

Board Meeting

Thursday, January 11, 2018

10:00 a.m.



**AGENDA
REGULAR SESSION**

Thursday, January 11, 2018 - 10:00 a.m.
Two DeKorte Park Plaza, Lyndhurst, NJ

I. **APPROVAL OF MINUTES** - (Action)

- Approval of Regular Session Meeting Minutes of December 14, 2017.

II. **PUBLIC PARTICIPATION ON RESOLUTIONS**

III. **APPROVALS** – (Action)

Cash Disbursements Approval and/or Ratification of Cash Disbursements over \$100,000 for December 2017.

Resolution 2018-01 Consideration of a Resolution Certifying the Meadowlands Adjustment Payments for CY2018.

Resolution 2018-02 Consideration of a Resolution regarding a Tidelands Application for Command Web Offset Co., File No. SP-754, Block 9, Lot 9, in the Town of Secaucus.

Resolution 2018-03 Consideration of a Resolution issuing a Decision on the Suitability Recommendation as required by the *NJSEA Interim Policies Governing Affordable Housing Development in the Meadowlands District* – File No. SP-750 Highland Cross Redevelopment Plan Amendment, for Block 219.04, Lot 1 (portion), Block 219.04, Lot 2 (portion), Block 219.04, Lot 3, Block 219.02, Lot 61 (portion), and Block 219.02, Lots 65.05, 65.06, and 65.07, in the Borough of Rutherford.

IV. **PUBLIC PARTICIPATION**

V. **EXECUTIVE SESSION**

Resolution 2018-04 Consideration of a Resolution authorizing the New Jersey Sports and Exposition Authority to conduct a meeting, to which the general public shall not be admitted for the purposes of discussing legal matters, personnel matters and contract negotiations.

- IMO Towers Associates' Motion Requesting a Stay of NJSEA File No. 17-239 Pending Its Appeal of Resolution No. 2017-28

VI. **MOTION TO ADJOURN**

MINUTES



REGULAR SESSION BOARD MEETING

DATE: December 14, 2017
TIME: 10:00 a.m.
PLACE: 2 DeKorte Park Plaza - Lyndhurst, NJ
RE: **REGULAR SESSION MEETING MINUTES**

Members in Attendance:

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

Absent:

Michael Gonnelli, Member
Robert Yudin, Member
George Kolber, Member

Also Attending:

Ralph J. Marra, Jr., Sr. Vice President of Legal and Regulatory Affairs
Christine Sanz, Sr. Vice President/Chief Operating Officer
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 November 16, 2017.

Upon motion made by Commissioner Scala and seconded by Commissioner Plofker, the minutes of the Regular Session Board Meeting held on November 16, 2017 were approved by a vote of 11-0.

II. PUBLIC PARTICIPATING ON RESOLUTIONS -

- Captain Bill Sheehan, Riverkeeper – spoke in support of Resolution 2017-39 on behalf of the Meadowlands Conservation Trust.

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 month of November 2017.

Upon motion by Commissioner Ballantyne and seconded by Commissioner Gluck, the cash disbursements over \$100,000 for the month of November 2017 were approved subject to the following recusals:

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

Resolution 2017-36 Resolution Accepting the 2016 Audit Report.

Mr. Yarenis explained that before the board today is the 2016 financial statements and independent auditors report. Mr. Yarenis stated that the auditors, PKF O'Connor Davies, issued a clean opinion on all financial operations except for the item related to the arena. He went on to say that the audit committee held an exit conference with the auditors and that there were no adverse financial management issues raised. Mr. Yarenis stated that representatives from PKF O'Connor Davies are present today to answer any questions the board may have relating to the audit report.

Commissioner Plofker stated that he was on the audit review committee and is satisfied with the report. He went on to say that the auditors praised NJSEA staff.

Commissioner Jones stated that he has not seen the audit report. It was explained that it was included in the board book package sent earlier and that a copy will be sent to him again.

Vice Chairman Buckelew presented Resolution 2017-36. Upon motion by Commissioner Plofker and seconded by Commissioner Scala, proposed Resolution 2017-36 was approved by 10-0 vote with Commissioner Jones abstaining.

Resolution 2017-37 Resolution Authorizing NJSEA Staff to Investigate the Redevelopment Potential of Properties within Block 480 and Block 463 in North Bergen – File No. SP-751.

Ms. Sundell explained that North Bergen Liberty Generating, LLC has submitted a petition requesting that certain properties located within the District's Heavy Industrial zone in the Township of North Bergen be designated as an area in need of redevelopment. She also explained that the 14 properties within the requested study area have an overall acreage of approximately 21.5 acres and are owned by four separate entities. Ms. Sundell stated that there are no residential uses within in the study area or in its immediate vicinity. She indicated that NJSEA staff prepared a preliminary analysis of the subject area and is requesting authorization from the Board

of Commissioners to conduct an investigation to determine whether the properties meet the criteria to be deemed in need of redevelopment, in accordance with the regulations at N.J.A.C. 19:3-5.2(a), and to hold a public hearing on the matter. Ms. Sundell stated that if the property is determined to be an area in need of redevelopment, North Bergen Liberty, LLC proposes to construct a 1,200 megawatt combined cycle electric generating facility on approximately 15 acres within the requested study area.

Vice Chairman Buckelew presented Resolution 2017-37. Upon motion by Commissioner Ballantyne and seconded by Commissioner Scla, proposed Resolution 2017-37 was unanimously approved by 11-0 vote.

Resolution 2017-38 Resolution Authorizing the Publication of a Notice of Adoption for the Rezoning of Block 451, Lot 19.01 and 20.01 in North Bergen – File No. SP-742).

Ms. Sundell explained that the NJSEA received a petition from Hanover Holdings, LLC, to rezone Block 451, Lots 19.01 and 20.01, in the Township of North Bergen from the Environmental Conservation zone to Highway Commercial zone. She went on to explain that the 16.5-acre site contains 3 acres of uplands and 13.5 acres of jurisdictionally-determined wetlands and that the proposed rezoning will allow for the commercial development of the uplands within the proposed Highway Commercial-rezoned portion, while preserving environmentally-sensitive wetlands areas. Ms. Sundell stated that at the public hearing, the petitioner proposed to amend the scope of their request to reduce the total area of the property to be rezoned to Highway Commercial from 16.6 acres to a total of only 5.7 acres. As a result, the majority of the delineated wetlands on the subject property will retain its Environmental Conservation zone designation. She also stated that the requested changes have been reflected in the Notice of Adoption. She indicated that two comments were received by the NJSEA during the public comment period and/or at the public hearing and are addressed in the Notice of Adoption. She also indicated that the matter was forwarded to the Hackensack Meadowlands Municipal Committee, which approved the proposed rezoning at its meeting on December 4th. Ms. Sundell stated that staff requests that the Board adopt the proposed amendment to the Official Zoning Map and authorize staff to file a Notice of Adoption with the Office of Administrative Law.

Vice Chairman Buckelew presented Resolution 2017-38. Upon motion by Commissioner Scala and seconded by Commissioner Gluck, proposed Resolution 2017-38 was unanimously approved by 11-0 vote.

Resolution 2017-39 Resolution Authorizing the Publication of a Notice of Adoption for the Rezoning of Block 451, Lot 14.01 in Ridgefield.

Ms. Sundell explained that the NJSEA received a petition from 175 Railroad Avenue Realty Associates, LLC, to rezone portions of an 11.01-acre property located at 175 Railroad Avenue and identified as Block 4014, Lot 14.01, in the Borough of Ridgefield. She also explained that the property owner is requesting the rezoning of a 2.02-acre portion of the lot, which is comprised entirely of jurisdictionally-determined wetlands, from the Light Industrial B zone to the Environmental Conservation zone, and a 0.9-acre portion of the lot from the Environmental Conservation zone to the Light Industrial B zone. Ms. Sundell stated that the rezoning of the 0.9-acre Environmental Conservation portion of the site to the Light Industrial B zone provides an opportunity for a building addition without compromising existing wetlands. She also stated that no comments or

objections were received by the NJSEA during the public comment period or at the public hearing. Ms. Sundell indicated that the matter was forwarded to the Hackensack Meadowlands Municipal Committee, which approved the proposed rezoning at its meeting on December 4th. Ms. Sundell stated that Staff requests that the Board adopt the proposed amendment to the Official Zoning Map and authorize staff to file a Notice of Adoption with the Office of Administrative Law.

Vice Chairman Buckelew presented Resolution 2017-39. Upon motion by Commissioner Scardino and seconded by Commissioner Ballantyne, proposed Resolution 2017-39 was unanimously approved by 11-0 vote.

Resolution 2017-40 Resolution Issuing a Decision on the Variance Application submitted as Part of File No. 17-097 Hartz/Bergen Ave.- Major Subdivision, Block 286, Lot 4 in Kearny.

Ms. Sundell explained that Hartz Kearny, LLC submitted a major subdivision application for a property within the Kearny Area Redevelopment Area located on Bergen Avenue, and identified as Block 286, Lot 4, in the Town of Kearny. She also explained that Lot 4 contains a former landfill, which has been previously remediated. Ms. Sundell stated that as part of the applicant's major subdivision request, which will divide the 30.8-acre property into five separate lots for development purposes, the applicant has applied for six bulk variances. Four of the bulk variances result from the regulation at N.J.A.C. 19:4-3.16, which requires that buildings be constructed on lots that have direct access to an improved street. Four of the proposed lots (Lots 4.02, 4.03, 4.04 and 4.05) will not have such access; however, access to Bergen Avenue for each of these lots will be provided through a formal access easement across proposed Lot 4.06, and via unrecorded ground leases amongst the other properties. Ms. Sundell stated that staff is recommending the conditional approval of these four bulk variances, with the requirement that the applicant shall file a single Zoning Lot of Record with the Hudson County Registrar, pursuant to N.J.A.C. 19:4-3.22, to combine the properties for zoning purposes. She also explained that in addition, should Hartz Kearny, LLC convey proposed Lots 4.02, 4.03, and/or Lot 4.04 to a third party in the future, they shall be required to provide a recorded access easement across the property to be conveyed in order to ensure continued access to Bergen Avenue. Ms. Sundell explained that another bulk variance is from the provision of the Kearny Area Redevelopment Plan that requires a minimum side yard setback of 30 feet. The subdivision proposes the creation of Lot 4.05 with a side yard setback of 1.6 feet to an existing concrete utility shed. Ms. Sundell then explained that the last bulk variance is from a provision of the Kearny Area Redevelopment Plan that requires a minimum lot area of 3 acres. The subdivision proposes the creation of Lot 4.05 with an area of 0.13 acres. The purpose of creating Lot 4.05, with both a proposed substandard side yard setback and lot area, is to provide a separate utility lot just large enough to house the existing concrete shed, which contains equipment that pumps leachate collected from the former landfill, thus minimizing further environmental contamination of the area. Ms. Sundell stated that for these reasons and those included in the recommendation, staff is recommending the approval of the two bulk variances associated with the creation of Lot 4.05 with a substandard side yard setback and lot area.

Vice Chairman Buckelew presented Resolution 2017-40. Upon motion by Commissioner Scardino and seconded by Commissioner Ballantyne, proposed Resolution 2017-40 was unanimously approved by 11-0 vote.

V. AWARDS/CONTRACTS

Resolution 2017-41 Resolution Authorizing the Placement of Property, Liability, Automobile, Inland Marine, Excess Liability, Crime, Fiduciary, Public Officials Liability and site Pollution Insurance.

Mr. Yarenis stated that Willis Towers Watson obtained various insurance quotes from multiple insurers for 2018-2019. Mr. Yarenis stated that there was minor savings in premium costs. He explained that the proposal was reviewed during Executive Session and all questions were answered. Mr. Yarenis stated that if approved by the board, staff will proceed to bind the policies.

Commissioner Jones expressed his concern that during the administration transition, large awards and contracts should be put on hold and that time sensitive contracts should be on a month-to-month basis. Commissioner Fontoura agreed with Commissioner Jones concerns. There was discussion on the insurance policy expiration date and the time sensitivity.

Vice Chairman Buckelew presented Resolution 2017-41. Upon motion by Commissioner Scardino and seconded by Commissioner Scala, proposed Resolution 2017-41 was approved by 9-2 vote with negative vote from Commissioners Jones and Fontoura.

Resolution 2017-42 Resolution Authorizing the Award of a Contract for Audit Services.

Mr. Yarnis explained the selections process was performed in accordance with Executive Order 122 (2004). He also stated that an RFP was issued on October 17, 2017 and a mandatory pre-bid meeting was held on October 24, 2017, with seven firms attending. Mr. Yarenis stated that of the seven firms in attendance, four firms submitted a bid. Mr. Yarenis explained that in accordance with EO122, an Evaluation Committee was established to review and rank the proposals based on the criteria established in the RFP. He went on to explain that a written report of the Evaluation Committee's findings was provided to the Audit Committee for review and recommendation that the contract for audit services be awarded to Mercadien P.C. for a three-year contract at a cost not to exceed \$440,002. Commissioner Jones raised the same concerns and proposed that the resolution be delayed.

Ms. Sanz noted to the Board that this resolution is not time sensitive and that the current contract with auditors does allow the agency to extend the agreement for another year. After discussion, motion to table Resolution 2071-42 was made by Commissioners Ballantyne and seconded by Commissioner Fontoura with all in favor.

VI. PUBLIC COMMENTS

- Kris Burfit, Sills Cummis and Gross, representing Towers Associates. Mr. Burfit explained that they are an objector to MEPT. He also explained that they filed a motion to stay on pending application File 17-239 and that the motion to stay was filed pending their appeal to the appellate division of Resolution 2017-28 in hopes to avoid further expenses. Mr. Burfit stated that the DAG informed them that the motion to stay is to be heard in January by the board. Mr. Burfit is urging the board to resolve that motion before board's January meeting. He stated that if this is not possible, they are requesting that if application 17-239 is to be deemed complete before motion to stay is addressed by board, that the board refrain from deeming the application complete until motion of stay is addressed.

