARDINALE: I did it for eight years as a member of a board.

SENATOR SMITH: And you remember it fondly.

SENATOR CARDINALE: I am very glad that I’m not in that milieu any longer.

SENATOR SMITH: You did your service. And I don’t disagree with you, Gerry. I don’t want to do a planning board issue. I don’t think we should move buildings around, talk about sight lines, talk about the height, whatever. But I do think the Town should have some chance to work with the University Administration to get some input on the project. And by the way, they can come back in three weeks and say they couldn’t do anything.

SENATOR CARDINALE: And we can ask them to do that. But in three weeks from now I don’t think anything is going to be different that we’re going to be looking at. Because I think they’re fairly hardened in their positions. I can sympathize with the Town. I mean, I was a local official before I was here. I can sympathize with the Town and how it feels. But you’re going to have that in every situation that is similar to this because some wise people, at some point in time before either of us were in the Legislature, determined that these colleges would not be subject to local review.
SENATOR SMITH: Right.

SENATOR CARDINALE: And they were made independent. And that’s going to create this kind of--

SENATOR SMITH: And, listen, I’m not suggesting local review. But, for example, the architect mentioned they have at least three different plans. Why not let the Town take a look at them and say, “Plan B is better than Plan A as far as we’re concerned.” They have no regulatory authority. They don’t have the ability to say yes or no. But I think Kean needs to understand that they don’t do this in a vacuum. They should have some local input. And I don’t see how three weeks kills their schedule.

MAYOR PEOPLE: (speaking from audience) Mr. Chairman, if I may, we would be willing to meet any time with Kean University.

MR. SHAUGHNESSY: Mayor, your comments are important. Please come up and speak into the microphone.

Thank you, sir.

MAYOR PEOPLE: The Township of Union would be willing to meet with Kean University at any time if that’s agreeable with them.

SENATOR SMITH: With the understanding the Town has no authority to say, “You have to do this.” But at least they should have the opportunity to say, “This might be a better alternative.” And the University can say no, and then they would be back here in three weeks. And then we would have to deal with whatever the issue is at that time. But they should at least have input.

MAYOR PEOPLE: We have not seen any plans.

SENATOR SMITH: This is the first time you’ve seen them.

MAYOR PEOPLE: This is the first time we’ve seen these plans.
SENATOR SMITH: It’s terrible.

MAYOR PEOPLE: It’s unfortunate that we weren’t a part of the discussion, and we would like to be a part of the discussion.

ASSEMBLYMAN BROWN: Mr. Shaughnessy.

MR. SHAUGHNESSY: Yes, Assemblyman Brown.

ASSEMBLYMAN BROWN: Just one last comment. The Senator is correct. We shouldn’t be used as the catalyst of communication between the Township and-- I’m sure that communication should have been established a long time ago before this particular issue had come to a head. Kean’s been there a long time.

If they weren’t talking before, and we’re using our approval process to get them to talk, I think there are other issues than this particular project. Our only objective here is, as the Senator said, a technical objective to allow the University -- which the Township doesn’t collect any taxes from. There are already existing buildings there. A plan is being put together. I think based on what’s been said here, the University is going to speak with the Town. I don’t want to hang it over their heads to say, “We’ve become a planning board unless you do this.” Our job is to convey and allow the University to provide the public service it’s supposed to with the grounds that are already within their footprint. They’re not expanding their footprint.

MAYOR PEOPLE: Once there is approval -- if there is approval -- then the University has carte blanche to do anything they want to do.

ASSEMBLYMAN BROWN: I don’t think the University looks at their decision as carte blanche to do whatever they please.

MAYOR PEOPLE: I beg to differ on that.
ASSEMBLYMAN BROWN: But I’ve also seen where this process has worked very well for our State universities for their expansion of additional seats -- that are absolutely necessary in this state because we are losing 35 percent of our students once they graduate, and they don’t come back. So I don’t want to be the one who stops that progress. And this is a technical meeting to convey the right for Kean to bond for their project.

Now, the process on what they’re bonding for is in an idea stage, if anything. It hasn’t even been formally voted on. We’re looking at different sketches, different ideas. I think now is the time for all the community, the University, the Township, the Assemblyman to sit down and talk about what the concerns are and make those changes. But I think they needed to start here to decide if they even can do it, because they have to get the financing to do whatever ideas they have to do.

MAYOR PEOPLE: But losing students -- that’s not the construction of dorms. That has to be some other factor. When you lose students from a university, it has nothing to do with the construction of a building.

ASSEMBLYMAN BROWN: Yes, it does.

MAYOR PEOPLE: And if it does, that’s a sad state of affairs in terms of education.

ASSEMBLYMAN BROWN: It has many factors -- it does. And this is one of the factors -- adequate facilities within a particular university to compete with not only the universities in the state, but the other states that are grabbing-- Other states love getting our kids. They absolutely love getting our students, because they pay out-of-state rates, and they don’t default.
MAYOR PEOPLE: Again, does it have to do with the facility?
ASSEMBLYMAN BROWN: It does.

MAYOR PEOPLE: You’re saying that because of the facility it attracts the student. It should be the quality of the education that attracts the student, not the facility.

ASSEMBLYMAN BROWN: It goes hand-in-hand.

MAYOR PEOPLE: Okay.

ASSEMBLYMAN BROWN: The facility and-- Now we’re getting into a bigger discussion on philosophy. (laughter) But here-- I just look at my job here to say, “Are we in compliance to do what is being asked for the greater public service?” And that’s what I believe we’re doing. We can’t use this hearing to hold over another governmental entity’s head -- to do something another government wants done. That’s not what we’re here to do or decide that. The law has been set on what the universities are allowed to do with their properties. They’re not expanding their footprint. They own this ground. There are buildings there that they own or that they have control of.

