

MINUTES



REGULAR SESSION BOARD MEETING

DATE: April 11, 2019
TIME: 10:00 a.m.
PLACE: 2 DeKorte Park Plaza - Lyndhurst, NJ
RE: REGULAR SESSION MEETING MINUTES

Members in Attendance:

John Ballantyne, Chairman
Joseph Buckelew, Vice Chairman
Vincent Prieto, President and CEO
Robert J. Dowd, Member
Armando Fontoura, Member (excused at 1:40 p.m.)
Michael H. Gluck, Esq., Member (via phone)
Michael Griffin, NJ State Treasurer's Representative (via phone)
George Kolber, Member
Anthony Scardino, Member
Robert Yudin, Member

Absent:

Michael Gonnelli, Member
Steven Plofker, Member
Andrew Scala, 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
Thomas Marturano, Director of Solid Waste
Lisa LeBoeuf, Senior Legal Specialist
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 March 21, 2019.

Upon motion made by Commissioner Scardino and seconded by Commissioner Yudin, the minutes of the Regular Session Board Meeting held on March 21, 2019 were unanimously approved.

V. SPECIAL PRESENTATION - Chairman Ballantyne introduced Lisa Wilkinson, P.E., Vice President of SCS Engineers who gave a technical update presentation on the Keegan Landfill.

Ms. Wilkinson explained that SCS Engineers was retained in February 2019 for initial engineering and field support, and initial regulatory support. She went on to explain that the following summary of work-to-date: Submitted a Monitoring Action Plan (MAP) on April 1 and received DEP approval on April 8; submitted monthly progress report, leachate Seep Repair Report, Surface Emissions Monitoring Report, and recommendations to install LFG collection and control system. She stated that NJSEA has accepted these recommendations. Ms. Wilkinson gave background information on the landfill, landfill gas and odors and hydrogen sulfide generation. Ms. Wilkinson also spoke about the spike in rainfall last year.

Ms. Wilkinson described the field activities done by SCS. She described the ambient air monitoring program. She explained the following: monitoring was done for three weeks, late February into early March; monitored for hydrogen sulfide; 67 locations were monitored (Bergen Avenue and the landfill perimeter road) and local weather data and Newark airport data. Ms. Wilkinson also explained the results of the monitoring: instantaneous readings greater than 30 ppb. She indicated no readings exceeded DEP standard of 30 ppb for 30 minutes. Highest readings occurred on calm days, elevated readings coincide with regional wind direction; some correlation of elevated readings with falling barometric pressure and found highest readings along the southwest corner of landfill. She also explained Surface Emissions Monitoring (SEM). She explained the following: It was a one-day program; monitored for methane and hydrogen sulfide; monitored 115 locations (southwest side slopes and southwest top plateau) and that locations with 100ppm methane and/or greater than 30 ppb hydrogen sulfide were flagged.

Ms. Wilkinson also explained the leachate seep and repair. She indicated that the repair was done in March, area of seep was excavated, leachate reintroduced to waste, backfilled with stone and covered with soil. She noted that all were within limits of the slurry wall and that there were no environmental discharges.

Ms. Wilkinson also spoke about SCS recommendations to NJSEA. She indicated the following: conduct surface emission monitoring for rest of landfill; improve daily and intermediate cover and install gas collection and flare system.

Ms. Wilkinson spoke about the status of the DEP Administrative Consent Order (ACO) conditions: She indicated that the MAP was submitted on April 1, 2019; installation/operation of ambient air monitoring system - quote has been received and is under review; notification to DEP of exceedances or potential to cause odor complaint or air pollution - will be provided upon installation and operation of air monitoring system; measures to control or eliminate emissions - required upon exceedance of DEP threshold; submit estimate of generation of emission rates for H2S and other air contaminants - ongoing due May 30, 2019; immediately implement measures to maintain compliance - NJSEA imposed restriction on waste materials allowed at landfill; if compliance not achieved by September 1, 2019, submit proposal for GCCS - NJSEA is committed to design, installation and operations of gas collection system.