Mr. Levy responded that the matter is being reviewed by Attorney General's office. He also explained that an item may be on next month's agenda regarding the motion for the stay. Mr. Levy explained that the application has not been deemed complete and that a public hearing has not been scheduled. Mr. Levy noted that in the event that the public hearing is scheduled prior of the motion being heard before the board, the agency will work with the parties.

VII. EXECUTIVE SESSION

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

Resolution 2017-43 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.

Upon motion made by Commissioner Ballantyne and seconded by Commissioner Gluck Resolution 2017-43 was approved by a vote of 11-0.

Motion was made and seconded to enter into open session.

Resolution 2017-44 Resolution Authorizing Renewal of the Account Wagering Services Agreement.

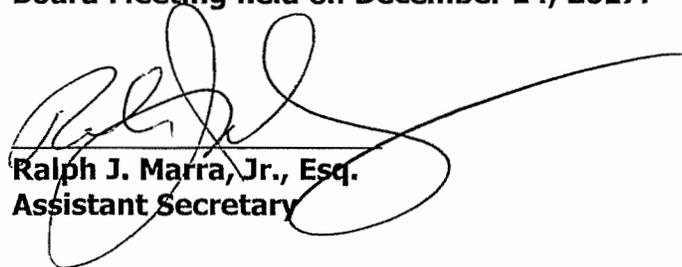
Vice Chairman Buckelew presented Resolution 2017-44. Upon motion by Commissioner Scala and seconded by Commissioner Gluck, proposed Resolution 2017-44 was approved by 10-1 vote with negative vote from Commissioner Jones.

VIII. MOTION TO ADJOURN

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

Meeting adjourned at 11:10 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 December 14, 2017.



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

December 14, 2017

Commissioner	Roll Call	2017-36	2017-37	2017-38	2017-39	2017-40	2017-41	2017-42 TABLED	2017-43	2017-44
Ferguson	P (via phone)	Y	Y	Y	Y	Y	Y		Y	Y
Bucklew	P	Y	Y	Y	Y	Y	Y		Y	Y
Hasenbalg	P	Y	Y	Y	Y	Y	Y		Y	Y
Ballantyne	P	Y	Y	Y	Y	Y	Y		Y	Y
Fontoura	P (via phone)	Y	Y	Y	Y	Y	N		Y	Y
Gluck	P	Y	Y	Y	Y	Y	Y		Y	Y
Gonnelli	--	--	--	--	--	--	--		--	--
Jones	P	A	Y	Y	Y	Y	N		Y	N
Kolber	--	--	--	--	--	--	--		--	--
Plofker	P	Y	Y	Y	Y	Y	Y		Y	Y
Scala	P	Y	Y	Y	Y	Y	Y		Y	Y
Scardino	P	Y	Y	Y	Y	Y	Y		Y	Y
Yudin	--	--	--	--	--	--	--		--	--
Treasury Rep McManus	P	Y	Y	Y	Y	Y	Y		Y	Y

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

APPROVALS



CASH DISBURSEMENTS
\$100,000 OR MORE
DECEMBER 2017

SPORTS COMPLEX

<u>Nov</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
NEW JERSEY STATE POLICE	349,292.24	A/L	OVERTIME CHARGES: OCT 2017
NRG BUSINESS SOLUTIONS	431,645.34	J/L	ELECTRICITY CHARGES: NOV 2017
SPORTS COMPLEX TOTAL	<u>780,937.58</u>		

MONMOUTH PARK RACETRACK MAINTENANCE RESERVE/CAPITAL

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
BOROUGH OF OCEANPORT	218,957.67	A	CAFO SPECIAL ASSESSMENT AGREEMENT: 1ST QTR 2018
MPR MAINTENANCE TOTAL	<u>218,957.67</u>		

OTHER

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
KEARNY MUNICIPAL UTILITIES AUTHORITY	402,025.00	A	KEEGAN LANDFILL - SEWER USER FEES FOR PERIOD 4
NORTH BERGEN, TOWNSHIP OF	103,834.67	I	REAL ESTATE AGREEMENT: FY 2017
WASTE MANAGEMENT OF NEW JERSEY	310,527.23	A	OPERATIONS CONTRACT - KEEGAN LANDFILL: NOV 2017
OTHER TOTAL	<u>816,386.90</u>		



CASH DISBURSEMENTS
\$100,000 OR MORE

<u>REFERENCE LETTER</u>	<u>TYPE</u>
A	CONTRACT ON FILE
B	PURCHASE AWARDS - APPROVED AT MONTHLY BOARD MEETING
C	STATE REQUIREMENT FOR RACING
D	STATE VENDOR
E	SOLE SOURCE*
F	APPOINTED BY RACING COMMISSION
G	ADVERTISED BID
H	PRESIDENT/CEO APPROVAL
I	STATUTORY PAYMENT
J	UTILITIES
K	LOWEST PROPOSAL
L	REIMBURSABLE
M	OUTSTANDING PROFESSIONAL INVOICES APPROVED AT MONTHLY BOARD MEETING
N	PURCHASES ON BASIS OF EXIGENCY
*	PURCHASES DIRECT FROM SOURCE
	EXPENDITURE TO BE CHARGED TO MAINTENANCE RESERVE FUND

RESOLUTION 2018-01

**RESOLUTION CERTIFYING THE
MEADOWLANDS ADJUSTMENT PAYMENTS FOR CY2018**

WHEREAS, pursuant to P.L. 2015, c.19, the New Jersey Sports and Exposition Authority is required on or before February 1 of each year, to certify to the financial officer of each constituent Hackensack Meadowlands municipality an amount known as the Meadowlands Adjustment Payment; and

WHEREAS, the Meadowlands Adjustment Payments for the adjustment year 2018 have been computed and are shown on the schedule attached hereto; and

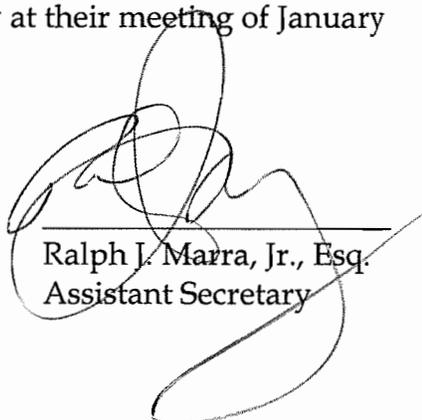
WHEREAS, the tax sharing computations reflect the November 9, 2017 Appellate Division decision in the Matter of New Jersey Sports and Exposition Authority Resolution 2016-70, Docket No. A-2602-15T4 and A-2815-15T4; and

WHEREAS, the NJSEA staff reached out to representatives of all receiving towns to discuss the impact of the court decision; and

WHEREAS, the tax sharing computations have been reviewed and verified by the independent auditing firm of Wiss and Company, LLP.

NOW THEREFORE BE IT RESOLVED by the New Jersey Sports and Exposition Authority that the Meadowlands Adjustment Payments, as shown on the attached schedule, are hereby certified to the financial officers of each constituent municipality.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Sports and Exposition Authority at their meeting of January 11, 2018.



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

2018 MEADOWLANDS TAX SHARING SCHEDULE

EXHIBIT A

MUNICIPALITY	ADJUSTMENT PAYMENT REC (PAY)	RECEIVABLE		
		DUE 5/15/2018	DUE 8/15/2018	DUE 11/15/2018
CARLSTADT	(\$2,315,915)	0	0	0
EAST RUTHERFORD	\$132,482	44,160	44,161	44,161
LITTLE FERRY	(\$625,612)	0	0	0
LYNDHURST	(\$974,013)	0	0	0
MOONACHIE	(\$467,128)	0	0	0
NORTH ARLINGTON	\$908,136	302,712	302,713	302,712
RIDGEFIELD	\$1,172,199	390,733	390,733	390,733
RUTHERFORD	\$191,062	63,687	63,686	63,687
SOUTH HACKENSACK	(\$382,406)	0	0	0
TETERBORO	\$0	0	0	0
JERSEY CITY	\$1,184,030	394,677	394,677	394,677
KEARNY	\$3,778,021	1,259,340	1,259,340	1,259,340
NORTH BERGEN	(\$1,584,537)	0	0	0
SECAUCUS	(\$1,483,718)	0	0	0
TOTAL		2,455,309	2,455,310	2,455,310
TOTAL RECEIVABLE	\$ 7,365,930			6
TOTAL PAYABLE	\$ (7,833,329)			(7)

**2018 MEADOWLANDS TAX SHARING SCHEDULE
EXHIBIT A-1**

	2015 PRE-ADJUSTMENT PAYMENT	2016 PRE-ADJUSTMENT PAYMENT	2017 PRE-ADJUSTMENT PAYMENT	ADJUSTMENT PAYMENT THREE - YEAR AVERAGE 2018	2016/2017 ADJUSTMENTS PER APPELLATE DECISION	ADJUSTMENT PAYMENT 2018 NET OF 2016/2017 ADJUSTMENT
ARLSTADT	(\$1,470,807)	(\$2,521,536)	(\$2,955,403)	(\$2,315,915)		(\$2,315,915)
AST RUTHERFORD	\$572,260	\$223,957	(\$10,720)	\$261,832	(\$129,350)	\$132,4
ITTLE FERRY	(\$581,857)	(\$625,527)	(\$669,451)	(\$625,612)		(\$625,6
YNDHURST	(\$1,141,216)	(\$912,809)	(\$868,014)	(\$974,013)		(\$974,0
OONACHIE	(\$370,230)	(\$625,629)	(\$405,526)	(\$467,128)		(\$467,1
ORTH ARLINGTON	\$741,115	\$1,096,816	\$1,083,293	\$973,741	(\$65,605)	\$908,1
IDGEFIELD	\$938,323	\$814,188	\$845,808	\$866,106	\$306,093	\$1,172,1
UTHERFORD	\$370,732	\$166,131	\$147,549	\$228,137	(\$37,075)	\$191,0
OUTH HACKENSACK	(\$340,409)	(\$362,337)	(\$444,473)	(\$382,406)		(\$382,4
ETERBORO	\$0	\$0	\$0	\$0		
IRSEY CITY	\$1,258,876	\$1,092,315	\$1,095,752	\$1,148,981	\$35,049	\$1,184,0
EARNY	\$3,488,922	\$3,275,763	\$6,298,907	\$4,354,531	(\$576,510)	\$3,778,0
ORTH BERGEN	(\$1,339,336)	(\$1,561,490)	(\$1,852,786)	(\$1,584,537)		(\$1,584,5
ICAUCUS	(\$2,126,374)	(\$59,844)	(\$2,264,936)	(\$1,483,718)		(\$1,483,7
ERGEN COUNTY	(\$1,282,089)	(\$2,746,746)	(\$3,276,937)	(\$2,435,257)	\$74,063	(\$2,361,1
UDSON COUNTY	\$1,282,088	\$2,746,744	\$3,276,937	\$2,435,256	(\$541,461)	\$1,893,7
	(\$1)	(\$2)	\$0	(\$1)	(\$467,398)	(\$467,3

2018 MEADOWLANDS TAX SHARING ANALYSIS
CORRECTING 2016 AND 2017 ADJUSTMENT PAYMENT CALCULATIONS WITHIN THE 2018 ADJUSTMENT PAYMENT CALCULATION
EXHIBIT A-2

Municipality	2016		Adjusted 2016 Calculation		2017		Adjusted 2017 Calculation		2018		Adjusted 2018 Calculation	
	Calculation As Certified	(a)	As Certified	(b)	As Certified	(c)	As per Appellate Decision 11-9-2017	(d)	As per Appellate Decision 11-9-2017	(e)	Total 2016-2017 Adjustments	Incl. 2016-2017 (Over) / Under
East Rutherford	203,887.00	132,482.00	261,832.00	(71,405.00)	261,832.00	203,887.00	203,887.00	(57,945.00)	261,832.00	(129,350.00)	132,482.00	
North Arlington	918,522.00	908,136.00	973,741.00	(10,386.00)	973,741.00	918,522.00	918,522.00	(55,219.00)	973,741.00	(65,605.00)	908,136.00	
Ridgefield	1,017,655.00	1,172,199.00	866,106.00	154,544.00	866,106.00	1,017,655.00	1,017,655.00	151,549.00	866,106.00	306,093.00	1,172,199.00	
Rutherford	247,874.00	191,062.00	228,137.00	(56,812.00)	228,137.00	247,874.00	247,874.00	19,737.00	228,137.00	(37,075.00)	191,062.00	
Jersey City	1,167,485.00	1,184,030.00	1,148,981.00	16,545.00	1,148,981.00	1,167,485.00	1,167,485.00	18,504.00	1,148,981.00	35,049.00	1,184,030.00	
Kearny	3,555,212.00	3,778,021.00	4,354,531.00	222,809.00	4,354,531.00	3,555,212.00	3,555,212.00	(799,319.00)	4,354,531.00	(576,510.00)	3,778,021.00	
	\$ 7,110,635.00	\$ 7,365,930.00	\$ 7,833,328.00	\$ 255,295.00	\$ 7,833,328.00	\$ 7,110,635.00	\$ 7,110,635.00	(5,722,693.00)	\$ 7,833,328.00	(467,398.00)	\$ 7,365,930.00	

- (a) 3 year average of pre-adjustment payments for 2014, 2015 and 2016
- (b) 3 year average of pre-adjustment payments for 2013, 2014 and 2015
- (c) 3 year average of pre-adjustment payments for 2015, 2016 and 2017
- (d) 3 year average of pre-adjustment payments for 2014, 2015 and 2016
- (e) 3 year average of pre-adjustment payments for 2015, 2016 and 2017

