

**MINUTES**



## REGULAR SESSION BOARD MEETING

DATE: December 19, 2019  
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  
Vincent Prieto, President and CEO  
Armando Fontoura, Member (via phone)  
Michael H. Gluck, Esq., Member (via phone)  
Michael Griffin, NJ State Treasurer's Representative (via phone)  
Woody Knopf, Member  
Steven Plofker, Member (via phone)  
Louis J. Stellato, Member  
Robert Yudin, Member

### **Absent:**

Michael Gonnelli, Member  
Anthony Scardino, Member  
Andrew Scala, Member  
Robert J. Dowd, Member

### **Also Attending:**

Christine Sanz, Senior Vice President/Chief Operating Officer  
Frank Leanza, Senior Vice President/Chief of Legal & Regulatory Affairs  
Adam Levy, Vice President of Legal & Regulatory Affairs  
John Yarenis, Director of Finance/Accounting  
Sara Sundell, Director of Land Use Management and Chief Engineer  
Steven Cattuna, Chief of Staff  
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 AND CASH DISBURSEMENTS

- Chairman Ballantyne presented the minutes of the Regular Session Board Meeting held on November 21, 2019.

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

- Chairman Ballantyne presented the report of cash disbursements over \$100,000 and Professional Invoices for the month of November 2019.

Upon motion by Commissioner Vice Chairman Buckelew and seconded by Commissioner Yudin, the cash disbursements over \$100,000 for the month of November 2019 were unanimously approved.

#### V. 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 2019-47 Resolution Authorizing the NJSEA to Conduct a Meeting to which the General Public Shall Not Be Admitted.

Chairman Ballantyne presented Resolution 2019-46. Upon motion made by Commissioner Stellato and seconded by Vice Chairman Buckelew. Resolution 2019-47 was unanimously approved by a vote of 10-0

Entered Executive Session - 10:10 a.m.

Returned to Open Session - 10:34 a.m.

Proposed Resolution 2019-48 was made available to the public.

#### VI. PUBLIC PARTICIPATING ON RESOLUTIONS

- Alberto Santos, Mayor of Kearny made the following comments on Resolution 2019-48:
  - Commented that it has been a long road for Kearny residents with respect to the Keegan Landfill to have it closed and capped.
  - Commented that he is pleased to have reached this day.
  - Commented that the resolution is a framework for settlement of litigation and to undertake the work to close and cap the landfill.
  - Commented that it is also an end to the health impacts and quality of life impacts on the community.
  - Commented on the resident's persistence to be heard.
  - Extended his gratitude to the Commissioners to reaching this day.
  - Commented that hopefully the settlement being worked on between the attorneys will be signed soon.
  - Commented that he will explain the settlement to Kearny residents and make them aware that in order to install the cap there must be additional clean fill to

achieve the proper slopes. He would also inform the community of the aggressive schedule to complete the closure. He will explain that the west side of the landfill will be the first section covered, and should be completed by next year and that the east side will be fully capped the following year.

- o Expressed his gratitude to Kearny residents' determination and persistence.
- o Commented on the Town and NJSEA repairing its relationship and begin building back the residents' confidence and trust.

Commissioner Fontoura thanked the Mayor and residents of Kearny for their patience. He commented on the community working together. The Commissioner stated that he looks forward to working with the Town and council and attending a soccer game with his family.

- Albino Cardoso, Kearny Councilman thanked the board for their decision on Resolution 2019-48.
- Ken Pincus, Kearny Health Officer commented on Resolution 2019-48:
  - o Commented that he is whole heartedly in support of the Resolution and thanked the Commissioners.
  - o Commented that the health concerns are still there but that this is a beginning.
  - o Commented that he understands that capping will take some time and will still receive complaints but that it is an excellent beginning.
  - o Commented that this is what the Town wanted and the board is doing the right thing.
- Barbara B.Goldberg, Kearny resident thanked the Board for Resolution 2019-48.

## VII. APPROVALS

### Resolution 2019-48 Resolution Authorizing Settlement of Matters Regarding the Keegan Landfill in the Town of Kearny

Mr. Levy explained that the resolution is a framework for settlement and that details are being worked out. Mr. Levy stated that the agency has been in discussions with Kearny and have come to an agreement of terms that will move the project forward. He explained that the settlement will be in the form of Consent Order between the NJSEA, Town of Kearny and DEP. The Consent Order will memorialize, among other terms, that:

- The landfill will be permanently closed including the installation of an impermeable cap along with the completion of other closure improvements that are currently underway.
- Development of public access to the Kearny Marsh.
- NJSEA will make payments to Kearny for certain costs.
- Parties will be withdrawing their claims and appeals as part of the settlement.
- NJSEA will enter into Consent Order with DEP to memorialize some of the DEP regulatory and enforcement issues that are still outstanding.

