

MINUTES



REGULAR SESSION BOARD MEETING

DATE: September 21, 2017
TIME: 10:00 a.m.
PLACE: 2 DeKorte Park Plaza - Lyndhurst, NJ
RE: **REGULAR SESSION MEETING MINUTES**

Members in Attendance:

Joseph Buckelew, Vice Chairman
Wayne Hasenbalg, Esq., President and Chief Executive Officer
John Ballantyne, Member
Armando Fontoura, Member
LeRoy Jones, Member
George Kolber, Member (via phone)
Steven Plofker, Member
Andrew Scala, Member
Anthony Scardino, Member
Shannon McManus, NJ State Treasurer's Representative (via phone)

Absent:

Michael Gonnelli, Member
Michael Ferguson, Chairman
Michael H. Gluck, Esq., Member
Robert Yudin, Member

Also Attending:

Ralph J. Marra, Jr., Sr. Vice President of Legal and Regulatory Affairs
Adam Levy, Vice President of Legal & Regulatory Affairs
John Yarenis, Director of Finance/CFO
Sara Sundell, Director of Land Use Management and Chief Engineer
Nicholas Kant, Assistant Counsel, Governor's Authorities Unit
Christine Ferrante, Executive Assistant/Paralegal

Vice Chairman Buckelew called the meeting to order.

Vice Chairman Buckelew stated that the New Jersey Sports and Exposition Authority gave notice of the time, place, and date of this meeting by providing such notice to the Secretary of State for the State of New Jersey, The Star-Ledger, The Record, and other newspapers and by posting the notice at the offices of the Authority.

I. APPROVAL OF MINUTES

Vice Chairman Buckelew presented the minutes of the Regular Session Board Meeting held on July 20, 2017.

Upon motion made by Commissioner Ballantyne and seconded by Commissioner Scala, the minutes of the Regular Session Board Meeting held on July 20, 2017 were unanimously approved by a vote of 10-0.

II. PUBLIC PARTICIPATING ON RESOLUTIONS

- George Cascino, representing Eugene Mori, spoke against Resolution 2017-26. Mr. Cascino handed Vice Chairman Buckelew a letter that was emailed to President Hasenbalg yesterday. Mr. Cascino stated that Mr. Mori objects to the resolution that would authorize staff to do a study that could lead to the property being placed into a redevelopment zone. Mr. Cascino addressed two issues raised by the NJSEA in its recommendation: 1) no development activity on the property for the last 10 years. Mr. Cascino state that Mr. Mori has been in active negotiations and close to an agreement for the development of the property. 2) past illegal fill activities on the property. Mr. Cascino explained that there were two illegal fill operations by a third party four years ago that included a one acre and four acre parcel of the 135 acre site. The remaining 130 acres were not touched.

Mr. Levy explained that the proposed resolution is an administrative step that would only authorize staff to conduct a study and that no designation is being made at this time. The next step in the process would be the evaluation of merits and that Mr. Casino's comments and letter will be incorporated.

Eugene Mori, owner of the property spoke against resolution 2017-26. Mr. Mori stated that he was not notified by the NJSEA or Secaucus regarding the matter before the board. He also spoke about the potential development and possible resolution with DEP on riparian and illegal fill matters.

There was discussion regarding proper notification to the property owner. Mr. Levy explained that there is no requirement for notification for this stage of the process and that this resolution does not impact the property. Mr. Levy stated that the next steps going forward would require notifications.

Robert Ceberio, representing Secaucus, spoke in favor of resolution 2017-26. Mr. Ceberio stated that the study would help Mr. Mori market the property better. He also stated that this may allow for remediation of the violations or settlement with DEP. He also stated that Secaucus has no interest in condemning the property. Mr. Ceberio noted that Secaucus has attempted unsuccessfully to reach Mr. Mori.

Captain Bill Sheen, Riverkeeper, spoke on resolution 2017-26. Captain Sheehan spoke about the violations and that the project could ultimately lead to the remediation of the violations. Captain Sheehan stated that he supports Mr. Mori's right to develop the uplands, but that the wetlands portion should be protected.

- Michael Sullivan of Sills Cummis & Gross, representing Towers Associates, spoke against proposed resolution 2017-28. Mr. Sullivan explained that Towers owns property adjacent to property owned by MEPT Lincoln Crossings. Towers had objected to MEPT's variance for a warehouse distribution facility. Mr. Sullivan explained that after several hearings, MEPT voluntarily withdrew their application without prejudice. Mr. Sullivan stated that Towers found this to be

unfair, as they spent money defending the application. Mr. Sullivan stated that Towers is requesting that the withdrawal be with prejudice (that the applicant would be prohibited from resubmitting the application). Mr. Sullivan also stated that if the board approves the resolution without prejudice, Towers believes it would be appropriate for MEPT to pay their expert witness fees. Commissioner Plofker questioned Mr. Sullivan on the merits of Towers' motion.

- Tom O'Connor of Water McPherson McNeill, representing the applicant, MEPT Lincoln Crossing, spoke in favor of proposed resolution 2017-28. Mr. O'Connor stated that the record of the hearing was not complete. Mr. O'Connor clarified the reasoning for the withdrawal. He explained that MEPT recognized the impact of the loading area to the Hilton Hotel, an adjacent property owner. For that reason the application was withdrawn so that the plan could be realigned to have the trucking entrance located on the highway side. Mr. O'Connor also stated that a lot of money was expended on both sides.