	2014 COMPARISON YEAR			1970 BASE YEAR			EFFECTIVE TAX RATE (Col. 8 * Col. 2) (9)	
	2014 AGGREGATE ASSESSED VALUATION (1)	2014 EQUALIZATION RATIO NJSAS4:1.35:1 * (2)	2014 AGGREGATE TRUE VALUATION (Col. 1/Col.2) (3)	1970 AGGREGATE ASSESSED VALUATION (4)	1970 EQUALIZATION RATIO NJSAS4:1.35:1 (5)	1970 AGGREGATE TRUE VALUATION (Col. 4/Col.5) (6)		EQUALIZATION INCREASE/DECREASE OF TRUE VALUE IN COMPARISON YEAR (Col. 3 - 6) (7)
CARLSTADT	\$1,304,716,969	98.32 %	\$1,327,010,750	\$72,295,483	72.05 %	\$100,340,712	\$1,226,670,038	\$1,941
EAST RUTHERFORD	\$732,553,451	85.86	\$853,195,261	\$41,975,219	89.51	\$46,894,446	\$806,300,815	\$1,894
LITTLE FERRY	\$194,340,733	108.50	\$179,115,883	\$14,203,275	98.28	\$14,451,847	\$164,664,036	\$2,586
LYNDHURST	\$651,195,683	101.55	\$641,256,212	\$12,098,803	69.11	\$17,506,588	\$623,749,624	\$2,682
MOONACHIE	\$402,171,882	91.64	\$438,860,631	\$49,175,466	106.62	\$46,122,178	\$392,738,453	\$1,991
NORTH ARLINGTON	\$539,200	100.17	\$538,285	\$330,900	68.96	\$479,843	\$58,442	\$2,949
RIDGEFIELD	\$212,844,700	88.89	\$239,447,294	\$20,349,950	90.05	\$22,598,501	\$216,848,793	\$2,182
RUTHERFORD	\$147,255,625	105.44	\$139,658,218	\$15,347,700	102.94	\$14,909,365	\$124,748,853	\$2,461
SOUTH HACKENSACK	\$75,054,900	90.82	\$82,641,379	\$6,072,150	76.34	\$7,954,087	\$74,687,292	\$2,635
TETERBORO	\$0	103.55	\$0	\$18,602,200	108.48	\$17,148,046	\$0	\$1,290
JERSEY CITY	\$54,123,700	30.02	\$180,292,139	\$15,980,900	90.1	\$17,736,848	\$162,555,291	\$7,453
KEARNY	\$82,489,100	31.01	\$266,008,062	\$31,008,267	82.27	\$37,690,856	\$228,317,206	\$10,406
NORTH BERGEN	\$311,508,000	53.21	\$585,431,310	\$26,623,623	78.46	\$33,932,734	\$551,498,576	\$5,187
SECAUCUS	\$2,047,860,567	58.47	\$3,502,412,463	\$95,145,123	72.35	\$131,506,735	\$3,370,905,728	\$3,656
BERGEN COUNTY	\$3,720,673,143	NA	3,901,723,912	\$250,451,146	NA	\$288,405,613	\$3,630,466,345	NA
HUDSON COUNTY	\$2,495,981,367	NA	4,534,143,974	\$168,757,913	NA	\$220,867,173	\$4,313,276,801	NA
ALL MUNICIPALITIES	\$6,216,654,510	NA	8,435,867,886	\$419,209,059	NA	\$509,272,786	\$7,943,743,146	NA

	2014 INCREASE OF H.M. PUPILS OVER BASE YEAR 1970 (10)	2014 COST PER PUPIL IN COMPARISON YEAR (11)	2014 COUNTY PORTION OF TAX RATE (12)	2014 MUNICIPAL/SCHOOL VET./S.C. PORTION OF TAX RATE (13)	2014 APPORTIONMENT RATE (COL. 9 * COL. 13) (14)	PERCENT OF H.M.D. LAND AREA FOR EACH MUNICIPALITY (15)	2014 YEAR INCREASE IN TAXES OVER 1970 BASE YEAR (Col. 7 * Col. 9) (16)	LESS PORTION OF COL. 12 COUNTY TAX PERCENT (Col. 16 * Col. 12) (17)
CARLSTADT	0		10.408 %	89.592 %	1.7094154%	12.193 %	\$23,404,864	\$2,435,978
EAST RUTHERFORD	0		12.153	87.847	1.4283922%	10.298	\$13,110,451	\$1,593,313
LITTLE FERRY	0		8.926	91.074	2.555364%	2.283	\$4,620,473	\$412,423
LYNDHURST	65	\$	8.823	91.177	2.4836615%	10.168	\$16,990,940	\$1,499,111
MOONACHIE	2	\$	12.809	87.191	1.5912358%	4.381	\$7,167,477	\$918,082
NORTH ARLINGTON	0		7.706	92.294	2.7263648%	2.441	\$1,726	\$133
RIDGEFIELD	0		12.331	87.669	1.7007786%	5.227	\$4,206,867	\$518,749
RUTHERFORD	0		8.723	91.277	2.3686382%	2.994	\$3,237,233	\$282,384
SOUTH HACKENSACK	0		8.821	91.179	2.1819135%	0.467	\$1,787,267	\$157,655
TETERBORO	0		17.945	0.000	0.0000000%	-	\$0	\$0
JERSEY CITY	0		22.965	77.035	1.7232730%	4.991	\$3,636,362	\$835,091
KEARNY	82	\$	16.104	83.896	2.7073239%	17.881	\$7,367,796	\$1,186,510
NORTH BERGEN	0		18.939	81.061	2.2372836%	6.908	\$15,221,361	\$2,882,774
SECAUCUS	719	\$	27.783	72.217	1.5439995%	19.768	\$72,069,964	\$20,023,198
BERGEN COUNTY	67	NA	NA	NA	NA	50.452	\$74,527,298	\$7,817,828
HUDSON COUNTY	801	NA	NA	NA	NA	49.548	\$98,295,483	\$24,927,573
ALL MUNICIPALITIES	868	NA	NA	NA	NA	100.000	\$172,822,781	\$32,745,401

	(18)	(19)	(20)	(21)	(22)	(23)	(24)
	(SECTION 13-17 - 67) 2014 TAXES COLLECTED LESS COUNTY TAXES POST 1970 RATABLES (Col. 14 * Col. 7)	DIRECT RETENTION (60% OF COL. 18)	TOTAL SUBJECT TO TAX SHARING (COL. 18 - COL. 19)	GUARANTEE PAYMENTS	SCHOOL SERVICE PAYMENTS (Col. 10 * Col. 11)	APPORTIONMENT PAYMENTS (%IN COL. 15 * COL. 20 TOTAL - COL. 21 AND COL. 22 TOTALS)	TOTAL CREDIT DUE MUNICIPALITY (TOTAL OF COLUMNS 21+22+23)
CARLSTADT	\$20,968,886	\$12,581,332	\$8,387,554	\$0	\$0	\$5,244,408	\$5,244,408
EAST RUTHERFORD	\$11,517,138	\$6,910,283	\$4,606,855	\$0	\$0	\$4,429,338	\$4,429,338
LITTLE FERRY	\$4,208,049	\$2,524,829	\$1,683,270	\$0	\$0	\$981,956	\$981,956
LYNDHURST	\$15,491,829	\$9,295,097	\$6,196,732	\$0	\$813,605	\$4,373,423	\$5,187,028
MOONACHIE	\$6,249,395	\$3,749,637	\$2,499,758	\$0	\$40,226	\$1,884,340	\$1,924,566
NORTH ARLINGTON	\$1,593	\$956	\$637	\$0	\$0	\$1,049,914	\$1,049,914
RIDGEFIELD	\$3,688,118	\$2,212,871	\$1,475,247	\$0	\$0	\$2,248,218	\$2,248,218
RUTHERFORD	\$2,954,849	\$1,772,909	\$1,181,940	\$0	\$0	\$1,287,768	\$1,287,768
SOUTH HACKENSACK	\$1,629,612	\$977,767	\$651,845	\$0	\$0	\$200,864	\$200,864
TETERBORO	\$0	\$0	\$0	\$0	\$0	\$0	\$0
JERSEY CITY	\$2,801,271	\$1,680,763	\$1,120,508	\$0	\$0	\$2,146,711	\$2,146,711
KEARNY	\$6,181,286	\$3,708,772	\$2,472,514	\$0	\$673,712	\$7,690,910	\$8,364,622
NORTH BERGEN	\$12,338,587	\$7,403,152	\$4,935,435	\$0	\$0	\$2,971,243	\$2,971,243
SECAUCUS	\$52,046,766	\$31,228,060	\$20,818,706	\$0	\$11,491,777	\$8,502,539	\$19,994,316
BERGEN COUNTY	\$66,709,469	40,025,681	\$26,683,788	\$0	\$853,831	\$21,700,229	\$22,554,060
HUDSON COUNTY	\$73,367,910	44,020,747	\$29,347,163	\$0	\$12,165,489	\$21,311,403	\$33,476,892
ALL MUNICIPALITIES	\$140,077,379	84,046,428	\$56,030,951	\$0	\$13,019,320	\$43,011,632	\$56,030,952

	2017 PRE-ADJUSTMENT PAYMENT (Col. 24 - 20) (25)	ADJUSTMENT FOR 2015 RECALCULATION (26)	ADJUSTMENT FOR 2016 RECALCULATION (27)	TOTAL 2017 ADJUSTMENT PAYMENT (28)
CARLSTADT	(\$3,143,146)	(\$17,170)	\$204,913	(\$2,955,403)
EAST RUTHERFORD	(\$177,517)	(\$6,468)	\$173,265	(\$10,720)
LITTLE FERRY	(\$701,264)	(\$3,215)	\$35,028	(\$669,451)
LYNDHURST	(\$1,009,704)	(\$14,319)	\$156,009	(\$868,014)
MOONACHIE	(\$575,192)	\$45,040	\$124,626	(\$405,526)
NORTH ARLINGTON	\$1,049,277	(\$3,437)	\$37,453	\$1,083,293
RIDGEFIELD	\$772,971	(\$7,361)	\$80,198	\$845,808
RUTHERFORD	\$105,828	(\$4,216)	\$45,937	\$147,549
SOUTH HACKENSACK	(\$450,981)	(\$658)	\$7,166	(\$444,473)
TETERBORO	\$0	\$0	\$0	\$0
JERSEY CITY	\$1,026,203	(\$7,028)	\$76,577	\$1,095,752
KEARNY	\$5,892,108	\$56,398	\$350,401	\$6,298,907
NORTH BERGEN	(\$1,964,192)	(\$9,728)	\$121,134	(\$1,852,786)
SECAUCUS	(\$824,391)	(\$27,838)	(\$1,412,706)	(\$2,264,936)
BERGEN COUNTY	(\$4,129,728)	(\$11,804)	\$864,595	(\$3,276,937)
HUDSON COUNTY	\$4,129,728	\$11,804	(\$864,594)	\$3,276,937
ALL MUNICIPALITIES	\$0	\$0	\$1	\$0

	1970 BASE YEAR										
	2013 COMPARISON YEAR					1970 BASE YEAR					2013 EFFECTIVE TAX RATE (Col. 8 * Col. 2) (9)
	2013 AGGREGATE ASSESSED VALUATION (1)	2013 EQUALIZATION RATIO NISA54:1.35.1 * (2)	2013 AGGREGATE TRUE VALUATION (Col. 1/Col.2) (3)	1970 AGGREGATE ASSESSED VALUATION (4)	1970 EQUALIZATION RATIO NISA54:1.35.1 (5)	1970 AGGREGATE TRUE VALUATION (Col. 4/Col.5) (6)	EQUALIZATION INCREASE/DECREASE OF TRUE VALUE IN COMPARISON YEAR (Col. 3 - 6) (7)	2013 MUNICIPAL TAX RATE (ADJUSTED) (8)			
CARLSTADT	\$1,289,650,262	105.67 %	\$1,220,450,707	\$72,295,483	72.05 %	\$100,340,712	\$1,120,109,995	\$1,902	\$2,010		
EAST RUTHERFORD	\$746,902,476	102.36	\$729,681,981	\$41,975,219	89.51	\$46,894,446	\$682,787,535	\$1,845	\$1,889		
LITTLE FERRY	\$196,672,934	98.53	\$199,607,159	\$14,203,275	98.28	\$14,451,847	\$185,155,312	\$2,513	\$2,476		
LYNDHURST	\$660,609,963	97.14	\$680,059,670	\$12,098,803	69.11	\$17,506,588	\$662,553,082	\$2,604	\$2,530		
MOONACHIE	\$416,952,232	90.29	\$461,792,260	\$49,175,466	106.62	\$46,122,178	\$415,670,082	\$1,893	\$1,709		
NORTH ARLINGTON	\$539,200	101.47	\$531,389	\$330,900	68.96	\$479,843	\$51,546	\$2,878	\$2,920		
RIDGEFIELD	\$222,304,700	86.11	\$258,163,628	\$20,349,950	90.05	\$22,598,501	\$235,565,127	\$2,155	\$1,856		
RUTHERFORD	\$151,726,091	107.41	\$141,258,813	\$15,347,700	102.94	\$14,909,365	\$126,349,448	\$2,383	\$2,560		
SOUTH HACKENSACK	\$77,491,500	97.36	\$79,592,749	\$6,072,150	76.34	\$7,954,087	\$71,638,662	\$2,295	\$2,234		
TETERBORO	\$0	97.86	\$0	\$18,602,200	108.48	\$17,148,046	\$0	\$1,348	\$1,319		
JERSEY CITY	\$54,886,700	31.24	\$175,693,662	\$15,980,900	90.1	\$17,736,848	\$157,956,814	\$7,485	\$2,338		
KEARNY	\$166,800,608	32.84	\$507,919,026	\$31,008,267	82.27	\$37,690,856	\$470,228,170	\$10,162	\$3,337		
NORTH BERGEN	\$301,688,600	54.57	\$552,846,986	\$26,623,623	78.46	\$33,932,734	\$518,914,252	\$5,116	\$2,792		
SECAUCUS	\$2,018,341,675	53.35	\$3,783,208,388	\$95,145,123	72.35	\$131,506,735	\$3,651,701,653	\$3,637	\$1,940		
BERGEN COUNTY	\$3,762,849,358	NA	3,771,138,356	\$250,451,146	NA	\$288,405,613	\$3,499,880,789	NA	NA		
HUDSON COUNTY	\$2,541,717,583	NA	5,019,668,062	\$168,757,913	NA	\$220,867,173	\$4,798,800,889	NA	NA		
ALL MUNICIPALITIES	\$6,304,566,941	NA	8,790,806,418	\$419,209,059	NA	\$509,272,786	\$8,298,681,678	NA	NA		