Ms. Wilkinson spoke about the gas collection system schedule: she indicated that the engineering and permitting application - 6-8 weeks; construction documents - 4-6 weeks; air division permit - months (depends on DEP); contractor procurement/award - 4 weeks; equipment fabrication - 16-20 weeks; system installation - 6-8 weeks; and system startup - 2 weeks.

Chairman Ballantyne stated that on behalf of the NJSEA, the commissioners and staff, he understands the concerns and wants them to know that NJSEA actively working to resolve the issues at the landfill and is ahead of schedule in achieving the requirements set forth by the DEP in the ACO. NJSEA is here today to listen to any concerns or criticisms as well as to provide an update on the actions NJSEA has taken and the progress that has been made.

VI. PUBLIC PARTICIPATING ON RESOLUTIONS

Public Participation on Resolution 2019-16

- Cristina Montague - Kearny resident - Indicated that the resolution is not an effective solution. She also spoke of her concern with schools and soccer fields being in close proximity to the landfill and the potential health risks. Ms. Montague also demanded that the landfill be closed like the Fenimore Landfill in Morris County. Ms. Montague presented the board with an updated petition to demand that the Keegan Landfill be closed.
- Alberto Santos, Mayor of Kearny - demanded the elimination of hydrogen sulfide. Stating that the only way to do this would be to dry out the landfill by closing landfill, installing gas collection system and putting impermeable cap liners on the landfill. The Mayor also stated if they get high level readings, the soccer fields will be evacuated. Mayor Santos spoke of how he believes the NJSEA has profited from the landfill. He also spoke about the promised green space initiative.

President Prieto explained that some of the money goes to the closure/post closure of the landfill. President Prieto also explained that Kearny has profited for the past 10 years through the lease with the NJSEA. He further explained that the landfills created in the 1950s were not properly closed and that leachate was going directly into the Kearny Marsh. President Prieto also discussed the partnership with Kearny which allowed the NJSEA to create a slurry wall and a pump station to pump leachate from landfill, protecting the marsh.

Mr. Marturano explained the 2005 lease agreement with Kearny and the section that states Kearny is responsible for the \$30 million post closure expenses. He also explained that since Kearny did not honor that portion of the lease, the NJSEA had no choice but to continue to operate the landfill to raise the money for the 30 years of post-closure expenses.

- Carolyn Jean Doyle, Kearny Councilwoman said that she understands the Governor is the only one with the authority to close the landfill. She asked the board consider a resolution or letter to the Governor asking that he shut down the landfill. She stated that they will not stop until landfill is closed. She also spoke of how the money made from landfill goes to the NJSEA.
- Mary Hoey, Harrison resident asked that we work together using common sense to resolve the matter. She spoke of a 10 year old family member recently hospitalized with lung issues. She asked the agency to consider that products being made with asbestos and other chemicals being disposed of at the landfill. She is concerned that what we don't smell is what may be harmful.
- Eileen Eckel, Kearny Councilwoman asked for clarification on the gas collection system. President Prieto responded that NJSEA is not going to wait for DEP timeline to install the gas collection system. President Prieto explained that NJSEA is going forward now and has begun the design phase and also the monitoring. Councilwoman spoke about not reaching a compromise but a solution. She also spoke of the need to find another path to fund what is needed for post closure.
- Albino Cardoso, Kearny Councilman spoke about being on the zoning board three years ago when a presentation on green space was made by the agency. The Councilman also questioned whether what is being dumped now could be causing the odor. Councilman Cardoso asked if a camera can be installed to see real time what is being dumped, as the community does not trust the agency.

Ms. Wilkinson explained that in her experience it is usually the wall board that causes the hydrogen sulfide gases. She also explained about the heavy rainfall. Mr. Marturano explained the gas collection system and also the process of accepting and inspecting loads that come to the landfill. He also discussed the additional cameras being installed at the site.

- Peter Santana, Kearny Councilman spoke about cameras at the site and offered to send specifications for moveable cameras. He also spoke about how close Harvey Field is to the landfill. The Councilman asked the Board to speak to the Governor to shut down the landfill. He indicated that no solution is acceptable except shutting down the landfill.

