

# **MINUTES**



## REGULAR SESSION BOARD MEETING

DATE: November 15, 2018  
TIME: 10:00 a.m.  
PLACE: 2 DeKorte Park Plaza - Lyndhurst, NJ  
RE: **REGULAR SESSION MEETING MINUTES**

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### **Members in Attendance:**

John Ballantyne, Chairman  
Joseph Buckelew, Vice Chairman (via phone)  
Vincent Prieto, President and CEO  
Robert J. Dowd, Member  
Michael Ferguson, Member (via phone)  
Armando Fontoura, Member  
Michael Griffin, NJ State Treasurer's Representative (via phone)  
Steven Plofker, Member  
Andrew Scala, Member  
Anthony Scardino, Member  
Robert Yudin, Member

### **Absent:**

Michael Gonnelli, Member  
Michael H. Gluck, Esq., Member  
George Kolber, Member

### **Also Attending:**

Frank Leanza, Senior Vice President/ Chief of Legal and Regulatory Affairs  
Christine Sanz, Senior Vice President/COO  
Adam Levy, Vice President of Legal & Regulatory Affairs  
John Yarenis, Director of Finance/CFO  
Sara Sundell, Director of Land Use Management and Chief Engineer  
Steven Cattuna, Chief of Staff  
Wayne Hasenbalg  
Lauren LaRusso, Assistant Counsel, Governor's Authorities Unit  
Christine Ferrante, Executive Assistant/Paralegal

Chairman Ballantyne called the meeting to order.

- I.** Pledge of Allegiance
- II.** Opening Statement - Chairman Ballantyne read the Notice of Meeting required under the Sunshine Law.
- III.** Roll Call

**IV. APPROVAL OF MINUTES**

Chairman Ballantyne presented the minutes of the Regular Session Board Meeting held on October 18, 2018.

Upon motion made by Commissioner Yudin and seconded by Commissioner Scardino, the minutes of the Regular Session Board Meeting held on October 18, 2018 were unanimously approved.

**V. PUBLIC PARTICIPATING ON RESOLUTIONS - None**

**VI. APPROVALS**

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

Chairman Ballantyne presented the report of cash disbursements over \$100,000 and Professional Invoices for the month of October 2018.

Upon motion by Commissioner Scardino and seconded by Commissioner Fontoura, the cash disbursements over \$100,000 for the month of October 2018 were unanimously approved.

Resolution 2018-47 Resolution Approving the NJSEA Annual Schedule of Meetings for the Year 2019.

Chairman Ballantyne presented Resolution 2018-47. Upon motion made by Commissioner Yudin and seconded by Commissioner Scala Resolution 2018-47 was unanimously approved by a vote of 11-0.

Resolution 2018-48 Resolution Authorizing the President and CEO to Execute a Deed Notice for Property Known as Block 105.01, Lot 8 in East Rutherford.

Mr. Leanza explained that NJSEA purchased property from Honeywell International in East Rutherford. He further explained that under the contract, Honeywell continued to perform its obligations with respect to environmental remediation. Mr. Leanza stated that Honeywell has fulfilled all of its obligations under the contract. He further explained that Honeywell and other parties have remediated contaminated soil at the Property and that the USEPA and the NJDEP approved a remedial action. Soil contamination remains in certain areas of the Property that contains contaminants that do not allow for the unrestricted use of the Property. Mr. Leanza stated that as a result, there is a statutory requirement for a Deed Notice and engineering controls. Mr. Leanza noted that the Authority's Licensed Site Remediation Professional, Environmental Counsel and General Counsel have all reviewed the Deed Notice and found it in compliance with the contract and Federal and New Jersey Law.

Upon motion made by Commissioner Dowd and seconded by Commissioner Scardino Resolution 2018-48 was unanimously approved by a vote of 11-0.

Resolution 2018-49 Resolution Authorizing the Placement of General Liability, Crime, Fiduciary, Site Pollution and Public Officials Liability Insurance.

Mr. Yarenis explained that the insurance policies cover the period of January 1, 2019 through January 1, 2020. He also explained that the agency utilized the services of Wills Towers Watson to obtain the coverage quotes for these policies. He noted that there was a minor increase from the current policy year. Mr. Yarenis indicated that they are still in negotiations with regards to property insurance and excess liability and that as soon as those premiums become available they will be brought before the board for approval.