	2013 INCREASE OF H.M. PUPILS OVER BASE YEAR 1970 (10)	2013 COST PER PUPIL IN COMPARISON YEAR (11)	2013 COUNTY PORTION OF TAX RATE (12)	2013 MUNICIPAL/SCHOOL VET./S.C. PORTION OF TAX RATE (13)	2013 APPORTIONMENT RATE (COL. 9 * COL. 13) (14)	PERCENT OF H.M.D. LAND AREA FOR EACH MUNICIPALITY (15)	2013 YEAR INCREASE IN TAXES OVER 1970 BASE YEAR (Col. 7 * Col. 9) (16)	LESS PORTION OF COL. 12 COUNTY TAX PERCENT (Col. 16 * Col. 12) (17)
CARLSTADT	0		11.332 %	88.668 %	1.7822268%	12.193 %	\$22,514,211	\$2,551,310
EAST RUTHERFORD	0		14.902	85.098	1.6075012%	10.298	\$12,897,857	\$1,922,039
LITTLE FERRY	0		9.920	90.080	2.2303808%	2.283	\$4,584,446	\$454,777
LYNDHURST	24	\$ 11,988	9.061	90.939	2.3007567%	10.168	\$16,762,593	\$1,518,859
MOONACHIE	0		10.691	89.309	1.5262908%	4.381	\$7,103,802	\$759,467
NORTH ARLINGTON	0		7.834	92.166	2.6912472%	2.441	\$1,505	\$118
RIDGEFIELD	0		12.190	87.810	1.6297536%	5.227	\$4,372,089	\$532,958
RUTHERFORD	0		8.809	91.191	2.3344896%	2.994	\$3,234,546	\$284,931
SOUTH HACKENSACK	0		10.604	89.396	1.9971066%	0.467	\$1,600,408	\$169,707
TETERBORO	0		17.615	0.000	0.0000000%	-	\$0	\$0
JERSEY CITY	0		22.054	77.946	1.8223775%	4.991	\$3,693,030	\$814,461
KEARNY	69	\$ 8,208	16.307	83.693	2.7928354%	17.881	\$15,691,514	\$2,558,815
NORTH BERGEN	0		19.729	80.271	2.2411663%	6.908	\$14,488,086	\$2,858,354
SECAUCUS	643	\$ 14,727	28.955	71.045	1.3782730%	19.768	\$70,843,012	\$20,512,594
BERGEN COUNTY	24	NA	NA	NA	NA	50.452	\$73,071,457	\$8,194,166
HUDSON COUNTY	712	NA	NA	NA	NA	49.548	\$104,715,642	\$26,744,224
ALL MUNICIPALITIES	736	NA	NA	NA	NA	100.000	\$177,787,099	\$34,938,390

	(18)	(19)	(20)	(21)	(22)	(23)	(24)
	(SECTION 13:17 - 67) 2013 TAXES COLLECTED LESS COUNTY TAXES POST 1970 RATABLES (Col. 14 * Col. 7)	DIRECT RETENTION (60% OF COL 18)	TOTAL SUBJECT TO TAX SHARING (COL. 18 - COL. 19)	GUARANTEE PAYMENTS	SCHOOL SERVICE PAYMENTS (Col. 10 * Col. 11)	APPORTIONMENT PAYMENTS (% IN COL. 15 * COL. 20 TOTAL - COL. 21 AND COL. 22 TOTALS)	TOTAL CREDIT DUE MUNICIPALITY (TOTAL OF COLUMNS 21+22+23)
CARLSTADT	\$19,962,901	\$11,977,741	\$7,985,160	\$0	\$0	\$5,708,270	\$5,708,270
EAST RUTHERFORD	\$10,975,818	\$6,585,491	\$4,390,327	\$0	\$0	\$4,821,107	\$4,821,107
LITTLE FERRY	\$4,129,669	\$2,477,801	\$1,651,868	\$0	\$0	\$1,068,808	\$1,068,808
LYNDHURST	\$15,243,734	\$9,146,240	\$6,097,494	\$0	\$287,712	\$4,760,247	\$5,047,959
MOONACHIE	\$6,344,334	\$3,806,600	\$2,537,734	\$0	\$0	\$2,051,007	\$2,051,007
NORTH ARLINGTON	\$1,387	\$832	\$555	\$0	\$0	\$1,142,778	\$1,142,778
RIDGEFIELD	\$3,839,131	\$2,303,479	\$1,535,652	\$0	\$0	\$2,447,070	\$2,447,070
RUTHERFORD	\$2,949,615	\$1,769,769	\$1,179,846	\$0	\$0	\$1,401,670	\$1,401,670
SOUTH HACKENSACK	\$1,430,700	\$858,420	\$572,280	\$0	\$0	\$218,631	\$218,631
TETERBORO	\$0	\$0	\$0	\$0	\$0	\$0	\$0
JERSEY CITY	\$2,878,569	\$1,727,141	\$1,151,428	\$0	\$0	\$2,336,584	\$2,336,584
KEARNY	\$13,132,699	\$7,879,619	\$5,253,080	\$0	\$566,352	\$8,371,161	\$8,937,513
NORTH BERGEN	\$11,629,731	\$6,977,839	\$4,651,892	\$0	\$0	\$3,234,046	\$3,234,046
SECAUCUS	\$50,330,418	\$30,198,251	\$20,132,167	\$0	\$9,469,461	\$9,254,579	\$18,724,040
BERGEN COUNTY	\$64,877,289	38,926,373	\$25,950,916	\$0	\$287,712	\$23,619,588	\$23,907,300
HUDSON COUNTY	\$77,971,417	46,782,850	\$31,188,567	\$0	\$10,035,813	\$23,196,370	\$33,232,183
ALL MUNICIPALITIES	\$142,848,706	85,709,223	\$57,139,483	\$0	\$10,323,525	\$46,815,958	\$57,139,483

	2016 PRE-ADJUSTMENT PAYMENT (Col. 24 - 20) (25)	ADJUSTMENT FOR 2015 RECALCULATION (26)	ADJUSTMENT FOR 2014 RECALCULATION (27)	TOTAL 2016 ADJUSTMENT PAYMENT (28)	2016 ADJ. PAYMENT PREV. CALCULATED (29)	DIFFERENCE (30)
CARLSTADT	(\$2,276,890)	(\$17,748)	(\$21,985)	(\$2,316,623)	(\$2,521,536)	\$204,913
EAST RUTHERFORD	\$430,780	(\$14,990)	(\$18,568)	\$397,222	\$223,957	\$173,265
LITTLE FERRY	(\$583,060)	(\$3,323)	(\$4,116)	(\$590,499)	(\$625,527)	\$35,028
LYNDHURST	(\$1,049,535)	\$130,760	\$161,975	(\$756,800)	(\$912,809)	\$156,009
MOONACHIE	(\$486,727)	(\$6,377)	(\$7,899)	(\$501,003)	(\$625,629)	\$124,626
NORTH ARLINGTON	\$1,142,223	(\$3,553)	(\$4,401)	\$1,134,269	\$1,096,816	\$37,453
RIDGEFIELD	\$911,418	(\$7,608)	(\$9,424)	\$894,386	\$814,188	\$80,198
RUTHERFORD	\$221,824	(\$4,358)	(\$5,398)	\$212,068	\$166,131	\$45,937
SOUTH HACKENSACK	(\$353,649)	(\$680)	(\$842)	(\$355,171)	(\$362,337)	\$7,166
TETERBORO	\$0	\$0	\$0	\$0	\$0	\$0
JERSEY CITY	\$1,185,156	(\$7,265)	(\$8,999)	\$1,168,892	\$1,092,315	\$76,577
KEARNY	\$3,684,433	(\$26,028)	(\$32,241)	\$3,626,164	\$3,275,763	\$350,401
NORTH BERGEN	(\$1,417,846)	(\$10,055)	(\$12,455)	(\$1,440,356)	(\$1,561,490)	\$121,134
SECAUCUS	(\$1,408,128)	(\$28,775)	(\$35,647)	(\$1,472,550)	(\$59,844)	(\$1,412,706)
BERGEN COUNTY	(\$2,043,616)	\$72,123	\$89,342	(\$1,882,151)	(\$2,746,746)	\$864,595
HUDSON COUNTY	\$2,043,615	(\$72,123)	(\$89,342)	\$1,882,150	\$2,746,744	(\$864,594)
ALL MUNICIPALITIES	(\$1)	\$0	\$0	(\$1)	(\$2)	\$1

TS2015 2018 MEADOWLANDS TAX SHARING
2015 RECALCULATION

EXHIBIT B-2

	1970 BASE YEAR					EFFECTIVE TAX RATE (Col. 8 * Col. 2) (9)		
	2012 AGGREGATE VALUATION (1)	2012 EQUALIZATION RATIO NISA54:1.35:1 * (2)	2012 AGGREGATE TRUE VALUATION (Col. 1/Col.2) (3)	1970 AGGREGATE VALUATION (4)	1970 EQUALIZATION RATIO NISA54:1.35:1 (5)		1970 TRUE VALUATION (Col. 4/Col.5) (6)	EQUALIZATION INCREASE/DECREASE OF TRUE VALUE IN COMPARISON YEAR (Col. 3 - 6) (7)
CARLSTADT	\$571,789,925	46.29 %	\$1,235,234,230	\$72,295,483	72.05 %	\$100,340,712	\$3,932	\$1,820
EAST RUTHERFORD	\$761,487,387	101.39	\$751,047,822	\$41,975,219	89.51	\$46,894,446	\$1,747	\$1,771
LITTLE FERRY	\$200,959,400	90.87	\$221,150,435	\$14,203,275	98.28	\$14,451,847	\$2,427	\$2,205
LYNDHURST	\$671,344,745	94.59	\$709,741,775	\$12,098,803	69.11	\$17,506,588	\$2,522	\$2,386
MOONACHIE	\$422,013,435	113.11	\$373,100,022	\$49,175,466	106.62	\$46,122,178	\$1,877	\$2,123
NORTH ARLINGTON	\$41,204,634	100.71	\$40,914,144	\$330,900	68.96	\$479,843	\$2,771	\$2,791
RIDGEFIELD	\$227,381,600	86.66	\$262,383,568	\$20,349,950	90.05	\$22,598,501	\$2,083	\$1,805
RUTHERFORD	\$138,993,317	107.88	\$128,840,672	\$15,347,700	102.94	\$14,909,365	\$2,337	\$2,521
SOUTH HACKENSACK	\$77,491,500	91.22	\$84,950,121	\$6,072,150	76.34	\$7,954,087	\$2,229	\$2,033
TETERBORO	\$0	97.17	\$0	\$18,602,200	108.48	\$17,148,046	\$1,327	\$1,289
JERSEY CITY	\$55,296,800	32.72	\$169,000,000	\$15,980,900	90.1	\$17,736,848	\$7,204	\$2,357
KEARNY	\$159,986,900	33.07	\$483,782,582	\$31,008,267	82.27	\$37,690,856	\$9,947	\$3,289
NORTH BERGEN	\$316,144,900	53.24	\$593,810,856	\$26,623,623	78.46	\$33,932,734	\$4,945	\$2,633
SECAUCUS	\$2,110,280,297	51.78	\$4,075,473,729	\$95,145,123	72.35	\$131,506,735	\$3,575	\$1,851
BERGEN COUNTY	\$3,112,665,943	NA	3,807,362,789	\$250,451,146	NA	\$288,405,613	NA	NA
HUDSON COUNTY	\$2,641,708,897	NA	5,322,067,167	\$168,757,913	NA	\$220,867,173	NA	NA
ALL MUNICIPALITIES	\$5,754,374,840	NA	9,129,429,956	\$419,209,059	NA	\$509,272,786	NA	NA

	2012 INCREASE OF H.M. PUPILS OVER BASE YEAR 1970 (10)	2012 COST PER PUPIL IN COMPARISON YEAR (11)	2012 COUNTY PORTION OF TAX RATE (12)	2012 MUNICIPAL/SCHOOL VET./S.C. PORTION OF TAX RATE (13)	2012 APPORTIONMENT RATE (COL. 9 * COL. 13) (14)	PERCENT OF H.M.D. LAND AREA FOR EACH MUNICIPALITY (15)	2012 YEAR INCREASE IN TAXES OVER 1970 BASE YEAR (Col. 7 * Col. 9) (16)	LESS PORTION OF COL. 12 COUNTY TAX PERCENT (Col. 16 * Col. 12) (17)
CARLSTADT	0		12.479 %	87.521 %	1.5928822%	12.193 %	\$20,655,062	\$2,577,545
EAST RUTHERFORD	0		13.334	86.666	1.5348549%	10.298	\$12,470,556	\$1,662,824
LITTLE FERRY	0		8.824	91.176	2.0104308%	2.283	\$4,557,704	\$402,172
LYNDHURST	13	\$ 13,662	9.411	90.589	2.1614535%	10.168	\$16,516,732	\$1,554,390
MOONACHIE	0		12.427	87.573	1.8591748%	4.381	\$6,941,740	\$862,650
NORTH ARLINGTON	0		8.285	91.715	2.5597657%	2.441	\$1,128,521	\$93,498
RIDGEFIELD	0		11.325	88.675	1.6005838%	5.227	\$4,328,120	\$490,160
RUTHERFORD	0		8.948	91.052	2.2954209%	2.994	\$2,872,208	\$257,005
SOUTH HACKENSACK	0		10.338	89.662	1.8228285%	0.467	\$1,565,329	\$161,824
TETERBORO	0		18.420	0.000	0.0000000%	-	\$0	\$0
JERSEY CITY	0		22.660	77.340	1.8229038%	4.991	\$3,565,272	\$807,891
KEARNY	0		16.659	83.341	2.7410855%	17.881	\$14,671,957	\$2,444,201
NORTH BERGEN	0		20.249	79.751	2.0998438%	6.908	\$14,741,591	\$2,985,025
SECAUCUS	621	\$15,567	27.578	72.422	1.3403312%	19.768	\$73,002,829	\$20,132,720
BERGEN COUNTY	13	NA	NA	NA	NA	50.452	\$71,035,972	\$8,062,068
HUDSON COUNTY	621	NA	NA	NA	NA	49.548	\$105,981,649	\$26,369,837
ALL MUNICIPALITIES	634	NA	NA	NA	NA	100.000	\$177,017,621	\$34,431,905