MS. MELICK: Assemblyman and Mayor, I appreciate that you’re having this discussion.

ASSEMBLYMAN BROWN: I’m sorry.

MS. MELICK: But I think we’ve been through a lot of this, and I think it’s maybe time for us to have a discussion and figure out what we want to do. I can tell you that I personally believe that the timeline is limited. Hopefully this discussion today has made both the Township and the University aware that they really need to engage in discussion about this. Maybe the people from the Township need to go when the Board has
meetings, and the University needs to reach out and make contact. But given the timelines, I would recommend that we approve this motion -- make motion and approve this sale.

MR. SHAUGHNESSY: Motion to--

ASSEMBLYMAN BROWN: Motion.

MR. SHAUGHNESSY: Do I have a second to the motion?

SENATOR CARDINALE: Second.

MR. SHAUGHNESSY: Motion and second.

I’ll call the roll.

Acting Senior Counsel Melick.

ASSEMBLYMAN MORIARTY: Can I just say something? Did we hear from any of the neighbors or anyone else who signed up?

MR. SHAUGHNESSY: I don’t think-- Is there anyone else in the room who would like to be heard?

ASSEMBLYMAN CRYAN: (speaking from audience) We didn’t ask the neighbors to come down, Paul.

ASSEMBLYMAN MORIARTY: Okay. I didn’t know if there was anyone.

ASSEMBLYMAN CRYAN: There’s significant opposition. They thought their Mayor was good enough.

MR. SHAUGHNESSY: I note a motion and second on the matter.

Acting Senior Counsel Melick.

MS. MELICK: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Romano.

DEPUTY TREASURER ROMANO: Yes.
MR. SHAUGHNESSY: Director Holzbaur.
DIRECTOR HOLZBAUR: Yes.
MR. SHAUGHNESSY: Senator Cardinale.
SENATOR CARDINALE: Yes.
MR. SHAUGHNESSY: Senator Smith.
SENATOR SMITH: Senator Smith would like to say to the President of Kean and the Board of Trustees that you’re acting like amateurs. You need to have better communication with the Town in which you live. And I’d appreciate it if you’d take that message back. Abstain.

UNIDENTIFIED SPEAKER FROM AUDIENCE: You don’t have to take it back because I’m a Trustee, and I take offense to that. And I’m also a resident of Union.

And the precedent has been set here that anybody can say whatever they want.

MS. MELICK: Excuse me, sir, you’re out of order.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: I’d like to just say a few things. We’ve had a similar situation down in my neck of the woods for a long time, down in Glassboro, where for years and years the governing body of Glassboro and the Board of Trustees and President of Rowan University -- then Glassboro State -- were at loggerheads. And both of them suffered because of it. And it wasn’t until both sides came to their senses and realized that they needed to work together for the benefit of the community that things blossomed, and I mean took off. That University is poised to double from 12,500 students to 25,000 students. There have been
public/private partnerships, and they have built new dormitories 6 stories high across the street from houses with no tree buffer and no opposition, because what’s happening in Glassboro is that economic opportunity is blooming, there are jobs, and people are happy, and an old downtown is coming back to life.

I would mirror the comments of Senator Smith that both sides in this need to sit down and talk. It’s to your detriment that you aren’t. And I don’t know why you don’t understand that your future is tied to each other. I hope that you will sit down and talk. I hope that Kean University will sit down and take into consideration what the neighborhood is saying, what the governing body is saying, and incorporate it into your development as you go forward.

I won’t make any friends with my Assembly colleague because I am voting yes on this today. And I do so because I think we do have a brain drain in the State of New Jersey. We need to keep more students in this state. This will help. We need to grow our university system, keep more people here. I think this is one of the ways that this will effectuate that. And so I vote a reluctant yes and hope that both sides will sit down and come to some agreement that will help the future of both Union and Kean.

Thank you.

MR. SHAUGHNESSY: Thank you, Assemblyman.

Assemblyman Brown.

ASSEMBLYMAN BROWN: Yes.

MR. SHAUGHNESSY: That matter is approved.

Moving on to No. 6 -- Department of Transportation requests.
No. 6 on the agenda is Route 9, Section 22, Parcel VX94B, Block 140, Lot I, Howell Township, Monmouth County.

DOT requests approval to sell to the only adjoining property owner, Gill Petroleum -- with the principles listed in the agenda -- an irregular-shaped, 0.172 acre parcel at the intersection of Wycoff Mills Road and Route 9. The recommended sale price is $152,450, the appraised value.

The parcel will be assembled to the adjoining commercial property, which currently has a closed gas station on it, for development into a possible gas station and mini-market.

Do we have any members with comments on this or questions?

SENATOR SMITH: Just the citizen letter that we received. She indicated that -- Barbara Dixel. She said, “I’m asking that you deny it. It is highly contaminated from the gasoline that leaked into the soil and groundwater.” Do we know anything about the environmental condition of the property?

MR. SHAUGHNESSY: I think there are representatives from DOT here who could be helpful on that question, Senator.

Who is here from DOT to speak to that, please?

I will note that on this particular matter there is a plan on the table, as Counsel has mentioned, which was provided -- a full copy of the plan of the objective.

Sir, please identify yourself and your affiliation. And speak into the microphone.

Thank you.

DAVID KOOK: Yes, sir.
My name is David Kook. I’m a Manager at the Department of Transportation for the Technical Support Bureau.