Chairman Ballantyne and President Prieto asked the Councilman to send them the specs for the cameras he spoke about and that it will be taken into consideration.

- Gerald Ficeto, Kearny Councilman asked the agency to demand that the transfer stations do not allow any wallboard to the landfill. The Councilman also asked for transparency with monitoring, inspection reports and asked that the town receives simultaneous real-time data. He also requested that the Board invite the Governor to come to the next NJSEA Board meeting. Councilman Ficeto also requested that the town's monitor be put on the landfill.

Chairman Ballantyne explained that the agency is committed to transparency and has set up a website to post all findings. The Chairman also explained that the NJSEA recently met with the Mayor, consultants and engineers to discuss their concerns and transparency.

- Barbara Sherry, Kearny resident and raised in Harrison spoke about serving on council when promises were made and not kept. Spoke about concerns she has for herself and family members that are affected by the odors from the landfill. She stated that the only permanent fix is that the landfill be shut down.
- Adam Ginsburg, Kearny resident spoke about his concern with transparency and recalled after 911 when Christie Todd Whitman of EPA said that the air quality was fine and not to worry. He asked for independent inspectors at the landfill. Mr. Ginsburg also asked about the sea gulls on the landfill.
- Lyla DeCastro, Kearny resident said that it has become a serious issue for the children who participate in sports programs. She also asked about the health impacts. She demanded that the landfill be shut down.

Ten minute recess

- Michael Fernandez, Kearny resident and father of four asked if the Township of Kearny can give a presentation at the next Board meeting. Chairman Ballantyne replied that working through the mayor, it would be possible. Mr. Fernandez inquired about how the percentage of drywall accepted would affect biological activities on the landfill. Mr. Fernandez then spoke of the promised green space. He also spoke of his concern for children's health and health studies that have been done. Mr. Fernandez noted that it was said at last month's meeting that the landfill is needed, he asks but at what expense. He also asked that landfill be closed and give the Town what was promised.
- Len Twist, Kearny resident spoke of not only the health concerns with the feral cats he cares for but for his grandchildren and neighboring children. He believes not enough is being done and that the landfill should be closed.
- William Pettigrew, Kearny resident stated that because of the smell last Sunday his grandchildren could not play in his yard. He then asked if any board members had toured the site. Chairman Ballantyne replied that many of the board members have visited the site and that NJSEA takes everyone's concerns very seriously. Mr. Pettigrew asked for direct cell phone so he could report when odors are smelled. Chairman Ballantyne replied that a dedicated hotline will be setup. Mr. Pettigrew stated that you don't put a price tag on public health.
- Mike Mohmoud, Guttenberg resident spoke about property values, lack of transparency, profit and greed and climate change. Mr. Mohmoud also asked about the timeline. Chairman Ballantyne replied that the NJSEA is ahead of schedule with regards to installation of collection system and posting data on the website for transparency.
- Eileen Verdi, Kearny resident living a few feet from the landfill. Spoke about the close knit community. She indicated that they no longer have a view of the New York skyline because of the height of the landfill. She also spoke about the health of her dog, her winter allergies and not being able to open windows. She also indicated that she will not be planting a garden this year for a fear of eating anything that from the garden. She noted that a beekeeper in the area has left. Ms. Verdi asked about what happens if another Superstorm Sandy hits that brought sludge into her home.

Mr. Marturano explained that the landfill did not flood. Superstorm Sandy was not a rain event but a tidal event and that sludge came from combined sewerage. He also clarified that in 2012, when Sandy hit, there was 36" of rain and in 2018 we received 59" of rain.

- Kearny property owner, asked about the height of the landfill under agreement with Kearny, the amount of money in escrow to cap the landfill, and why it wasn't capped at the time. He also asked about having the garbage go somewhere else.

Mr. Marturano again explained the history of lease agreement with Kearny and the post closure obligation of a minimum of 30 years at a cost of \$30 million.