	(18)	(19)	(20)	(21)	(22)	(23)	(24)
	(SECTION 13:17 - 67) 2012 TAXES COLLECTED LESS COUNTY TAXES POST 1970 RATABLES (Col. 14 * Col. 7)	DIRECT RETENTION (60% OF COL. 18)	TOTAL SUBJECT TO TAX SHARING (COL. 18 - COL. 19)	GUARANTEE PAYMENTS	SCHOOL SERVICE PAYMENTS (Col. 10 * Col. 11)	APPORTIONMENT PAYMENTS (%IN COL. 15 * COL. 20 TOTAL - COL. 21 AND COL. 22 TOTALS	TOTAL CREDIT DUE MUNICIPALITY (TOTAL OF COLUMNS 21+22+23)
CARLSTADT	\$18,077,517	\$10,846,510	\$7,231,007	\$0	\$0	\$5,755,825	\$5,755,825
EAST RUTHERFORD	\$10,807,732	\$6,484,639	\$4,323,093	\$0	\$0	\$4,859,582	\$4,859,582
LITTLE FERRY	\$4,155,532	\$2,493,319	\$1,662,213	\$0	\$0	\$1,077,338	\$1,077,338
LYNDHURST	\$14,962,342	\$8,977,405	\$5,984,937	\$0	\$177,606	\$4,798,236	\$4,975,842
MOONACHIE	\$6,079,090	\$3,647,454	\$2,431,636	\$0	\$0	\$2,067,375	\$2,067,375
NORTH ARLINGTON	\$1,035,023	\$621,014	\$414,009	\$0	\$0	\$1,151,898	\$1,151,898
RIDGEFIELD	\$3,837,961	\$2,302,777	\$1,535,184	\$0	\$0	\$2,466,599	\$2,466,599
RUTHERFORD	\$2,615,203	\$1,569,122	\$1,046,081	\$0	\$0	\$1,412,856	\$1,412,856
SOUTH HACKENSACK	\$1,403,506	\$842,104	\$561,402	\$0	\$0	\$220,375	\$220,375
TETERBORO	\$0	\$0	\$0	\$0	\$0	\$0	\$0
JERSEY CITY	\$2,757,382	\$1,654,429	\$1,102,953	\$0	\$0	\$2,355,232	\$2,355,232
KEARNY	\$12,227,756	\$7,336,654	\$4,891,102	\$0	\$0	\$8,437,968	\$8,437,968
NORTH BERGEN	\$11,756,566	\$7,053,940	\$4,702,626	\$0	\$0	\$3,259,856	\$3,259,856
SECAUCUS	\$52,870,109	\$31,722,065	\$21,148,044	\$0	\$9,667,107	\$9,328,435	\$18,995,542
BERGEN COUNTY	\$62,973,906	37,784,344	\$25,189,562	\$0	\$177,606	\$23,808,084	\$23,985,690
HUDSON COUNTY	\$79,611,813	47,767,088	\$31,844,725	\$0	\$9,667,107	\$23,381,491	\$33,048,598
ALL MUNICIPALITIES	\$142,585,719	85,551,432	\$57,034,287	\$0	\$9,844,713	\$47,189,575	\$57,034,288

	2015 PRE-ADJUSTMENT PAYMENT (Col. 24 - 20) (25)	ADJUSTMENT FOR 2015 RECALCULATION (26)	ADJUSTMENT FOR 2014 RECALCULATION (27)	TOTAL 2015 ADJUSTMENT PAYMENT (28)	2015 ADJ. PAYMENT PREV. CALCULATED (29)	DIFFERENCE (30)
CARLSTADT	(\$1,477,182)	(\$18,999)	(\$9,544)	(\$1,505,725)	(\$1,488,555)	(\$17,170)
EAST RUTHERFORD	\$536,489	\$4,742	\$9,571	\$550,802	\$557,270	(\$6,468)
LITTLE FERRY	(\$584,875)	(\$214)	(\$3,306)	(\$588,395)	(\$585,180)	(\$3,215)
LYNDHURST	(\$1,009,095)	(\$956)	(\$14,724)	(\$1,024,775)	(\$1,010,456)	(\$14,319)
MOONACHIE	(\$364,261)	(\$412)	\$33,106	(\$331,567)	(\$376,607)	\$45,040
NORTH ARLINGTON	\$737,889	(\$229)	(\$3,535)	\$734,125	\$737,562	(\$3,437)
RIDGEFIELD	\$931,415	(\$491)	(\$7,570)	\$923,354	\$930,715	(\$7,361)
RUTHERFORD	\$366,775	(\$281)	(\$4,336)	\$362,158	\$366,374	(\$4,216)
SOUTH HACKENSACK	(\$341,027)	(\$44)	(\$676)	(\$341,747)	(\$341,089)	(\$658)
TETERBORO	\$0	\$0	\$0	\$0	\$0	\$0
JERSEY CITY	\$1,252,279	(\$469)	(\$7,227)	\$1,244,583	\$1,251,611	(\$7,028)
KEARNY	\$3,546,866	(\$1,680)	(\$25,894)	\$3,519,292	\$3,462,894	\$56,398
NORTH BERGEN	(\$1,442,770)	\$20,892	\$62,759	(\$1,359,119)	(\$1,349,391)	(\$9,728)
SECAUCUS	(\$2,152,503)	(\$1,858)	(\$28,624)	(\$2,182,985)	(\$2,155,147)	(\$27,838)
BERGEN COUNTY	(\$1,203,872)	(\$16,884)	(\$1,014)	(\$1,221,770)	(\$1,209,966)	(\$11,804)
HUDSON COUNTY	\$1,203,872	\$16,885	\$1,014	\$1,221,771	\$1,209,967	\$11,804
ALL MUNICIPALITIES	\$0	\$1	\$0	\$1	\$1	\$0

2018 MEADOWLANDS TAX SHARING SCHEDULE
 2017 TAX SHARING CALCULATION
 IN LIEU TAX PAYMENTS - 2014

SCHEDULE 1

MUNICIPALITY:	IN LIEU OF TAX PAYMENT	TAX RATE	ASSUMED ASSESSED VALUATION COL. 1/2	EQUALIZATION RATIO 54:1.35.1	EQUALIZED VALUATION COL. 3/4
CARLSTADT	\$16,210	1.991	\$814,164	98.32	\$828,075
EAST RUTHERFORD (A,B)	\$6,719,613	1.904	\$352,920,851	85.86	\$411,042,221
LITTLE FERRY	\$0	2.635	\$0	108.50	\$0
LYNDHURST	\$175,000	2.711	\$6,455,183	101.55	\$6,356,654
MOONACHIE	\$16,336	2.001	\$816,392	91.64	\$890,868
NORTH ARLINGTON	\$0	2.887	\$0	100.17	\$0
RIDGEFIELD	\$0	2.099	\$0	88.89	\$0
RUTHERFORD	\$125,000	2.454	\$5,093,725	105.44	\$4,830,922
SOUTH HACKENSACK	\$0	2.708	\$0	90.82	\$0
TETERBORO	\$0	1.291	\$0	103.55	\$0
JERSEY CITY	\$0	7.434	\$0	30.02	\$0
KEARNY	\$0	10.036	\$0	31.01	\$0
NORTH BERGEN (B)	\$0	5.240	\$0	53.21	\$0
SECAUCUS (B)	\$72,096	3.766	\$1,914,392	58.47	\$3,274,144
BERGEN COUNTY	\$7,052,159		\$366,100,314	-	\$423,948,741
HUDSON COUNTY	\$72,096		\$1,914,392	-	\$3,274,144
ALL MUNICIPALITIES	\$7,124,255		\$368,014,705	-	\$427,222,885

2018 MEADOWLANDS TAX SHARING SCHEDULE
 2017 TAX SHARING CALCULATION
 2014 COMPARISON YEAR
 REVISION OF TAX RATES
 TO ADJUST FOR COMPOUNDING

	COL. 7* 2014 GENERAL TAX RATE	SEC. 12-D* TAX LEVY ON WHICH TAX RATES COMPUTED	2014 ADJUSTMENT PAYMENT	ADJ. TAX LEVY (2-3)	COL. 6* NET VALUATION TAXABLE	ADJ. TAX RATE (4)/(5)	NET COUNTY TAXES APPORTIONED	TAX RATE % COUNTY TAXES (7)/(4)	TAX RATE % ALL OTHER USES
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
CARLSTADT	1.991	\$40,253,932	(\$907,108)	\$39,256,844	\$2,022,635,628	\$1,941	\$4,685,692	10.408%	89.592%
EAST RUTHERFORD	1.904	\$35,308,942	(\$184,557)	\$35,124,385	\$1,854,843,709	\$1,894	\$4,268,734	12.153%	87.847%
LITTLE FERRY	2.635	\$31,081,147	(\$577,433)	\$30,503,714	\$1,179,647,130	\$2,586	\$2,722,678	8.926%	91.074%
LYNDHURST	2.711	\$72,205,929	(\$779,186)	\$71,426,743	\$2,663,640,614	\$2,682	\$6,302,319	8.823%	91.177%
MOONACHIE	2.001	\$15,846,804	(\$431,671)	\$15,415,133	\$774,143,074	\$1,991	\$1,974,463	12.809%	87.191%
NORTH ARLINGTON	2.887	\$42,828,264	\$917,635	\$43,745,899	\$1,483,637,956	\$2,949	\$3,371,263	7.706%	92.294%
RIDGEFIELD	2.099	\$33,056,662	\$1,300,455	\$34,357,117	\$1,574,907,515	\$2,182	\$4,236,578	12.331%	87.669%
RUTHERFORD	2.454	\$67,363,193	\$206,758	\$67,569,951	\$2,745,812,709	\$2,461	\$5,894,019	8.723%	91.277%
SOUTH HACKENSACK	2.708	\$15,413,108	(\$114,466)	\$14,998,642	\$569,277,300	\$2,635	\$1,323,049	8.821%	91.179%
TETERBORO	1.291	\$5,233,960	\$0	\$5,233,960	\$408,711,400	\$1,290	\$939,218	17.945%	82.055%
JERSEY CITY	7.434	\$441,040,816	\$1,151,263	\$442,192,079	\$5,932,776,544	\$7,453	\$101,550,077	22.965%	77.035%
KEARNY	10.036	\$105,736,066	\$3,900,950	\$109,637,016	\$1,053,625,518	\$10,406	\$17,655,623	16.104%	83.896%
NORTH BERGEN	5.240	\$130,195,947	(\$1,303,427)	\$128,892,520	\$2,485,024,557	\$5,187	\$24,411,429	18.939%	81.061%
SECAUCUS	3.766	\$95,606,398	(\$2,789,212)	\$92,817,186	\$2,538,692,219	\$3,656	\$25,787,637	27.783%	72.217%

2018 MEADOWLANDS TAX SHARING SCHEDULE
 2017 TAX SHARING CALCULATION
 STUDENT ENROLLMENT
 AS OF SEPTEMBER 30, 2014
 WITH BASE YEAR 1970

SCHEDULE 3

MUNICIPALITY:	LOCAL DISTRICT SCHOOL ENROLLMENT	REGIONAL DISTRICT SCHOOL ENROLLMENT	LOCAL and REGIONAL SCHOOL ENROLLMENT	1970 BASE YEAR H.M.D.C. SCHOOL ENROLLMENT	2014 H.M.D.C. ENROLLMENT	INCREASE (DECREASE) STUDENT ENROLLMENT
CARLSTADT	550	244	794	14	0	-14
EAST RUTHERFORD	781	263	1044	26	0	-26
LITTLE FERRY	955	410	1365	274	243	-31
LYNDHURST	2718	0	2718	0	65	65
MOONACHIE	270	81	351	223	225	2
NORTH ARLINGTON	1652	0	1652	0	0	0
RIDGEFIELD	1870	5	1875	0	0	0
RUTHERFORD	2496	111	2607	0	0	0
SOUTH HACKENSACK	221	121	342	0	0	0
TETERBORO	0	0	0	0	0	0
JERSEY CITY	26105	178	26283	16	10	-6
KEARNY	5734	0	5734	0	82	82
NORTH BERGEN	7034	77	7111	29	0	-29
SECAUCUS	2120	14	2134	408	1127	719
BERGEN COUNTY	11513	1235	12748	537	533	-4
HUDSON COUNTY	40993	269	41262	453	1219	766
ALL MUNICIPALITIES	52506	1504	54010	990	1752	762