III. APPROVALS

- Approval of Cash Disbursements Over \$100,000 and Professional Invoices

Vice Chairman Buckelew presented the report of cash disbursements over \$100,000 and Professional Invoices for the months of July and August 2017.

Upon motion by Commissioner Ballantyne and seconded by Commissioner Fontoura, the cash disbursements over \$100,000 for the months of July and August 2017 were approved subject to the following recusals:

<u>Member</u>	<u>Recused as to</u>
Commissioner Buckelew	Borough of Oceanport

Resolution 2017-26 Resolution Authorizing NJSEA Staff to Investigate the Redevelopment Potential of the Mori Tract identified as Block 227, Lot 9 in Secaucus.

Vice Chairman Buckelew presented Resolution 2017-26. Upon motion by Commissioner Scala and seconded by Commissioner Ballantyne, proposed resolution 2017-26 was unanimously approved by 10-0 vote.

IV. COMMITTEE REPORTS

- American Dream Master Plan Subcommittee – Mr. Marra updated the board:
 - The Master Plan Subcommittee met on September 18 at the Triple 5 offices. Triple 5 explained to the committee that they are on schedule for a March 2019 opening and gave a brief overview of the current construction activity.
 - Triple 5 provided an update on the previously approved exterior signage. The Master Plan Committee approved the minor changes subject to evaluation by NJSEA's outside traffic expert and also subject to any permits required by NJDOT or the Turnpike Authority.

- The Committee was also briefed in detail on the Economic Development Authority's (EDA) affirmative action plan program. The Committee approved that going forward Triple 5 will be required to follow EDA's affirmative action plan.
- The Committee agreed to take the role previously performed by the NJMC of monitoring the status of the requirements recommended by the 2004 and 2012 Hearing Officers Reports.
- The Master Plan Subcommittee will begin to meet regularly.

V. PUBLIC COMMENTS

- Bill Sheehan, Riverkeeper, spoke regarding the upcoming Hackensack Riverkeeper's 2nd Annual Pirates of the Hackensack Fishing Derby event to be held this Saturday at Laurel Hill County Park.
- Greg Allen, Secaucus Brownfield Redevelopment, spoke regarding their application and thanked Mr. Levy and Mr. Marra for their work on the matter. Mr. Levy pointed out that the hard work was done by Sara Sundell, Sharon Mascaro and Fawzia Shapiro.
- Marvin Donadic, Cliffside Park resident, spoke on the naming of sports teams.
- President Hasenbalg and Commissioners recognized John Brennan wishing him well and thanking him for his wonderful work over the years as a reporter covering the Meadowlands.

VI. EXECUTIVE SESSION

Vice Chairman Buckelew stated a need for the Board to enter into Executive Session to discuss contractual matters and litigation matters.

Resolution 2017-27 Resolution authorizing the NJSEA to enter into a meeting to which the general public shall not be admitted to discuss legal matters, personnel matters and contract negotiations.

- Consideration of a Resolution on pending litigation regarding File No. 15-100 – MEPT Lincoln Crossing/2701 Rt. 3 East - New Building/Variance

Upon motion made by Commissioner Scardino and seconded by Commissioner Scala Resolution 2017-27 was approved by a vote of 10-0.

Motion was made and seconded to enter into open session.

Resolution 2017-28 Resolution denying Towers Associates' Motion requesting that MEPT Lincoln Crossing's withdrawal of its variance application be considered as with prejudice.

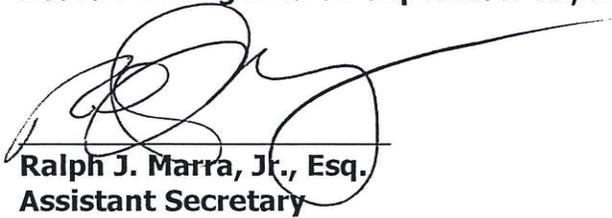
Vice Chairman Buckelew presented Resolution 2017-28. Upon motion by Commissioner Plofker and seconded by Commissioner Scala, proposed resolution 2017-28 was approved by 9-0 vote with Commissioner Ballantyne recused.

VII. MOTION TO ADJOURN

With no further business, motion to adjourn the meeting was made by Commissioner Scardino and second by Commissioner Scala with all in favor.

Meeting adjourned at 11:25 a.m.

I certify that on information and belief this is a true and accurate transcript of the Minutes of the Regular Session of the New Jersey Sports and Exposition Authority Board Meeting held on September 21, 2017.



Ralph J. Marra, Jr., Esq.
Assistant Secretary

September 21, 2017

Commissioner	Roll Call	2017-26	2017-27	2017-28
Ferguson	--	--	--	--
Buckelew	P	Y	Y	Y
Hasenbalg	P	Y	Y	Y
Ballantyne	P	Y	Y	A
Fontoura	P	Y	Y	Y
Gluck	--	--	--	--
Gonnelli	--	--	--	--
Jones	P	Y	Y	Y
Kolber	P (via phone)	Y	Y	Y
Plofker	P	Y	Y	Y
Scala	P	Y	Y	Y
Scardino	P	Y	Y	Y
Yudin	--	--	--	--
Treasury Rep McManus	P (via phone)	Y	Y	Y

P - Present A - Abstain
-- Absent R = Recuse
Y = Affirmative N = Negative