We are aware of the contamination that exists there. It’s a matter of public record that they have an LSRP on board. They are now subject to SARA as far as the requirements for remediating the property. It is an existing spill that they are dealing with. Whether we sell them the property or not, that spill will be addressed under DEP regulations that were put in place after SARA.

One other issue that we looked at was that they are in the process of developing. If we were to withhold the sale of the property until such time as they were eventually done with the normal process that’s involved in addressing a gas station spill, they would have developed the property and our land would then not be worth anything because there would be no point in them reopening the development years later, and adding on, and going through that whole process. They’re either going to build what they can on what they have, or they’re going to build what they can on what they can get from us and their land together. And we did not feel that it was appropriate for us to step in and deal with issues NJDEP is charged with, under the law, to address.

SENATOR SMITH: Is Gill Petroleum the responsible party?

MR. KOOK: I’d have to bring up Mr. Bevans on that. I did look on the Internet, but I’m not sure that I got the parties straight when I looked at it for just my own information. He has the files.

SENATOR SMITH: There is no question they’re assuming responsibility for the cleanup.
MR. KOOK: Correct. They were one of the people who were there before the gas station companies -- are responsible. But I don’t have that information.

SENATOR SMITH: Could have been a predecessor in time, but they’re taking responsibility.

MR. KOOK: Yes. They are on the DEP list, and there is an LSRP on board who is handling that in accordance with the requirements of SARA -- that they are mandatorily required to go forward with a cleanup regardless of whether DEP suggests it to them or not, unlike in the past. So they have their timetables now to deal with. Admittedly in the past it wasn’t there, and that’s why so many of the tank spills weren’t moving along as the Legislature addressed.

SENATOR SMITH: Thank you.

MR. SHAUGHNESSY: Any other members with questions?

(no response)

Anyone else from the public want to be heard on this matter?

(no response)

Hearing none, may I have a motion?

SENATOR CARDINALE: Move the approval.

ASSEMBLYMAN BROWN: Second.

MR. SHAUGHNESSY: Motion and second.

I’ll call the roll.

Acting Senior Counsel Melick.

MS. MELICK: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Romano.

DEPUTY TREASURER ROMANO: Yes.
MR. SHAUGHNESSY: Director Holzbaur.
DIRECTOR HOLZBAUR: Yes.
MR. SHAUGHNESSY: Senator Cardinale.
SENATOR CARDINALE: Yes.
MR. SHAUGHNESSY: Senator Smith.
SENATOR SMITH: Yes.
MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Can we also transmit to the person who sent in the letter something to let them know that this is being cleaned up? Because they’re under the wrong impression. I would hate for them to think we just approved something and didn’t take into account what they had to say.

MR. SHAUGHNESSY: That’s reflected in the verbatim minutes, I think.

ASSEMBLYMAN MORIARTY: So they have to go look in the minutes?

MR. SHAUGHNESSY: We can send them a copy of the minutes.

ASSEMBLYMAN MORIARTY: That would be great. Thank you.

I’m a yes.

MR. SHAUGHNESSY: Thank you.
Assemblyman Brown.

ASSEMBLYMAN BROWN: Yes.

MR. SHAUGHNESSY: Thank you very much. The matter is approved.
No. 7 is a DOT request concerning Route 78, Section 5G, Parcel VX49B, Block 2726, Lot 1, Newark, Essex County.

DOT requests approval to sell, by public auction, a 3,426 plus-or-minus square foot parcel. The minimum starting bid will be $29,000, the appraised value. The appraiser concluded that the parcel could be independently developed. I think the minimum lot size is 2,500 square feet.

I believe on this matter the members did receive a comment from Barbara Sachau, as well as some others. And those comments were transmitted to the members previously.

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

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

Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: I just have a question. It looks like it’s a park to me. Are we selling a park?

MR. SHAUGHNESSY: Not to my knowledge, but we have someone -- a representative from DOT who can add to that.

ASSEMBLYMAN MORIARTY: Yes.

JAMES DARRAR: James Darrar, DOT, Property Management Supervisor.

That’s a streetscape -- a streetscape that we build when we do a lot of these intersection improvements. Unfortunately we tried consistently with the City to get them to lease it or buy it, but they don’t want to have any involvement with it. We had an adjoining owner who has a gas station who was interested in it. They often complained of the condition of the
streetscape with the homeless and other problems. We explained to him we were looking to see if we could sell it. It turns out it’s actually buildable. He’ll have to compete for it at auction.

But you’re correct. It is a streetscape that we often build when we do projects. Unfortunately, we build these things and we don’t often get a commitment from the municipality to take them. We do not have the manpower to keep maintaining these. I regret that-- We tried numerous times -- and I don’t mind saying we reached -- using our front office to go to Cory Booker’s office direct because we weren’t getting anywhere with our traditional (indiscernible) to the municipal clerk -- just say, “We’ll lease this to you for $1 month. Would you want this?” Unfortunately, there was no interest.

ASSEMBLYMAN MORIARTY: There’s that $1 again that just keeps floating around. (laughter)

ASSEMBLYMAN BROWN: Who says you can’t get anything for $1? (laughter)

ASSEMBLYMAN MORIARTY: Ten acres, cityscape, whatever you want.

MR. DARRAR: Only for leases we have $1 a month.

MR. SHAUGHNESSY: Any other members with comments?

ASSEMBLYMAN MORIARTY: I’m not finished. I’m sorry.

MR. SHAUGHNESSY: I’m sorry, Assemblyman.