2018 MEADOWLANDS TAX SHARING SCHEDULE
 2017 TAX SHARING CALCULATION
 2014 SCHOOL TAX DATA

MUNICIPALITY:	(1) LOCAL TAXES AS REQUIRED BY DISTRICT SCHOOL BUDGET	(2) LOCAL TAXES AS REQUIRED BY REGIONAL SCHOOL BUDGET	(3) BY LOCAL MUNICIPAL BUDGET	(4) TOTAL SCHOOL TAXES COLUMNS(1+2+3)	(5) TOTAL SCHOOL DISTRICT ENROLLMENT	(6) COST PER PUPIL COL. 4/5
CARLSTADT	\$11,409,833	\$6,179,643	\$0	\$17,589,476	794	\$22,153
EAST RUTHERFORD	\$14,130,843	\$5,889,708	\$0	\$20,020,551	1044	\$19,177
LITTLE FERRY	\$17,656,650	\$0	\$0	\$17,656,650	1365	\$12,935
LYNDHURST	\$34,022,549	\$0	\$0	\$34,022,549	2718	\$12,517
MOONACHIE	\$7,059,543	\$0	\$0	\$7,059,543	351	\$20,113
NORTH ARLINGTON	\$23,058,397	\$0	\$0	\$23,058,397	1652	\$13,958
RIDGEFIELD	\$18,851,685	\$0	\$0	\$18,851,685	1875	\$10,054
RUTHERFORD	\$37,689,928	\$0	\$0	\$37,689,928	2607	\$14,457
SOUTH HACKENSACK	\$7,315,626	\$0	\$0	\$7,315,626	342	\$21,391
TETERBORO	\$140,669	\$0	\$0	\$140,669	0	\$0
JERSEY CITY	\$109,149,375	\$0	\$5,774,432	\$114,923,807	26283	\$4,373
KEARNY	\$47,113,186	\$0	\$0	\$47,113,186	5734	\$8,216
NORTH BERGEN	\$44,409,850	\$0	\$0	\$44,409,850	7111	\$6,245
SECAUCUS	\$34,107,422	\$0	\$0	\$34,107,422	2134	\$15,983
BERGEN COUNTY	\$171,335,723	\$12,069,351	\$0	\$183,405,074	12748	
HUDSON COUNTY	\$234,779,833	\$0	\$5,774,432	\$240,554,265	41262	
ALL MUNICIPALITIES	\$406,115,556	\$12,069,351	\$5,774,432	\$423,959,339	54010	

RESOLUTION 2018 - 02

**RESOLUTION REGARDING TIDELANDS APPLICATIONS
FOR COMMAND WEB OFFSET CO.
FILE NO. SP-754
BLOCK 9, LOT 9, IN THE TOWN OF SECAUCUS, NEW JERSEY**

WHEREAS, pursuant to N.J.S.A. 13:1B-13.8, the New Jersey Meadowlands Commission may provide comments to the New Jersey Department of Environmental Protection's Bureau of Tidelands Management on tidelands conveyance applications if the application pertains to lands within the Hackensack Meadowlands District; and

WHEREAS, effective February 5, 2015, the New Jersey Meadowlands Commission become part of the New Jersey Sports and Exposition Authority (NJSEA);

WHEREAS, Command Web Offset Co. has submitted a copy of its recent Tidelands license/grant application filing, in advance of its zoning certificate application to the NJSEA for the construction of a 62,000-square-foot addition to its existing facility to be located on the property identified as 200 Castle Road, Block 9, Lot 9, in the Town of Secaucus (Command Web Offset Co./Tidelands Application, File No. SP-754); and

WHEREAS, in accordance with N.J.A.C. 19:4-4.4(e)3, if a portion of a lot that is proposed for development is subject to the State's riparian interest, a duly executed riparian instrument or permit executed by the NJDEP Bureau of Tidelands Management shall accompany a zoning certificate application; and

WHEREAS, on November 21, 2017, Judy Y. Kim, Esq., of the firm Waters, McPherson, McNeill, on behalf of Command Web Offset Co., submitted applications to the Bureau of Tidelands Management for a tidelands license and a riparian grant for the use of approximately 0.852 acres of state-owned tidelands on the 8.07-acre lot; and

WHEREAS, the NJSEA Staff has reviewed the applications submitted by Command Web Offset Co. to the NJDEP Bureau of Tidelands Management and recommends approval of same as the applicant's proposed development concept complies with applicable District zoning regulations.

NOW, THEREFORE, BE IT RESOLVED that, based upon its review of the Command Web Offset Co.'s applications to the Tidelands Resource Council for a tidelands license and riparian grant, the Board of

Commissioners of the New Jersey Sports and Exposition Authority agrees with the Staff recommendation and recommends that the applications be approved by the NJDEP Bureau of Tidelands Management.

BE IT FURTHER RESOLVED that the Board of Commissioners of the New Jersey Sports and Exposition Authority hereby authorizes NJSEA staff to forward the Board of Commissioner's recommendation to the NJDEP Bureau of Tidelands Management accordingly.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Sports and Exposition Authority at their meeting of January 11, 2018.



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



MEMORANDUM

To: NJSEA Board Members and Wayne Hasenbalg, President/CEO

From: Sara J. Sundell

Date: January 11, 2018

Subject: Command Web Offset Co./Tidelands Application (File No. SP-754)

On November 21, 2017, Judy Y. Kim, Esq., of the firm, Waters, McPherson, McNeill, PC, on behalf of Command Web Offset Co. ("Applicant"), submitted applications to the New Jersey Department of Environmental Protection (NJDEP) Bureau of Tidelands Management (Tidelands Resource Council) for a tidelands license and a riparian grant to purchase tidelands claimed by the State within Block 9, Lot 9, in the Town of Secaucus. The subject 8.07-acre property is the proposed location of a future 62,000-square-foot addition to the Applicant's existing facility located on adjacent Lot 10. The clearance of the tidelands claims on the property will facilitate the addition and associated site improvements, which will be subject to the approval of the New Jersey Sports and Exposition Authority (NJSEA). The tidelands in question encompass a total area of 0.852 acres.

Pursuant to N.J.S.A. 13:1B-13.8, the NJDEP Tidelands Resource Council is responsible for transmitting a copy of the applications to the NJSEA for comment. The NJSEA has 45 days to submit its recommendation to the Tidelands Resource Council. Having reviewed the applications and associated plans, the NJSEA Staff recommends that the applications be approved by the Tidelands Resource Council. Furthermore, the NJSEA staff recommends that the NJSEA adopt the attached resolution and forward same to the Tidelands Resource Council as its comment on the applications.

RESOLUTION 2018-03

**RESOLUTION ISSUING A DECISION ON THE
SUITABILITY RECOMMENDATION AS REQUIRED BY THE
NJSEA INTERIM POLICIES GOVERNING AFFORDABLE HOUSING
DEVELOPMENT IN THE MEADOWLANDS DISTRICT
FILE NO. SP-750, Highland Cross Redevelopment Plan Amendment
BLOCK 219.04, LOTS 1 (portion), 2 (portion), & 3,
AND BLOCK 219.02, LOTS 61 (portion), 65.05, 65.06, & 65.07,
IN THE BOROUGH OF RUTHERFORD**

WHEREAS, in a decision dated May 21, 2007 (A-4174-03T3; A-3107-04T1), the Appellate Division of the New Jersey Superior Court determined, among other things, that the New Jersey Meadowlands Commission (NJMC) should consider whether new development in the Meadowlands District should be avoided until the Commission implements new rules concerning affordable housing; and

WHEREAS, on July 25, 2007, the Commission adopted Resolution No. 07-68, which approved the "Policy Statement Regarding the NJMC's Expanded Responsibilities to Plan and Zone for Affordable Housing"; and

WHEREAS, on May 6, 2008, COAH adopted new rules, which became effective upon publication in the New Jersey Register on June 2, 2008 and, in addition, adopted new rules on September 22, 2008, which became effective on October 20, 2008; and

WHEREAS, on July 17, 2008, P.L. 2008, Chapter 46 became law, revising various parts of the statutory law concerning affordable housing; and

WHEREAS, on July 23, 2008, the Commission adopted Resolution No. 08-80, which approved the "*Interim Policies Governing Affordable Housing Development in the Meadowlands District*," in order to govern the review of and restraints upon applications for further development in the Meadowlands District in a manner consistent with these regulatory and statutory changes, prior to the implementation of new regulations regarding same; and

WHEREAS, pursuant to Public Law 2015, Chapter 19, the New Jersey Meadowlands Commission (NJMC) became part of the New Jersey Sports and Exposition Authority (NJSEA), effective February 5, 2015; and

WHEREAS, the *Interim Policies*, last revised by Resolution No. 11-29 on July 27, 2011, govern all zoning certificate applications, petitions to amend the Official Zoning Map, new redevelopment plans, and proposed amendments to a redevelopment plan pertaining to new proposed uses or changes to existing uses, received on or after July 24, 2008 and remain in effect until the NJSEA promulgates new regulations concerning affordable housing, or the *Interim Policies* are withdrawn or rescinded by Board action or court order, whichever occurs first; and

WHEREAS, the *Interim Policies* set forth the criteria for a Review Team, comprised of three NJSEA staff members including one New Jersey-licensed professional engineer and one New Jersey-licensed professional planner, and also a professional planner representing the municipality in which the proposed development is located, to review each applicable application to determine the suitability of the subject site for residential use; and

WHEREAS, the Highland Cross Redevelopment Plan was adopted by NJMC Resolution No. 98-67 on November 25, 1998, and was amended on March 28, 2001 and September 24, 2014; and

WHEREAS, the NJSEA has received a petition requesting amendments to the Highland Cross Redevelopment Plan from Chiesa Shahinian & Giantomasi PC, on behalf of the property owner/designated redeveloper, Linque-H.C. Partners, LLC, for the property known as the Highland Cross Redevelopment Area, located near the intersection of Veterans Boulevard and Highland Cross, Block 219.04, Lots 1 (portion), 2 (portion), and 3, and Block 219.02, Lots 61 (portion), 65.05, 65.06, and 65.07, in the Borough of Rutherford, New Jersey; and

WHEREAS, the petition proposes the addition of warehouse and distribution facility as a permitted use in the redevelopment area, and, as such, is not exempt from the *Interim Policies*; and

WHEREAS, the petition was forwarded to the Review Team for review in accordance with the *Interim Policies*; and

WHEREAS, the Review Team evaluated the suitability of the subject properties taking into consideration the petition submitted to amend the uses in the redevelopment plan; and

WHEREAS, a suitability review, dated December 29, 2017, and attached hereto, has been prepared, indicating the recommendation of the Review Team in this matter; and

WHEREAS, the suitability review recommends that the subject properties are unsuitable for residential use; and

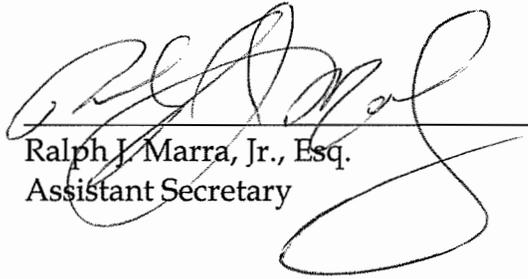
WHEREAS, the Board of Commissioners of the NJSEA have reviewed the suitability review and recommendation prepared by the Review Team, regarding the subject properties; and

WHEREAS, the Board of Commissioners of the NJSEA concur with the recommendation of the Review Team; and

WHEREAS, the Board of Commissioners of the NJSEA hereby determines that the subject properties are unsuitable for residential use.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the New Jersey Sports and Exposition Authority, that the subject properties located at Block 219.04, Lots 1 (portion), 2 (portion), and 3, and Block 219.02, Lots 61 (portion), 65.05, 65.06, and 65.07, known as the Highland Cross Redevelopment Area, in the Borough of Rutherford, are deemed to be unsuitable for residential use.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Sports and Exposition Authority at their meeting of January 11, 2018.



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



MEMORANDUM

To: NJSEA Board Members and Wayne Hasenbalg, President/CEO

From: Sara J. Sundell

Date: January 11, 2018

Subject: Site Suitability Recommendation for Block 219.04, Lots 1 (portion), 2 (portion), & 3, and Block 219.02, Lots 61 (portion), 65.05, 65.06, & 65.07, in the Borough of Rutherford (File No. SP-750)

In a decision dated May 21, 2007 (A-4174-03T3; A-3107-04T1), the Appellate Division of the New Jersey Superior Court determined, among other things, that the New Jersey Meadowlands Commission (NJMC or Commission) should consider whether new development in the Meadowlands District should be avoided until the Commission implements new rules concerning affordable housing. The Commission followed up by adopting Resolution No. 07-68, on July 25, 2007, which approved the "Policy Statement Regarding the NJMC's Expanded Responsibilities to Plan and Zone for Affordable Housing." Thereafter, on July 23, 2008, the Commission adopted Resolution No. 08-80, which approved the "*Interim Policies Governing Affordable Housing Development in the Meadowlands District*," which was last revised by Resolution No. 11-29 on July 27, 2011, in order to govern the review of and restraints upon applications for further development in the Meadowlands District in a manner consistent with regulatory and statutory changes regarding affordable housing, prior to the implementation of new regulations regarding same.

Pursuant to Public Law 2015, Chapter 19, the New Jersey Meadowlands Commission (NJMC) has become part of the New Jersey Sports and Exposition Authority (NJSEA), effective February 5, 2015.

The Interim Policies apply to all zoning certificate applications, petitions to amend the Official Zoning Map, new redevelopment plans, and proposed amendments to a redevelopment plan pertaining to new proposed uses or changes to existing uses, received on or after July 24, 2008, and will remain in effect until the NJSEA promulgates new regulations concerning affordable housing, or the Interim Policies are withdrawn or rescinded by Authority action or court order, whichever occurs first. The *Interim Policies* set forth the criteria for

a Review Team, comprised of three NJSEA staff members, including one New Jersey-licensed professional engineer and one New Jersey-licensed professional planner, and also a professional planner representing the municipality in which the proposed development is located, to review each applicable application to determine the suitability of the subject site for residential use.

The NJSEA received a petition to amend the Highland Cross Redevelopment Plan from Chiesa Shahinian & Giantomasi PC, submitted on behalf of the property owner/designated redeveloper, Linque-H.C. Partners, LLC, on November 3, 2017. The petition proposes the addition of warehouse and distribution facility as a permitted use in the Plan.

The matter was forwarded to the Review Team for review of the proposed development in accordance with the *Interim Policies*. A suitability review, dated December 29, 2017, has been prepared, indicating that the Review Team recommends that the subject property is not suitable for residential use.

At this time, the NJSEA staff is recommending that the Board of Commissioners of the NJSEA concur with the site suitability recommendation prepared by the Review Team, which determines that the subject property is not suitable for residential use.