Chairman Ballantyne stated that the resolution sets a clear path toward settlement with the Town of Kearny which would include permanently closing the Keegan Landfill, including the installation of an impermeable cap, as quickly as possible, to control hydrogen sulfide emissions. He further stated that as noted in the resolution, today, based

on the positive discussions that have taken place, the Authority is authorizing President Prieto to finalize negotiations and execute an agreement with the Town and DEP. The Chairman explained that under the terms reached so far, appropriate portions of the Keegan Landfill property would be used for passive recreation to benefit the Town. This would include providing public access through the landfill property to the Kearny Marsh so that everyone could enjoy a marvelous natural resource. Chairman Ballantyne explained that the board realizes that residents will have many questions about the matters contained within the resolution and that as soon as a settlement is reached, additional details will be provided. The Chairman commented on how the Town came together as a community. He also thanked the NJSEA staff for their counsel and guidance. The Chairman stated that he hopes going forward that Kearny participates in the wonderful programs offered to the public by the NJSEA.

President Prieto stated that he looks forward to continuing to work with Mayor Santos in finalizing the settlement. He spoke about beginning the healing process and looks forward to having a good relationship with the Town.

Chairman Ballantyne presented Resolution 2019-48. Upon motion made by Commissioner Fontoura and seconded by Vice Chairman Buckelew. Resolution 2019-48 was unanimously approved by a vote of 10-0.

Roll Call: - Resolution 2019-48

Chairman Ballantyne	Yes
Vice Chairman Buckelew	Yes
President Prieto	Yes
Commissioner Fontoura	Yes
Commissioner Gluck	Yes
Commissioner Knopf	Yes
Commissioner Plofker	Yes
Commissioner Stellato	Yes
Commissioner Yudin	Yes
Treasury Rep. Griffin	Yes

Commissioner Yudin commented, after the vote, that healing is necessary. He spoke of the vile comments made to Commissioners at the meetings during the past year. He stated that the agency's aim was always to resolve the issue and eventually close the landfill.

Resolution 2019-46 Resolution Authorizing the President and CEO to Enter Into a Contract with SCS Field Services for Additional Gas Collection Wells and a Gas Pre-Treatment System at the Keegan Landfill.

Ms. Sanz explained that the resolution would allow the continuation of the installation of the gas collection system at the Keegan Landfill. She explained that the resolution authorizes the installation of wells at the eastern portion of the landfill and the pre-treatment system that is required by the DEP, which is part of the ACO. Ms. Sanz stated that the resolution would authorize to contract with SCS Field Services for \$2,900,000.

Chairman Ballantyne presented Resolution 2019-46. Upon motion made by Commissioner Stellato and seconded by Commissioner Yudin. Resolution 2019-46 was unanimously approved by a vote of 10-0

Resolution 2019-40 Resolution Selecting Proposal of Paramount Hotel Group, LLC for Development of a Wildwood Convention Center.

Mr. Leanza explained that NJSEA owns the Wildwood Conventions Center which is operated by the Wildwood Tourism Improvement Authority. Mr. Leanza stated that the Board previously approved a resolution allowing the Wildwood Authority to proceed with an RFP for a Hotel Project. He explained that the purpose of the hotel would be to enhance the Convention Center. Mr. Leanza stated that an RFP was issued and after research and due diligence it was determined that the most qualified proposer was Paramount Hotel Group, LLC. Mr. Leanza also stated that the next step is for Paramount Hotel Group to do a feasibility study and then present a financial proposal for the Board's approval.

Commissioners asked what benefit this would be to the NJSEA. Mr. Leanza replied that the benefits would be hotel tax and also greater utilization of the Convention Center.

Chairman Ballantyne presented Resolution 2019-40. Upon motion made by Commissioner Stellato and seconded by Commissioner Yudin. Resolution 2019-40 was unanimously approved by a vote of 10-0.

Resolution 2019-41 Resolution Accepting the 2018 Audit Report.

Mr. Yarenis stated that the Resolution before the Board is to accept the results of the 2018 Independent Auditor's Report for the NJSEA. He further stated that the report, prepared by Mercadien, PC, issued the Authority a generally Unqualified Opinion (or clean opinion) on its financial operations. There were exceptions on the following 2 items:

- The valuation of the Arena continues to be a source for a qualified opinion. As we are unable to obtain a fair value measurement of the arena, we have chosen instead to list it as a non-performing asset and discontinue depreciation.
- Certain employees of the Authority are enrolled in various union-sponsored pension plans. As a result of a new financial reporting requirement, we are required to provide disclosure of certain information regarding those plans in our footnotes. Due to the lack of availability of information from those plans, we are unable to fully implement this new requirement. While we are unable to comply with the new standard, there is no financial impact of this item on the financial statements of the NJSEA.