- John Downey, Kearny resident demanded that the landfill be closed now.
- Barbara Goldberg, Kearny resident asked about the health effects on children whose health is already compromised. She also asked that the Board contact the Governor to close the landfill.
- Anita Rodrigues, Kearny resident stated that the board is having a reactive response for something the board should have been on top of. Ms. Rodrigues spoke of her concern that the agency cannot be trusted if in the future a different landfill issue affecting the community will be handled properly. She also asked why the board has not done a presentation at a Town Hall meeting for those who are unable to attend and/or do not have computer access. She asked that the landfill be closed.
- Kearny resident, asked about testing. She asked why testing wasn't done sooner and the lack of trust that the agency will do the right thing in the future.

VII. 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 March 2019.

Upon motion by Commissioner Fontoura and seconded by Commissioner Scardino, the cash disbursements over \$100,000 for the month of March 2019 were unanimously approved.

Resolution 2019-013 Resolution Authorizing Staff to Investigate the Redevelopment Potential of Property Identified as Block 3101, Lots 21-26, 29-32, 36, 37, 42-44; Block 7402, Lots 21-24, 33-35, in Jersey City - File No. SP-764.

Ms. Sundell explained that HRP Hudson, LLC has submitted a petition requesting that certain properties located within the District's Heavy Industrial, Public Utilities, and Intermodal B zones in Jersey City be designated as an area in need of redevelopment. She further explained that the 22 properties within the requested study area have an overall acreage of approximately 117 acres. Ms. Sundell indicated that the parcels contain the decommissioned PSE&G Hudson Generating Station and are now owned HRP Hudson, LLC. She commented that there are no residential uses within in the study area or in its immediate vicinity. She stated that NJSEA staff prepared a preliminary analysis of the subject area and is requesting authorization from the Board of Commissioners to conduct an in-depth investigation to determine whether the properties meet the criteria to be deemed in need of redevelopment, in accordance with the regulations, 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, HRP Hudson, LLC proposes to construct a development consisting of warehouse/distribution facilities within the requested study area.

Chairman Ballantyne presented Resolution 2019-13. Upon motion made by Commissioner Scardino and seconded by Commissioner Dowd Resolution 2019-13 was approved by a vote of 9-0.

Resolution 2019-14 Resolution Issuing a Decision on the Variance Application Submitted as Part of File No. 17-326 Galaxy Holdings/Lyndhurst Storage LLC – New Bldg. & Variances – block 226, Lot 2 in Lyndhurst.

Ms. Sundell explained that Lyndhurst Storage LLC submitted an application to construct a 6-story self-storage facility at 1 Terminal Road, which is proposed to replace a pre-existing nonconforming warehouse building on the site. Ms. Sundell further explained that the applicant has requested one use variance, as the property is located within the District's Commercial Park zone where self-storage facilities are not a permitted use, as well as three bulk variances. She also explained that the first bulk variance request is to construct a building with an FAR of 2.63. However, this request was modified by the applicant during the course of the public hearing, reducing the proposed FAR to 2.5. Ms. Sundell stated that the second bulk variance request is to provide a zero-foot setback from pavement to the rear property line, where a five-foot setback is required. She then stated that the third and final bulk variance request is to provide pavement, in lieu of shade trees within a 5-foot landscaped strip, along the rear property line. Ms. Sundell explained that the proposed self-storage facility is located within an existing industrial area along Terminal Road. Surrounding land uses also include the 6-story Courtyard by Marriott hotel and the 9-story Renaissance Meadowlands Hotel. She noted that the proposed self-storage facility, which is a use with a very low traffic impact, would provide a suitable transition between the pre-existing industrial uses and the adjacent commercial hotel uses. Ms. Sundell indicated that there are no residences in the area. She further indicated that the site is accessed from Rutherford Avenue via Terminal Road, which is a private access easement that is partially located on the subject site. She noted that there is an additional 25-foot-wide easement that provides access to properties and structures located behind the subject site. Ms. Sundell explained that the area of the existing site is 1.08 acres, which is an existing nonconformity since the minimum required lot area is 3 acres. She noted that both the small lot size and the shared access easements are unique circumstances for such a site and present challenges to viable development scenarios within this industrial area. The requested FAR of 2.5 is the same as the permitted FAR for the Light Industrial B zone, where self-storage facilities are permitted. It is also noted that the proposed self-storage facility use complies with the other bulk requirements of the zone, including lot area, building setbacks, open space, and lot coverage—which signifies that the site is not being overdeveloped. Ms. Sundell explained that these are only a few of the reasons provided in the recommendation, in which the staff is recommending the approval of the use variance, subject to the applicant making improvements to existing pavement and stormwater infrastructure within Terminal Road and the 25-foot-wide shared access easement, as well as pursuing agreements with adjacent property owners to address the long-term maintenance of those easement areas.