ASSEMBLYMAN MORIARTY: What’s your first name again?

MR. DARRAR: James Darrar. I’m a Property Management Supervisor.
ASSEMBLYMAN MORIARTY: Darrar. (indicating pronunciation)

MR. DARRAR: Darrar. (indicating pronunciation)

ASSEMBLYMAN MORIARTY: Darrar. (indicating pronunciation)

MR. DARRAR: Yes.

ASSEMBLYMAN MORIARTY: I’m sorry.

MR. DARRAR: It’s all right.

ASSEMBLYMAN MORIARTY: I’m looking at a map here that has a red square that looks like it’s not covering up to the street corner but set back maybe a bit.

MR. DARRAR: It would be what we acquired, so it wouldn’t be the sidewalk. Whatever we had purchased. It was an old building at one time.

ASSEMBLYMAN MORIARTY: So what’s on-- What’s right at the corner?

MR. DARRAR: I’d have to take a look. My eyes aren’t what they were.

ASSEMBLYMAN MORIARTY: I’m sorry to be so difficult.

MR. SHAUGHNESSY: We may lose this if you say anything off the record. You need to speak in the microphone.

Thank you.

ASSEMBLYMAN MORIARTY: Can you go back and comment?

MR. DARRAR: It’s actually-- That red square looks like it’s out of place. It should be at the corner. It’s actually the streetscape.
ASSEMBLYMAN MORIARTY: I was wondering. So it is actually this corner.

MR. DARRAR: If you look in your folder, there is actually a general property parcel map that actually indicates the actual parcel. In your folder there should be a general property parcel map which will correctly outline the parcel as we acquired it.

ASSEMBLYMAN MORIARTY: So it is actually-- It looks like a rather busy street corner.

MR. DARRAR: Yes. And the property behind it is actually owned by the municipality. I guess they own it from a tax lien or something.

ASSEMBLYMAN MORIARTY: Okay.

MR. DARRAR: So it’s actually the streetscape. Unfortunately, like I said, we build these. We have them across the street. Unfortunately, they’re owned by the State so they’re actually our responsibility to maintain if we don’t have a jurisdictional agreement or any other agreement with the municipality.

ASSEMBLYMAN MORIARTY: And you do not have the manpower to upkeep this, and it’s falling into disrepair. Is that your testimony?

MR. DARRAR: I don’t know if it’s falling into disrepair yet. But we don’t have enough--

ASSEMBLYMAN MORIARTY: Well, I mean, the grass isn’t being cut regularly, I’m guessing.

MR. DARRAR: If you consider twice a year regularly, then we’re regularly cutting the grass.
ASSEMBLYMAN MORIARTY: Twice a year. (laughter)

MR. DARRAR: That’s what we cut for the State. We don’t have the manpower. We own a lot of property in Newark and throughout the state. The county owns my front lawn, but I cut it regularly. If I wait for the county it will never get cut. It’s the same thing with the State. We just don’t have the manpower to get out and cut everything. And I don’t believe there is that much grass there. It’s almost all pavers. But it’s just--

ASSEMBLYMAN MORIARTY: And this is zoned commercial?

MR. DARRAR: I believe-- You know what? I’d have to check the file. I’m not sure if it’s a commercial or residential piece. But it is being auctioned off.

ASSEMBLYMAN BROWN: It’s commercial.

ASSEMBLYMAN MORIARTY: It’s a really busy corner, and $29,000 would be an appropriate starting bid?

MR. DARRAR: Well, I’ve had experience in the past where we haven’t had much success selling anything in Newark. We’ve come back repeatedly on other properties that were residential, and we didn’t get anybody showing up at auction. So it was done in-house by one of our appraisers, it was reviewed by one of our reviewers, and I guess they felt that would be a fair price to try to get. That’s starting. Hopefully we’ll get somebody out there who will actually bid on this.

ASSEMBLYMAN MORIARTY: I’m sorry to be persistent about this. This seems to be a very busy commercial corner. Caddy corner from that is a Dunkin’ Donuts. I’m wondering how much they paid for that location. I’m just wondering if $29,000 is a responsible starting bid.
MR. DARRAR: I don’t know. I do know that if there are multiple parties interested we will actually get something closer to what the market will bear. I’m not even sure at $29,000 we’ll get somebody who will show up to bid for the property.

ASSEMBLYMAN MORIARTY: I guess if you can’t get the City to give you $1, I guess it might be worth asking whether you can get $29,000 from someone else.

MR. DARRAR: We’re certainly going to try.

ASSEMBLYMAN MORIARTY: I certainly wanted to ask the question. I’m not inclined to oppose, but it’s baffling, to say the least.

MR. DARRAR: It was appraised, and it was reviewed. I’m not an appraiser.

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

Any other members from the public want to comment? (no response)

Hearing none, may I have a motion, please?

SENATOR CARDINALE: Move to approve.

MR. SHAUGHNESSY: Motion. Thank you, Senator.

Second?

ASSEMBLYMAN BROWN: Second.

MR. SHAUGHNESSY: Motion and seconded.

Acting Senior Counsel Melick.

MS. MELICK: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Romano.

DEPUTY TREASURER ROMANO: Yes.

MR. SHAUGHNESSY: Director Holzbaur.
DIRECTOR HOLZBAUR: 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 Brown.

ASSEMBLYMAN BROWN: Yes.

MR. SHAUGHNESSY: That matter is approved. Thank you.

We’re on to No. 8: Route 33, Section 4, Parcel VX16A2, Block 23, adjoining Lot 11, Millstone Township, Monmouth County.