Suitability Review – Summary

File No. SP-750

Highland Cross Redevelopment Plan Amendment

Block 219.04, Lots 1 (portion), 2 (portion), & 3, and Block 219.02, Lots 61 (portion), 65.05, 65.06, & 65.07, in the Borough of Rutherford

December 29, 2017

The NJSEA received a request from Linque-H.C. Partners, LLC for an amendment to the Highland Cross Redevelopment Plan for the properties located near the intersection of Highland Cross and Veterans Boulevard, comprised of Block 219.04, Lots 1 (portion), 2 (portion), and 3, and Block 219.02, Lots 61 (portion), 65.05, 65.06, and 65.07, in the Borough of Rutherford, New Jersey. The subject area comprises the Highland Cross Redevelopment Area and is not exempt from the site suitability review process. In keeping with the review process, the site characteristics of the properties have been evaluated in accordance with the "Interim Policies Governing Affordable Housing Development in the Meadowlands District," adopted by the NJMC on July 24, 2008, and last revised on July 27, 2011.

The redevelopment area was the subject of a previous site suitability review in 2009, which concluded that the site was suitable for residential use, albeit with several conditions. The 2009 site suitability determination expired in 2014, and the NJSEA must re-evaluate the site. Subsequent to the 2009 determination and the resulting redevelopment plan amendment, the developer was unable to implement its proposal pursuant to the suitability review conditions. Of note, the previous determination required that the developer "provide for safe pedestrian circulation and access to the portion of the Rutherford community located west of Route 17, including provisions for accessibility, for the diverse residents and users of the Redevelopment Area." This condition posed difficulties that were not attainable due to several factors, including the roadway configuration. The intersection of Highland Cross and Route 17 has historically proven to be very dangerous for pedestrians, and the developer was unable to provide a workable solution. The requested amendment proposes commercial and industrial uses and does not include residential.

In accordance with Section IV(c)1 of the Interim Policies, the criteria to deem a site suitable for housing are as follows:

- i. The site is adjacent to compatible land uses and has access to appropriate streets.**
 - The subject properties comprise approximately 28 acres in the Hackensack Meadowlands District (HMD), including several large vacant parcels located on Veterans Boulevard in Rutherford. Two 12-story office buildings are located directly across Veterans Boulevard from the site. The land uses to the south and to the east can generally be classified as light industrial. To the north and west, uses include the Rutherford DPW and other light industrial land uses including a towing yard, gas station, truck rental facility and a warehouse. These land uses contribute to the industrial character of the area, which is not compatible with a residential use.
 - The subject properties are located within close proximity to a crossroads of two heavily-utilized State highways, as Route 17 and Route 3 intersect in the immediate vicinity.
 - The residential land uses and supporting community facilities within Rutherford are

located west of Route 17. The residential portion of the borough would be accessed from the site via the signalized intersection of Route 17 and Highland Cross, which is not pedestrian-friendly.

- Due to the industrial and commercial nature of the surrounding area, the roadway network in the vicinity of the subject property is heavily utilized by trucks and commercial vehicles and is not compatible with traffic associated with a residential development.

ii. The site has access to water and sewer infrastructure with sufficient capacity.

- The applicant’s consultant states that all utilities are available for extension to the subject properties to service a potential development. Proof of this has yet to be provided to the NJSEA.

iii. The site can be developed consistent with the District Zoning Regulations.

- The subject properties are located within the Highland Cross Redevelopment Area and are subject to the requirements of the Redevelopment Plan.
- The addition of warehouse/distribution/light industrial uses as permitted uses would require an amendment to the Redevelopment Plan.
- The subject properties are the subject of a petition to amend the Redevelopment Plan, which has been received by the NJSEA.

iv. Former and existing land uses, either on the site or in the vicinity, may not expose residents to environmental hazard. Alternatively, the site shall be remediated to NJDEP residential standards as a condition of the Board’s approval.

- The subject property is the site of the former Rutherford, East Rutherford and Carlstadt Joint Meeting Sewage Treatment Plant that was remediated by the property owner upon receipt of an approval from the NJDEP for a Remedial Action Work Plan on November 29, 1999.
- The following information relative to the remediation of the subject property has previously been submitted:

- Deed notice, dated March 27, 2002. This notice details the contamination on the subject property and includes descriptions of type, concentration, and location of contaminants; institutional and engineering controls; and maps and tables providing further specifics on types of contaminants found on the project site. From Paragraph 1, Restricted Uses, listed on page 3 of the deed notice, “The owner(s) of all or any fee interest in all or any portion of the Affected Areas and each operator of all or any portion of the Affected Areas, shall not allow any of the following uses on the following portions of the Affected Areas:

Portion of the Affected Area	Restricted Use
The Affected Area as identified in Exhibit B	The use shall be restricted to <i>non-residential uses only</i> and pursuant to paragraphs 2 and 3.”

- Restricted Use–No Further Action (NFA) and Covenant Not to Sue (CNS) letter

from the NJDEP, dated June 18, 2002. This letter added five conditions to the use of the site that are the responsibility of current and future owners, lessees and operators. The conditions include requirements for filing a Deed Notice and monitoring for compliance and effectiveness of any engineering and institutional controls specified in order to prevent exposure to contaminants and for the protection of the public health and safety and the environment. The NFA and CNS letter was prepared in response to a request by Linque Realty Services, dated May 15, 2002.

- o Deed notice, dated July 26, 2007. This notice details the contamination at the project site and includes location map, map of restricted areas, restricted area data tables, and requirements for various institutional and engineering controls for the property. From Paragraph 3, Soil Contamination, listed on filed page 246 of the deed notice, "Linque-H.C. Partners, LLC has remediated contaminated soil at the Property and the New Jersey Department of Environmental Protection approved a remedial action work plan on November 29, 1999, such that soil contamination remains in certain areas of the Property which contains contaminants in concentrations that do not allow for the unrestricted use of the property; this soil contamination is described, including the type, concentration and specific location of such contaminants, in Exhibit B..."
 - Based on the NJDEP-approved RAWP and the documentation submitted by the applicant, the site as remediated does not allow for residential use.
- v. **The size, shape, or layout of any existing structure that shall remain, or other physical limitation(s) not listed previously, do not preclude residential use.**
- The developable area within the subject properties is sufficiently large enough to create an on-site residential development.
 - There are no spatial limitations related to the site that would have an adverse impact on the development of residential uses.
 - The properties are contiguous parcels that are relatively level and regularly shaped and, as such, will not preclude residential use.
- vi. **The site is suitable for residential use pursuant to sound planning principles.**
- The subject site is 0.8 miles from the Park Avenue commercial district in the Rutherford town center. In order to access the rest of Rutherford, including residential and shopping areas, crossing the 8-lane width of Route 17 at the intersection of Route 17 and Highland Cross is required. While this intersection is signalized, traffic volume, speed, and geometry contribute to exceedingly dangerous conditions for pedestrians, as evidenced by a recent pedestrian fatality. The subject site is located across a major highway from Rutherford's residential community, including school, parks and other community facilities.
 - The warehouse and industrial uses in the immediate area of the subject property generate truck traffic, noise and associated pollution both day and night, which would be detrimental to the quality of life and long-term safety of residents on the subject property.

Conclusion

Based upon an evaluation of the above criteria, the subject area, known as the Highland Cross Redevelopment Area, comprised of Block 219.04, Lots 1 (portion), 2 (portion), and 3, and Block 219.02, Lots 61 (portion), 65.05, 65.06, and 65.07, in the Borough of Rutherford, is deemed unsuitable for housing by the Review Team.

Contingent upon the approval of this recommendation by the NJSEA Board of Commissioners, the applicant may proceed with the redevelopment plan amendment process for non-residential land uses.

EXECUTIVE SESSION

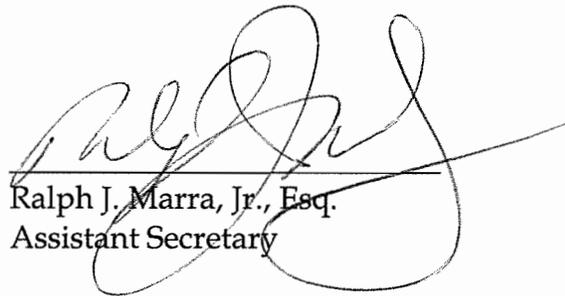
RESOLUTION 2018-04

**RESOLUTION AUTHORIZING THE
NEW JERSEY SPORTS AND EXPOSITION AUTHORITY
TO CONDUCT A MEETING TO WHICH
THE GENERAL PUBLIC SHALL NOT BE ADMITTED**

BE IT RESOLVED by the New Jersey Sports and Exposition authority (“Authority”) that it shall conduct a meeting to which the general public shall not be admitted to discuss personnel matters, the status of pending and anticipated litigation and other matters within the attorney client privilege, contract negotiations, and, if necessary, to act upon pending contracts.

BE IT FURTHER RESOLVED that the time when such discussions may be disclosed to the public shall be when and as such disclosure may be made without adversely affecting the Authority’s pending and/or anticipated legal, personnel, contractual matters and other matters within the exceptions provided for by the statute.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Sports and Exposition Authority at their meeting of January 11, 2018.


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

RESOLUTION 2018-05

**RESOLUTION DENYING TOWERS ASSOCIATES'
MOTION REQUESTING A STAY OF NJSEA FILE NO. 17-239**

WHEREAS, in March 2015, MEPT Lincoln Crossing, LLC ("MEPT") applied to the New Jersey Sports and Exposition Authority ("NJSEA") for a zoning variance ("2015 Application") for the property located at 2701 Route 3 East in North Bergen and Secaucus to construct a warehouse and distribution facility; and

WHEREAS, Towers Associates objected to the variance; and

WHEREAS, public hearings regarding the variance were held by the NJSEA staff on October 13, 2015, November 5, 2015, November 6, 2015, November 12, 2015, November 13, 2015 and December 3, 2015; and

WHEREAS, at the conclusion of the December 3, 2015, hearing, counsel represented that additional hearing dates for witness testimony were required; and

WHEREAS, at the conclusion of the December 3, 2015, hearing, NJSEA staff had yet to hear and consider all evidence and testimony in support and/or in opposition of the application nor had NJSEA staff been presented with sufficient evidence or testimony to submit a recommendation to the NJSEA Board; and

WHEREAS, in lieu of continuing with the hearings, on February 23, 2016, MEPT withdrew its application without prejudice; and

WHEREAS, on April 8, 2016, Towers Associates submitted to NJSEA staff a Notice of Motion for Order that MEPT's withdrawal of the application be with prejudice; and

WHEREAS, MEPT and Towers Associates thereafter submitted additional arguments supporting their respective positions regarding the February 23, 2016, withdrawal; and

WHEREAS, on September 17, 2017, the NJSEA Board adopted Resolution 2017-28 denying Towers' request to consider the 2015 Application as dismissed with prejudice and denying Towers' request to award attorneys' fees; and

WHEREAS, on September 29, 2017, Towers filed an appeal of Resolution 2017-28 with the Superior Court of New Jersey - Appellate Division; and

WHEREAS, MEPT has filed a new application for a variance ("2017 Application") which is currently under review by staff at the NJSEA; and

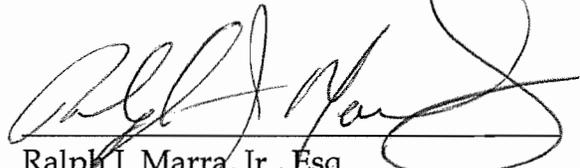
WHEREAS, on October 17, 2017, Towers filed a motion for a stay of the 2017 Application while its appeal of NJSEA Resolution 2017-28 is pending before the Appellate Division; and

WHEREAS, MEPT and Towers thereafter submitted additional arguments supporting their respective positions; and

WHEREAS, the NJSEA seeks to address Towers' request for a stay.

NOW, THEREFORE IT BE RESOLVED, by the Board of Commissioners of the New Jersey Sports and Exposition Authority that Towers Associates' motion requesting a stay of the 2017 Application pending the resolution of the Appellate Division matter is **DENIED** for those reasons set forth in the document annexed hereto.

I hereby certify that the foregoing to be a true copy of the Resolution adopted by the New Jersey Sports and Exposition Authority at their meeting of January 11, 2018.


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

hearing of public comments and final statements. Therefore, an additional hearing date of January 12, 2016, was scheduled. On January 8, 2016, MEPT requested a postponement of the January 12, 2016, public hearing to consider revisions to the proposed site plan. On February 23, 2016, MEPT submitted formal notice to the NJSEA staff of its voluntary withdrawal without prejudice of the 2015 Application.

On April 8, 2016, Towers filed a motion with NJSEA staff requesting that MEPT's 2015 Application be deemed withdrawn with prejudice, or that the staff award Towers attorneys' fees and costs if the withdrawal was without prejudice. On May 15, 2017, Towers filed a notice of appeal with the Appellate Division seeking to compel the Board to decide its motion. On September 21, 2017, the Board adopted Resolution 2017-28 ("2017 Resolution") denying Towers' motion and Towers subsequently withdrew the appeal which sought to compel a decision. Thereafter, Towers filed a new appeal challenging Resolution 2017-28.

On June 12, 2017, MEPT filed the 2017 Application, which was also for a zoning certificate approval and use variance on the property in question. In comparison to the 2015 Application, in the 2017 Application, MEPT reduced the proposed warehouse area from 347,053 square feet to 325,856 square feet. Furthermore, MEPT proposes to relocate the loading docks and trailer parking spaces from the rear yard to address issues raised by Towers and other adjacent property owners. Other revisions include the relocation of light poles and a water tank as well as design changes to the storm water system, traffic circulation, site grading, utilities, building elevations, and the relocation of office areas. The 2017 Application is currently under review by NJSEA staff. Now before this Board is Towers' request that MEPT's 2017 Application be stayed, while Towers' appeal of the 2017 Resolution is considered by the Appellate Division.