Staff is also recommending the modified approval of the FAR request, as it was reduced from 2.63 to 2.5; the approval of the variance to provide a zero-foot setback to the pavement area in the rear yard; and the conditional approval of the variance to provide

pavement, in lieu of a five-foot strip with shade trees. This last approval is conditioned upon the applicant providing a minimum of thirteen shade trees on the subject premises, including four shade trees within the parking area planting islands at the rear of the property, to ensure that the overall landscape and open space requirements are met on the site.

Chairman Ballantyne presented Resolution 2019-14. Upon motion made by Vice Chairman Buckelew and seconded by Commissioner Dowd Resolution 2019-14 was approved by a vote of 9-0.

VIII. AWARDS/CONTRACTS

Resolution 2019-15 Resolution Authorizing the President and CEO to Enter Into a Contract for Replacement of 5kV Automatic Switchgear for the Stormwater Pump Station at the Meadowlands Sports Complex.

Mr. Duffy explained that the switchgear being replaced allows for the turning on and operating of emergency generators in the event power is lost. Mr. Duffy stated that there were two respondents to the public bid. The lowest responsive bidder is the company staff is recommending.

Chairman Ballantyne presented Resolution 2019-15. Upon motion made by Commissioner Kolber and seconded by Commissioner Dowd. Resolution 2019-15 was unanimously approved by a vote of 9-0.

Resolution 2019-16 Resolution Authorizing the President and CEO to Enter Into a Contract with Emilcott Environmental, Health & Safety Experts for Hydrogen Sulfide Monitoring Services at the Keegan Landfill.

Chairman Ballantyne presented Resolution 2019-16. Upon motion made by Commissioner Yudin and seconded by Commissioner Scardino, Resolution 2019-16 was unanimously approved by a vote of 10-0.

IX. PUBLIC PARTICIPATION

- Kearny resident asked if testing for airborne particles can also be done. President Prieto responded that it will take it under consideration.

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 2019-17 Resolution Authorizing the NJSEA to Conduct a Meeting to which the General Public Shall Not Be Admitted.

Chairman Ballantyne presented Resolution 2019-17. Upon motion made by Commissioner Scardino and seconded by Commissioner Dowd Resolution 2019-17 was carried by a vote of 9-0.

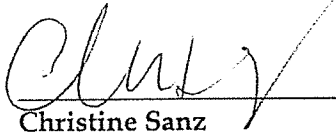
Entered Executive Session 1:45 p.m.
 Returned to open session 1:47 p.m.

XI. MOTION TO ADJOURN

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

Meeting adjourned at 1:48p.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 April 11, 2019.



Christine Sanz
 Assistant Secretary

April 11, 2019

Commissioner	Roll Call	2019-13	2019-14	2019-15	2019-16	2019-17
Ballantyne, Chairman	P	Y	Y	Y	Y	Y
Bucklelew, Vice Chairman	P	Y	Y	Y	Y	Y
Prieto	P	Y	Y	Y	Y	Y
Dowd	P	Y	Y	Y	Y	Y
Fontoura	P (excused @ 1:40p.m.)	--	--	--	Y	--
Gluck	P (via phone)	Y	Y	Y	Y	Y
Gonnelli	--	--	--	--	--	--
Kolber	P	Y	Y	Y	Y	Y
Plofker	--	--	--	--	--	--
Scala	--	--	--	--	--	--
Scardino	P	Y	Y	Y	Y	Y
Yudin	P	Y	Y	Y	Y	Y
Treasury Rep Griffin	P (via phone)	Y	Y	Y	Y	Y

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