The Department of Transportation requests approval to sell a rectangular shaped parcel of vacant land having an area of approximately 0.684 acres. The parcel is encumbered in its entirety with a drainage easement. The property is proposed to be sold by direct sale to Edward Brock Sr. and Angelina Brock, as to a 50 percent interest as tenants by the entirety; and Edward Brock, Jr. and Linda Arcoleo, jointly, as to a 50 percent interest as tenants in common, the only adjoining owner. The recommended sale price is $20,000, the appraised value.

Any members want to comment or be heard on this matter? (no response)

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

May I have a motion?

SENATOR CARDINALE: So moved.

SENATOR SMITH: Second.
MR. SHAUGHNESSY: Motion and second. Thank you.

Acting Senior Counsel Melick.

MS. MELICK: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Romano.

DEPUTY TREASURER ROMANO: Yes.

MR. SHAUGHNESSY: Director Holzbaur.

DIRECTOR HOLZBAUR: 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 Brown.

ASSEMBLYMAN BROWN: Yes.

MR. SHAUGHNESSY: That matter is approved.

No. 9 is DOT again: Route 35, Section 5, Parcels VX16 and
VXR2J2, Block 816, adjacent to Lots 5 and 9, Wall Township, Monmouth County.

DOT requests approval to sell a rectangular vacant lot having
approximately 0.29 acres located off of Lakewood Road and near Route 35.
The property is not a buildable lot. There are two adjoining owners that
have both expressed an interest to acquire. Correspondingly, it’s going to
be proposed to be sold by public auction to the highest bidder, with a
minimum starting bid of $49,000, the appraised value.

Any members wanting to be heard on this? (no response)
Any members of the public here to comment? (no response)

Hearing none, may I have a motion, please?

SENATOR CARDINALE: So moved.

ASSEMBLYMAN BROWN: Second.

MR. SHAUGHNESSY: Acting Senior Counsel Melick.

MS. MELICK: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Romano.

DEPUTY TREASURER ROMANO: Yes.

MR. SHAUGHNESSY: Director Holzbaur.

DIRECTOR HOLZBAUR: 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 Brown.

ASSEMBLYMAN BROWN: Yes.

MR. SHAUGHNESSY: That matter No. 9 is approved.

On to No. 10: Route 1, Section 3H, Parcels VX26C2 and VX27B2, Block 1701, part of Lots 5 and 6, Plainsboro Township, Middlesex County.

DOT requests approval to sell an irregular-shaped vacant land having an area of 0.28 acres to the adjoining property owner, Princeton Healthcare Systems. The property is intended to be utilized for drainage,
sewer, and utility purposes for the construction of a new children’s hospital. The recommended sale price is $53,000, the appraised value.

Does any member of the Commission want to be heard on this matter? (no response)

I note that there was an individual who would like to testify or provide comment. Please come up and identify yourself and your affiliation, sir.

HENRY KENT SMITH, ESQ.: Henry Kent Smith, partner with Fox Rothschild. I’m the attorney on behalf of Children’s Hospital. I just wanted to thank the Commission and the Department of Transportation for your proactive and timely addressing and consideration of our request. Children’s Hospital is extremely excited about partnering with Princeton Healthcare Systems to develop a premiere location here in central New Jersey. And I just want to thank you for your time and effort.

MR. SHAUGHNESSY: Thank you, Mr. Smith.

I note that a number of people called in support of this matter hoping that it’s approved today.

SENATOR SMITH: I move the application.

SENATOR CARDINALE: Second.

MR. SHAUGHNESSY: Motion and seconded.

Acting Senior Counsel Melick.

MS. MELICK: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Romano.

DEPUTY TREASURER ROMANO: Yes.

MR. SHAUGHNESSY: Director Holzbaur.

DIRECTOR HOLZBAUR: 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 Brown.

ASSEMBLYMAN BROWN: Yes.

MR. SHAUGHNESSY: That matter is approved.

Thank you very much.

Now on to Department of Environmental Protection requests:

No. 11 is South Mountain Reservation, Block 1.02, part of Lot 1, Block 1.03, part of Lot 1, Maplewood Township, Essex County; as well as Block 5501, part of Lot 1, Block 5503, part of Lot 1, Millburn Township, Essex County.

DEP, on behalf of the County of Essex, requests approval to allow the County to dispose of approximately 1.54 acres of the South Mountain Reservation in fee, and divert an additional 1.35 acres of parkland for drainage easements as part of a County project to improve traffic and safety conditions along a 1.6 mile section of South Orange Avenue.

As compensation, the County proposes to construct park improvements valued at over $5 million, including a replacement pedestrian bridge, two new pedestrian bridges, a new park entrance at Crest Drive, and new trail extensions throughout the Reservation. In addition, the County
will vacate and add to the Reservation approximately 0.42 acres of existing right of way for South Orange Avenue.

Are there any members who want to be heard with regard to this matter? (no response)

There’s a public member? (affirmative response)

Please, sir, come up and identify yourself. And please speak into the microphone.

Thank you, sir.

BILL WOLFE: Good morning.

My name is Bill Wolfe. I’m Director of a group called New Jersey PEER, Public Employees for Environmental Responsibility. We do support work for the professionals in natural resource and environmental agencies.

I just want to make one technical point. The last time I was here-- I like to focus on the area of public policy decisions that you make, the DEP regulatory framework that they follow that has driven some of the calculations here, and the methodology itself.