Upon motion made by Vice Chairman Buckelew and seconded by Commissioner Scala Resolution 2018-49 was unanimously approved by a vote of 11-0.

Resolution 2018-50 Resolution Authorizing Action Regarding the PSE&G Penhorn Substation Expansion Project.

Mr. Levy explained that the resolution concerns NJSEA's desire to assist PSE&G with its efforts to upgrade the Penhorn Substation located along Secaucus Road in Jersey City. He stated that as part of their efforts to perform the upgrade, PSE&G needs to acquire certain property within the vicinity. Mr. Levy indicated that PSE&G is unable to identify the owner of the property needed and has asked NJSEA to step in to obtain the property either through purchase or eminent domain. Mr. Levy stated that NJSEA will enter into an agreement with PSE&G. PSE&G will reimburse NJSEA for all costs associated with the acquisition. The NJSEA will then transfer the property to PSE&G for the sole purpose of incorporating the parcel into the upgrade of the Penhorn Substation. Mr. Levy noted that the NJSEA is authorized under statute to acquire property for public purchase and stated that public purpose does exist with this project.

Upon motion made by Commissioner Dowd and seconded by Commissioner Scardino Resolution 2018-50 was unanimously approved by a vote of 11-0.

**VII. PUBLIC PARTICIPATION**

- Kristoffer Burfitt of Sills Cummis and Gross – representing Towers Associates spoke about the filed motion to stay the resolutions approved at the October 18 meeting regarding the use variance application submitted by MEPT Lincoln Crossing, LLC. Mr. Burfitt stated that they believe this motion is emergent and requested that it be heard at today's meeting.

Mr. Levy explained that the agency has received the papers requesting the board to hear the motion for stay and also received the papers from the applicant opposing the motion. Mr. Levy further explained that the board intends to hear the application at the December board meeting, which is considered timely as the application was received on October 30.

## **VIII. EXECUTIVE SESSION**

Chairman Ballantyne stated a need for the Board to enter into Executive Session to discuss contractual matters, personnel matters and litigation matters.

Resolution 2018-51 Resolution Authorizing the NJSEA to Conduct a Meeting to which the General Public Shall Not Be Admitted.

Upon motion made by President Prieto and seconded by Commissioner Fontoura Resolution 2018-51 was approved by a vote of 11-0.

Returned to open session at 10:25 a.m.

Resolution 2018-52 Resolution Authorizing the Filing of Additional Requests for Extensions of Time to Issue a Final Agency Decision

Ms. LeBoeuf explained that this resolution, with approval from all parties, would allow the agency to make additional future requests, if necessary, to OAL for extensions in the matter of Scannell Properties #181 v NJSEA. Ms. LeBoeuf stated that the extensions would allow parties to continue working towards a resolution for filing the final decision until January 31, 2019.

Upon motion made by Commissioner Scala and seconded by Commissioner Dowd Resolution 2018-52 was approved by a vote of 11-0.

## **IX. MOTION TO ADJOURN**

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

Meeting adjourned at 10:28 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 November 15, 2018.**

  
**Christine Sanz**  
**Assistant Secretary**

November 15, 2018

Commissioner	Roll Call	2018-47	2018-48	2018-49	2018-50	2018-51	2018-52
Ballantyne, Chairman	P	Y	Y	Y	Y	Y	Y
Buckelew, Vice Chairman	P (via phone)	Y	Y	Y	Y	Y	Y
Prieto	P	Y	Y	Y	Y	Y	Y
Dowd	P	Y	Y	Y	Y	Y	Y
Ferguson	P (via phone)	Y	Y	Y	Y	Y	Y
Fontoura	P	Y	Y	Y	Y	Y	Y
Gluck	--	--	--	--	--	--	--
Gonnelli	--	--	--	--	--	--	--
Kolber	--	--	--	--	--	--	--
Plofker	P	Y	Y	Y	Y	Y	Y
Scala	P	Y	Y	Y	Y	Y	Y
Scardino	P	Y	Y	Y	Y	Y	Y
Yudin	P	Y	Y	Y	Y	Y	Y
Treasury Rep Griffin	P (via phone)	Y	Y	Y	Y	Y	Y

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