DISCUSSION

Standard for Granting of Stay

It is well established that the standard governing whether to grant a motion for a stay is the same standard used by courts in deciding whether to grant injunctive relief, for the simple reason that a stay is a type of injunctive relief. In re Comm'r of Ins. Deferring Certain Claim Payments by N.J. Auto. Full Ins. Underwriting Ass'n, 256 N.J. Super. 553, 560 (App.Div.1992). The oft-cited case that delineates that standard is Crowe v. De Gioia, 90 N.J. 126, 139 (1982). A stay application should be granted only when: 1) such relief is necessary to prevent irreparable harm; 2) the applicant presents a settled underlying claim and makes a showing of reasonable probability of success on the merits; and 3) a balancing of the relative hardships of the parties favors granting injunctive relief because "greater harm would occur if a stay is not granted than if it were." McNeil v. Legislative Apportionment Comm'n of N.J., 176 N.J. 484, 486, (2003) (LaVecchia, J., dissenting) (citing Crowe, supra, 90 N.J. at 139). The party seeking the stay bears the burden of demonstrating it meets each of these standards by clear and convincing evidence. Garden State Equal. v. Dow, 216 N.J. 314, 320 (2013).

Towers contends it has met these standards, and requests the Board stay the 2017 Application pending its appeal of Resolution 2017-28. The Board is not required to grant a stay request simply because its decision with regard to Resolution 2017-28 is under review by the Appellate Division. Rather, to be entitled to a stay, a movant must demonstrate each of the following standards by clear and convincing evidence.

Irreparable Harm

A stay “should not issue except when necessary to prevent irreparable harm.” Crowe, supra, 90 N.J. at 132-33. Further, it is axiomatic that relief should not be entered except when necessary to prevent substantial, immediate and irreparable harm. Subcarrier Commc’n, Inc. v. Day, 299 N.J. Super. 634, 638 (App. Div. 1997). Harm is generally considered irreparable in equity if it cannot be redressed adequately by monetary damages. Crowe, supra 90 N.J. at 132; see also Fleischer v. James Drugstores, 1 N.J. 138, 147 (1948) (finding an injury irreparable if compensation at law will not afford adequate remedy).

Towers’ argument regarding its irreparable harm is primarily based upon the incursion of attorneys’ fees and costs resulting from their voluntary participation in the hearings for the 2015 Application and possible participation in the application process for the 2017 Application. This argument lacks merit. Incurring attorneys’ fees as a factor when deciding a motion to stay is not a relevant inquiry. Furthermore, the Board agrees with MEPT that as general matter each side is responsible for paying its own fees and costs consistent with the American Rule. See, New Jerseyans for a Death Penalty Moratorium v. N.J. Dept. of Corrections, 185 N.J. 137, 152 (2005). To follow Towers’ logic, each time there was a challenge to a land use application, or any matter before a Board, the incursion of attorneys’ fees would be a viable argument for irreparable harm should an objector seek to stay the application. Nothing here compels Towers to participate in the application process. Towers can avoid any future costs by simply not objecting. In this sense the harm is self-inflicted and fails to rise to the level of substantial, immediate and irreparable harm.

Next, Towers argues that it is required to participate in the hearing process to protect its economic interests; such arguments are purely speculative and do not meet the clear and convincing standard. Towers claims that the 2015 Application would have “devastated the utility

and value” of its adjacent property had it been approved, as well as jeopardized Home Depot’s business (or any other retail business at that location) as well as Towers’ own plans for a hotel on the adjacent property. This is mere speculation. Towers has failed to submit sufficient facts of this alleged harm and relies solely upon the certification of its attorney Joseph B. Fiorenza, Esq. Such speculative arguments cannot be countenanced to support a stay and do not rise to the level of clear and convincing evidence.

In summation, Towers’ arguments as to irreparable harm are based upon speculation that it would suffer economic loss in the form of future attorneys’ fees and utility and value to its property. Such unsupported speculation and economic loss is not irreparable harm. Subcarrier Commc’ns, Inc. v. Day, supra 299 N.J. Super. at 638 (holding that irreparable harm must also be non-speculative, and must occur in the near and not distant future) see also, Natn’l Reprographics, Inc. v. Storm, 621 F. Supp. 2d 204, 229 (D.N.J. 2009) (finding that mere economic loss does not constitute irreparable harm). For the above reasons, Towers has not demonstrated irreparable harm sufficient to warrant the entry of a stay.

Likelihood of Success on the Merits

The second element that Towers must demonstrate is reasonable probability of success on the merits. Crowe, supra, 90 N.J. at 133. “Temporary relief should be withheld when the legal right underlying [the party’s] claim is unsettled. Ibid. To succeed on the merits of an appeal from an agency’s decision, Towers must make “a clear showing that it is arbitrary, capricious, or unreasonable, or that it lacks fair support in the record.” In re Hermann, 192 N.J. 19, 28 (2007). It is unlikely that the Appellate Division will find the Board’s prior determination to dismiss the 2015 Application without prejudice and deny the imposition of attorneys’ fees was arbitrary or capricious or was not supported by the record.

Foremost, “[a] judgment of involuntary dismissal or a dismissal with prejudice constitutes an adjudication on the merits ‘as fully and completely as if the order had been entered after trial.’” Velasquez v. Franz, 123 N.J. 498, 507 (1991) Such a dismissal “concludes the rights of the parties as if the suit had been prosecuted to final adjudication adverse to the plaintiff.” Mayflower Indus. v. Thor Corp., 17 N.J. Super. 505, 509 (Ch.Div.), appeal dismissed, 20 N.J. Super. 39 (App.Div.1952).

In contrast, a dismissal without prejudice “generally indicate[s] that ‘there has been no adjudication on the merits of the claim, and that a subsequent complaint alleging the same cause of action will not be barred simply by reason of its prior dismissal.’” Velasquez, supra, 123 N.J. at 509, (quoting Mason v. Nabisco Brands, Inc., 233 N.J. Super. 263, 267 (App.Div.1989)); Woodward-Clyde Consultants v. Chemical & Pollution Sciences, Inc., 105 N.J. 464 (1987); see also Pressler, supra, comment 1 on R. 4:37-1 (“It is, of course, clear that a dismissal without prejudice adjudicates nothing and does not itself constitute a bar to reinstatement of the action.”); Shulas v. Estabrook, 385 N.J. Super. 91, 100 (App. Div. 2006) (“a dismissal is with prejudice or without prejudice is one of the terms a court may impose in the exercise of its sound discretion”).

Here, the 2015 Application process was far from complete and there was not a decision on the merits. Towers’ principal support for its argument is that MEPT’s testimony on the 2015 Application was completed and that MEPT’s withdrawal “appears” to be an attempt to avoid a recommendation by staff on the application’s record. To support its legal argument, Towers relies primarily on Sansone Oldsmobile-Cadillac, Inc. v. Bd. of Adj. of the Borough of Shrewsbury, 211 N.J. Super. 304 (Law. Div. 1986). The Sansone matter is wholly distinguishable from the issue presently before the Appellate Division and thus Towers is unlikely to succeed on the merits.

The issue presented in Sansone was whether an applicant before a board of adjustment had an absolute right to withdraw a pending variance application, without prejudice, prior to a formal vote thereon. Id. at 305. On June 19, 1984, Sansone applied to the Shrewsbury Board of Adjustment for a preliminary and final site plan approval, use and bulk variances, permission to erect an eight-foot high buffer fence and approval for an oversized free-standing sign. Public hearings were held before the Shrewsbury Board of Adjustment on July 5, August 1, September 5, October 3, and November 7, 1984. Id. at 305-6.

On December 5, 1984, the Shrewsbury Board of Adjustment deliberated on the application and decided to deny the variance. Id. at 307. At the conclusion of these discussions, the Chairman directed the board attorney, "...to put together a Resolution denying the application as [that] was the consensus of the board." The Chairman added that the Resolution would be submitted for a vote at the regular meeting scheduled for January 2, 1985. By letter dated December 12, 1984, Sansone attempted to withdraw its application without prejudice. At the meeting of the board on January 2, 1985, the request to withdraw the application was discussed at length. All four members voted to deny the request, whereupon they proceeded to discuss the Resolution prepared by the board attorney. After certain revisions, the same four members adopted the Resolution denying Sansone's variance application. Id. at 308.

Unlike the application in Sansone, the 2015 Application was far from complete. An additional hearing date had been scheduled and there remained additional testimony, cross-examination, presentation of expert witnesses and documents, the hearing of public comments and final statements. Furthermore, the Board's process for evaluating variance applications further distinguishes the 2015 Application from Sansone.

Had MEPT not withdrawn the 2015 Application, and the public record closed, the staff would be required to submit a copy of the record to the Board. N.J.A.C. 19:4-4.14(g). Thereafter,

the staff would have prepared a comprehensive report containing the findings, conclusions, and/or recommendations regarding the variance. N.J.A.C. 19:4-4.14(h). This report must then be transmitted to the applicant. N.J.A.C. 19:4-4.14(i). After an appeal period, only then would the staff transmit a copy of the report to the Board for its review wherein the matter is placed on the agenda at the next available scheduled meeting. N.J.A.C. 19:4-4.14(j). The Board then decides, by a concurring vote of its members whether to grant or deny the variance requested, based upon the record of the matter. N.J.A.C. 19:4-4.14(l). These additional regulatory steps further distinguish this matter from the Sansone case and demonstrate the process was far from concluded.

In Sansone, it was clear the board members had already publicly determined their intentions to deny the variance application, the matter had been fully adjudicated and the applicant attempted to withdraw the same at the eleventh hour to avoid denial. Unlike Sansone, here the public record was far from complete and there was no formal or informal adjudication on the merits of the 2015 Application. There is no indication that Board would have approved, denied or imposed other conditions on the 2015 Application. As such, there is no basis in fact to conclude that the Board or staff gave any indications as to the expected decision of MEPT's application. The facts of this matter do not resemble those set forth in Sansone.

As the facts of the Sansone case are readily distinguishable from this matter and the decision to dismiss the 2015 Application fell within the sound discretion of the Board, the Appellate Division is unlikely to determine this issue in favor of Towers.

Finally, Towers fails to demonstrate any likelihood of success on the merits regarding the Board's decision to not award attorneys' fees. In the 2017 Resolution, the Board considered all

of the facts and weighed the three sequential inquires set forth in R. 4:37-1(b).¹ Applying those principles, the Board found that the circumstances justifying an imposition of fees and costs were not present. The dismissal without prejudice was premised upon MEPT's presumable desire to amend its original submission to address concerns which may have arisen through the public hearings. There is no indication that MEPT's actions were for nefarious purposes or to intolerably manipulate the time and resources of the NJSEA or Towers. Notably, the 2017 Application now pending specifically addresses issues raised by Towers and thus it is indicative of MEPT's good faith to address concerns. Lastly, the Board found that the matter was

¹ While the Board decided the attorneys' fees issue in favor of MEPT, even if it determined otherwise, it is doubtful the Board even possesses the authority to impose fees and costs. Counsel fee awards as exceptions to the American Rule, fall under four general categories. The primary and most readily recognized are those counsel fee awards granted pursuant to a statutory fee-shifting provision. The second category of counsel fee awards consists of those allowed by court rule. The third category of counsel fee awards presents a tightly circumscribed common law exception to the American Rule that defies ready description, but may be titled loosely as fiduciary malfeasance cases. The final category where counsel fee awards are allowed in derogation of the American Rule is where parties, as a matter of contract, have agreed to counsel fee shifting. In short, New Jersey recognizes that "a party may agree by contract to pay attorneys' fees." Litton Industries, Inc. v. IMO Industries, Inc., 200 N.J. 372, 405-406 (2009).

Based upon the foregoing, the only category for awarding counsel fees applicable to the 2017 Resolution would be those permitted by court rule; here that would be R. 4:37-1(b). It is clear the Board is an independent administrative agency acting in a quasi-judicial capacity. Rogoff v. Tufariello, 106 N.J. Super. 303, 308 (App.Div.), certif. den. 54 N.J. 583 (1969). Additionally, the Supreme Court has recognized that there are important goals to be achieved from the prudent and selective application of court doctrines in administrative proceedings. City of Hackensack v. Winner, 82 N.J. 1, 31 (1980). Despite these principles, it is unlikely the Appellate Division would agree that a quasi-judicial administrative agency, whether at the state or local level, would have the same powers as the judiciary with regard to the imposition of attorney fees. As such, even if the Board determined that Towers was entitled to fees and costs, it is not certain that the Board has that power in the first instance.

distinguishable from Sansone as Towers was not a defendant being unwillingly dragged into court. Towers voluntarily participated in the hearings and was not compelled to do so.

Given that Towers has failed to show how the Board acted arbitrarily or capriciously, it is unlikely to succeed on the merits.

Balance of Hardships

The final prong of the test for a stay is consideration of the relative hardships to the parties in granting or denying relief. Crowe, supra, 90 N.J. at 134. Towers argues that in the absence of a stay it will incur substantial expenses in litigating and objecting to the 2017 Application. Towers further argues that should the Appellate Division grant the appeal, it will have determined that MEPT was never entitled to file the 2017 Application and thus Towers efforts "...will have been a waste of time and resources."

As discussed above, Towers is a voluntary participant as an objector and the relative hardships related to expenses are self-imposed hardships. Next, Towers presumes that if it is successful the Appellate Division will have determined that MEPT was never entitled to file the 2017 Application. The Board finds it unlikely that the Appellate Division will opine on the 2017 Application as it would not be included in appellate record. It is highly speculative that the Appellate Division –without having the opportunity to review the 2017 Application –would issue an opinion stating that the 2017 Application (which differs in substance) is null and void. Thus, Towers' argument that it will have needlessly expended time and resources objecting to the 2017 Application is without merit.

In contrast, MEPT has a right to have its application heard in the normal course. A delay awaiting a decision from the Appellate Division could take several months thus precluding MEPT from proceeding with its 2017 Application and receiving a decision as to whether it is

entitled to a variance. Further, should the Board grant MEPT's request for a variance, Towers would still be free to appeal that substantive decision.

Therefore the Board finds that the balance of hardships does not weigh in favor of granting a stay.

CONCLUSION

For the reasons set forth herein, Towers has not demonstrated by clear and convincing evidence: (1) irreparable harm; (2) a likelihood of success on the merits; or (3) that the balance of hardships favors a stay. Accordingly, Towers' request for a stay is **DENIED**.

SO ORDERED.