The last time I was here we talked about a lease to Tennessee Gas Pipeline that was undervalued and the public interest wasn’t well-protected. And that testimony and that critique of the methodology -- of the appraisal methodology led to both an agreement of this body to, on a case-specific basis-- I think we doubled the appraised value in that case and led to legislation to reform the larger valuation methodology.

SENATOR CARDINALE: Four times.

MR. WOLFE: Excuse me, four times. Correct.

Thank you, Senator.
And that was at the leadership of Senator Cardinale.

At any rate, we have a very similar issue here, and it deals with the cutting of 300-- I haven’t looked at the overall larger project in its totality, so I can’t comment on that. But the issue with respect to cutting 360 mature trees; and the certified forester’s application of DEP regulations translating that to 8,500, two-inch caliper trees-- That’s following a standard methodology that the DEP uses under their regulations that does not take into account the most important features of those trees that transcend the biological biomass of the tree itself. You deal in real estate all the time. You know location is an important variable that drives value. These trees have aesthetic value, they have historic value. The park system that they’re an integral part of is part of the oldest county park service in the country. They form an urban greenbelt between some of the most densely populated places in the world. So this is literally like a tree evaluation -- say a tree in Central Park, which would have enormous value as opposed to, say, a tree in the forest in Sparta Mountain, in Sussex County.

The DEP methodology doesn’t take into account any of those factors. So the ideal solution, obviously, would be regulatory reform at the DEP to promulgate regulations that incorporate criteria that address these considerations. That would be the way I would solve the problem if I was the DEP Commissioner. That’s not doable, obviously, in your case. You’re not bound by the DEP regulations. Obviously you make policy determinations. You have discretion. So I would ask and suggest two alternatives at this time to kind of improve the public interest component here. One would be-- The forester noted there were 1,600 trees that were
blown down during Sandy. Part of the solution -- one alternative would be to supplement those 8,500 two-inch calipers with either larger caliper trees, and supplement the blowdown -- 1,600 additional trees. So make it 10,100 trees, and increase the caliper size. A two-inch caliper tree is a pretty tiny tree. So that’s one alternative.

The other way is to try to, on a case-specific basis -- the four X rule would work. So let’s -- you have precedent on the four X. I would suggest that you go in with a four X. And if they’re going to stick with two-inch calipers, make it 32,000. But do more -- clearly do more. And I think you can do more, I think you should do more. I think there’s precedent for doing more. And maybe the DEP can get the message that they might want to supplement their regulations. And maybe a legislator here might want to put a bill in to do that on a statewide scale.

I appreciate your consideration.

MR. SHAUGHNESSY: Thank you, Mr. Wolfe.

Any members have any questions for Mr. Wolfe? (no response)

Does anyone else want to be heard on this matter? (affirmative response)

Again, the same rules apply. Please, your name, affiliation, and speak into the microphone.

MARK W. KATARYNIAK: My name is Mark Kataryniak. I’m a principal with French & Parrello Associates. My firm is the consulting engineering on behalf of Essex County for this project.

This is a federally funded project. And in light of the comments you just heard, I just want the Commission to realize or to be aware that we have taken the concerns of the DEP into strong consideration
as a part of this project. We’ve been working hand-in-hand with them for a number of years on this project.

The total final design package that we’re proposing as part of this project includes the installation of over 6,000 trees on this project. And the minimum caliper size that we’re proposing on this project is four-and-a-half to five inches in caliper trees. So we have taken those concerns into consideration, and we’re proposing much larger trees than would be conventionally installed under the DEP’s minimum regulations.

MR. WOLFE: Clarification, that’s not what your agenda-- We have a conflict with the testimony and your actual written materials. Your written materials talk about 8,500 trees, two-inch caliper. That’s what you’re technically approving here. And it also talks about-- I would suggest the DEP rep come in and clarify the fact that this is based on the DEP calculations that do not factor in the location features, the aesthetic features, the historic features, the greenbelt features, the urban population density features, etc.

SENATOR SMITH: Stop for a second, Bill. What Mark is saying is that they have enhanced this such that 6,500 trees at four-inch caliper.

MR. WOLFE: Right, but is that in addition to the 8,500 at two-inch?

SENATOR SMITH: I don’t think so, but let me ask.

MR. KATARYNIAK: No, the 8,500 was a calculation made by the DEP as sort of the minimum replacement requirement. We chose to exceed that requirement with the quality of the trees, and we have exceeded their requirement. The net total is not the full 8,500, but that 8,500 was
established based on the two-inch caliper size. We’ve gone to a larger caliper size. So our actual basal area calculation exceeds the requirements set forth by Green Acres in terms of tree replacement. And those trees are being replaced. They’re being placed in the Reservation, along the roadway, and in large sections within the Reservation rather than spot tree replacement areas. We are putting those trees in large clusters within the Reservation so that the environmental aspects -- or the benefits that you get from these larger, mature trees can be achieved in a shorter timeframe.

MR. WOLFE: And how would that relate-- Through the Chair, how would that relate to the blowdown you’ve recognized?

SENATOR SMITH: Well, they would just change the terms.

MR. SHAUGHNESSY: May we hear from DEP as well?

J U D E T H   P I C C I N I N I   Y E A N Y: I’m Judeth Yeany, from the Green Acres Program.

The tree replacement formula in the Green Acres rules is what is called the *basal area replacement formula*. So it does take into account the size of the trees being removed and says that trees that add up to that same basal area need to be substituted. So the consultant is correct that if two-inch trees were used, the number would have been 8,500. The City is not required to use bigger trees under our formula. But if they have opted to, then that would reduce the total number of trees. So you’re just trying to get to a replacement area that’s been calculated based on what was removed. And the numbers can change that way. So if we’re now being told by the City that they’re using bigger trees, we can certainly--

SENATOR SMITH: You’re okay with that. DEP is fine with that.
MS. PICCININI YEANY: Yes.

Now, Bill is also correct that we don’t take these other factors into account under the formula. Our formula we consider to be more strict than no net loss as far as how we approach tree replacement. But we’ve never gotten into these other factors as far as the particular location. And it happens in this case that the Reservation did suffer some damage in the storm, and it provides an obvious place to plant some of the trees. Sometimes it’s difficult to find locations for the plantings. But we think it will benefit the Reservation in this case, and we’re happy to see the bigger trees.

SENATOR SMITH: Is there a provision in this to move the trees that have been felled by Sandy?

MS. PICCININI YEANY: Not as part of our approval.

SENATOR SMITH: Mark, do you know if that’s going to happen?

MR. KATARYNIAK: The plan is to remove the ones that have been felled, yes.

SENATOR SMITH: Anyway, it looks like this is at least 50 percent better. You multiply the number of trees times the diameter or the radius, whatever -- diameter -- you end up with 8,500 times two, which would be 17,000 inches of tree versus 6,500 times four, and you end up with 26,000 inches of tree. So that’s a significantly better approach.

Now, Mr. Shaughnessy, is the right way to do this just to simply say that the terms would not be 8,500? You have one term about tree replacements. Instead of 8,500 at two, 6,500 at four?

MR. SHAUGHNESSY: There hasn’t even been a motion yet.
SENATOR SMITH: I just want to know that that would be how you would effectuate it.

MS. MELICK: Can we amend it to do the -- what they’re projecting with the larger trees?

MR. SHAUGHNESSY: I think so.

SENATOR SMITH: Okay.

ASSEMBLYMAN BROWN: Actually, I think the motion would be either/or, because that’s what the testimony is. If they decide to go back to the 6,500 for whatever reason it may be, that should be either one. Those are the regulations. Why we’re deviating from what was testified to--

SENATOR SMITH: It would be better for the State, and the State is okay with it.

ASSEMBLYMAN MORIARTY: Yes, if someone has come forward and testified that they’re going to give us better, we should nail them down and take it. (laughter)

SENATOR CARDINALE: But, you know, we’re dealing here with two public entities.

ASSEMBLYMAN BROWN: Exactly.

SENATOR CARDINALE: We’re not dealing here with a private company, which is where we did work together to change that formula. So I think that it’s very difficult for me to second guess the DEP’s formula for tree replacement on Green Acres property. I don’t have that kind of background or expertise.
SENATOR SMITH: Gerry, I don’t think we’re second guessing. I thought what Judeth was saying was that this exceeds the DEP standard, and therefore the DEP has no objection to it.

Or did I miss it?

MS. PICCININI YEANY: That’s correct.

SENATOR SMITH: So we’re not second guessing DEP. They’re thrilled with this too.

ASSEMBLYMAN BROWN: They’re fine with it either way.

MS. PICCININI YEANY: Yes.

MR. WOLFE: I’m asking for more.

SENATOR SMITH: And Essex County is willing to give more.

MR. KATARYNIAK: Essex County is willing to give more. They have agreed to exceed the basal area requirement. The exact number of trees, I think, is about 6,000 -- is the latest count here. That number may fluctuate a little bit. So rather than an exact calculation of area, our commitment -- Essex County’s commitment is to exceed the basal area requirement of DEP and install trees of a higher quality of four inches rather than two.

ASSEMBLYMAN MORIARTY: So I would just say take yes for an answer. Our attorney said there is not a problem with doing that. And if there is not a problem with DEP, I would ask that we do that.

SENATOR SMITH: So we want to make a motion. And the motion would just simply be to revise the one term that the applicant will exceed the DEP basal area and plant trees of four inches in caliper -- minimum of four inches in caliper.
MR. SHAUGHNESSY: Okay. That’s the motion made by the Senator.

Do I have a second?

ASSEMBLYMAN MORIARTY: Second.

MR. SHAUGHNESSY: Acting Senior Counsel Melick.

MS. MELICK: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Romano.

DEPUTY TREASURER ROMANO: Yes.

MR. SHAUGHNESSY: Director Holzbaur.

DIRECTOR HOLZBAUR: I’m going to abstain.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman Brown.

ASSEMBLYMAN BROWN: Yes.

MR. SHAUGHNESSY: That matter is approved.

On to No. 12: Assiscunk Creek Park 2, Block 144, part of Lot 10, Burlington Township, Burlington County.

DEP, on behalf of Burlington Township, requests approval to allow the Township to establish a 10-foot-wide subsurface sewer line easement across approximately 0.10 acre of Assiscunk Creek Park 2 to allow the connection of a gravity-fed sanitary sewer main extension from the Pinewald Lane Pumping Station to the Township’s LaGorce Pumping Station.
Station, located adjacent to the Park. This extension will eliminate the existing Pinewald Lane Pump Station through the construction of a gravity-fed sewer line within the Park.

As compensation, the Township will pay $2,500 to be deposited into the Garden State Preservation Trust Fund and add the decommissioned Pinewald Lane Pump Station parcel to the Park for recreation purposes. Once the pump station is decommissioned and removed, this 0.10 acre parcel will become Park.

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

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

SENATOR SMITH: Move it.
ASSEMBLYMAN MORIARTY: Second.
MR. SHAUGHNESSY: Motion and second.

Acting Senior Counsel Melick.
MS. MELICK: Yes.
MR. SHAUGHNESSY: Deputy State Treasurer Romano.
DEPUTY TREASURER ROMANO: 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 Brown.
ASSEMBLYMAN BROWN: Yes.

MR. SHAUGHNESSY: That matter is approved.

DIRECTOR HOLZBAUR: You missed me.

MR. SHAUGHNESSY: I note the abstention.

DIRECTOR HOLZBAUR: On the first one, and on this one coincidently. I live in this township.

MR. SHAUGHNESSY: Thank you, Director, for that clarification.

No. 13: Hamburg Mountain Wildlife Management Area, Block 190, a portion of Lot 20, Vernon Township, Sussex County.

DEP requests approval to convey nonexclusive access easement along an existing roadway to Philip and Donna Girlando, the owners of an adjacent undeveloped lot, which is Block 194.05, Lot 14.

As compensation, the Girlando’s propose to convey to DEP a 3.2 acre portion of their property for addition to the Hamburg Mountain WMA and either pay an additional $5,500, increase the replacement land by 0.73 acres, or a combination of both.

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

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

I believe this matter, as well-- We’ve had some submitted written comment on this matter which has been provided to the members.

Do we have a motion on this matter?

SENATOR CARDINALE: So moved.

MR. SHAUGHNESSY: Second?
ASSEMBLYMAN BROWN: Second.
MR. SHAUGHNESSY: Acting Senior Counsel Melick.
MS. MELICK: Yes.
MR. SHAUGHNESSY: Deputy State Treasurer Romano.
DEPUTY TREASURER ROMANO: Yes.
MR. SHAUGHNESSY: Director Holzbaur.
DIRECTOR HOLZBAUR: Yes.
MR. SHAUGHNESSY: Senator Cardinale.
SENATOR CARDINALE: Yes.
MR. SHAUGHNESSY: Senator Smith.
SENATOR SMITH: Yes.
MR. SHAUGHNESSY: Assemblyman Moriarty.
Assemblyman Brown.
ASSEMBLYMAN MORIARTY: I didn’t answer.
MR. SHAUGHNESSY: Oh, I moved too quickly. (laughter)
ASSEMBLYMAN MORIARTY: I had a question before I vote.
MR. SHAUGHNESSY: Okay.
ASSEMBLYMAN MORIARTY: You said that there was some public comment that was provided. I don’t have it.
SENATOR SMITH: It’s Barbara Sachau.
MR. SHAUGHNESSY: There were a number of public comments. There was a package provided. I believe it was provided--
SENATOR SMITH: Barbara Sachau.
MR. SHAUGHNESSY: Yes.
ASSEMBLYMAN MORIARTY: Okay. I’m a yes.
MR. SHAUGHNESSY: Okay. Thank you, Assemblyman Moriarty.

Assemblyman Brown.

ASSEMBLYMAN BROWN: Yes.

MR. SHAUGHNESSY: That matter is approved.

Thank you.

We are now quickly moving on--

SENATOR CARDINALE: Before you do that, I believe there were four votes that were taken before I got here. I wish to vote in the affirmative on all four of those matters.

MR. SHAUGHNESSY: Okay. That’s so noted. We appreciate that, Senator. Thank you very much for reviewing them and approving those matters.

Finally, I need a motion to sit as the Judicial Retirement System.

SENATOR CARDINALE: So moved.

SENATOR SMITH: Second.

MR. SHAUGHNESSY: Motion and second.

All in favor? (affirmative responses)

Any opposed or abstentions? (no response)

We’re now sitting as the Judicial Retirement System board. We have to take certain actions. First is approval of the minutes of the meeting held on May 6, 2013.

SENATOR CARDINALE: Move the approval.

SENATOR SMITH: Second.

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

MS. MELICK: Excuse me. Are these minutes part of the -- what’s -- there’s an absolute transcript -- since I wasn’t at this meeting -- if we have a word-for-word transcript?

MR. KOTLER: No, it’s a summary.

MS. MELICK: All right then, I’m going to abstain.

MR. SHAUGHNESSY: Thank you for your abstention.

Any opposed? (no response)

The minutes are approved.

ASSEMBLYMAN BROWN: I’m abstaining also.

MR. SHAUGHNESSY: Assemblyman Brown.

No. 2: Confirmation of death claims, retirements, and survivor benefits.

May I have a motion to approve and confirm those?

SENATOR SMITH: So moved.

MR. SHAUGHNESSY: Second?

ASSEMBLYMAN BROWN: Second.

MR. SHAUGHNESSY: Acting Senior Counsel Melick.

MS. MELICK: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Romano.

DEPUTY TREASURER ROMANO: Yes.

MR. SHAUGHNESSY: Director Holzbaur.

DIRECTOR HOLZBAUR: 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 Brown.
ASSEMBLYMAN BROWN: Yes.
MR. SHAUGHNESSY: That matter is approved.
No. 3: Receive approval of the financial statements from January 2013 to March 2013.
Motion?
SENATOR SMITH: So moved.
MR. SHAUGHNESSY: Second?
SENATOR CARDINALE: Second.
MR. SHAUGHNESSY: Motion and second.
Acting Senior Counsel Melick.
MS. MELICK: Yes.
MR. SHAUGHNESSY: Deputy State Treasurer Romano.
DEPUTY TREASURER ROMANO: Yes.
MR. SHAUGHNESSY: Director Holzbaur.
DIRECTOR HOLZBAUR: 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 Brown.
ASSEMBLYMAN BROWN: Yes.

MR. SHAUGHNESSY: Motion to adjourn? (affirmative responses)

(MEETING CONCLUDED)