Mr. Yarenis stated that in accordance with E.O. 122, an exit conference with Mercadien, P.C. and the Audit Committee was held on December 16, 2019. He indicated that members from the firm of Mercadien, P.C. are present today to answer questions related to the audit. Mr. Yarenis expressed his appreciation to his team and to those involved for their hard work and contributions to making this a successful audit.

Chairman Ballantyne presented Resolution 2019-41. Upon motion made by Commissioner Knopf and seconded by Commissioner Yudin. Resolution 2019-41 was unanimously approved by a vote of 10-0.

Resolution 2019-42 Resolution Authorizing the Placement of Public Officials Liability, Crime, Fiduciary and Storage Tank Liability Insurance.

Mr. Yarenis explained the proposed resolution is to authorize the placement of Crime, Fiduciary, Storage Tank Liability, and Public Officials insurance coverage for the period of 1/1/2020 - 1/1/2021. He further explained that the agency utilized the services of Willis Towers Watson of Pennsylvania to obtain the coverage quotes for these policies. He stated that through their efforts, the agency has been able to provide the coverage requested by the board for the upcoming coverage year at the best possible premiums. He further stated that the agency along with Willis, are still in negotiations with underwriters regarding General Liability, Excess Liability, and Pollution Liability insurance for the coming year. Mr. Yarenis stated that as soon as the policies are finalized they will be presented to the board for approval. While the agency continues with negotiations, the agency will continue to remain covered under our existing policies. Mr. Yarenis stated that with the board's approval, staff will proceed with the process of binding these policies.

Commissioner Yudin asked about public official coverage. Mr. Yarnis explained that it is triple the current coverage.

Vice Chairman Buckelew thanked Mr. Yarenis and his team for their work.

Chairman Ballantyne presented Resolution 2019-42. Upon motion made by Vice Chairman Buckelew and seconded by Commissioner Stellato. Resolution 2019-42 was unanimously approved by a vote of 10-0.

Resolution 2019-43 Resolution Issuing a Decision on the Variance Application Submitted as Part of File No. 19-035 Terminal Ventures-New Building & Variances - Block 7402, Lots 10 & 11 in Jersey City.

Ms. Sundell explained that Terminal Ventures, Inc. owns the property located at 195 Howell Street in Jersey City, which is located at the corner of Howell Street and Duffield Avenue within the District's Heavy Industrial zone. She also explained that there are no residences in the area. Ms. Sundell stated that the applicant has requested three bulk variances in connection with its application to construct two new industrial buildings and related site improvements on the site. She also stated that the first variance is to provide a 5.5-foot setback from Howell Street to proposed vehicle parking spaces, where a minimum 35-foot front yard setback is required. Ms. Sundell stated that the second variance is to provide a 5.4-foot setback from Duffield Avenue to proposed vehicle parking spaces, where a minimum 35-foot front yard setback is required. She then stated that the third variance is to provide parking spaces at minimum distance of 20 feet from the mean high water line of the Hackensack River, where a 50-foot waterway buffer is required. Ms. Sundell indicated that the site has several constraints that limit

the conforming placement of the required parking spaces. As a result of being located on a corner lot, the site has two front yards. In addition, a 90-foot wide access easement, benefiting the Jersey City Municipal Utilities Authority, bisects the site. She also indicated that the property was previously developed and was formerly used as a petroleum storage and distribution facility. Ms. Sundell stated that due to contamination associated with the former use, portions of the site are undergoing environmental remediation, which will be a benefit to the environment, including the adjacent Hackensack River. The paved parking area that is proposed within the required waterway buffer will function to cap the contaminated soil as part of the remediation. The proposed development provides twice the minimum amount of open space and meets all other zoning requirements, which is an indicator that the site is not being overdeveloped. Ms. Sundell explained that for these reasons and those stated in the recommendation; Staff is recommending the approval of the three bulk variances.

Commissioner Yudin asked about the 35 foot setback reduced to 5.5 feet. Ms. Sundell explained why and stated that staff is comfortable with the reduction. Commissioner Yudin also asked about remediation. Ms. Sundell explained that remediation is under NJDEP jurisdiction.

Chairman Ballantyne presented Resolution 2019-43. Upon motion made by Commissioner Stellato and seconded by Commissioner Yudin. Resolution 2019-43 was unanimously approved by a vote of 10-0.

Resolution 2019-44 Resolution Issuing a Decision on the Suitability Recommendation as Required by the *NJMC Interim Policies Governing Affordable Housing Development in the Meadowlands District* - File No. 19-475, SOF/NY2 Hartz Way LLC - Equinix NY10 - New Bldg. - Block 22, Lot 2 in Secaucus

Ms. Sundell explained. The NJSEA received a zoning certificate application for the construction of a proposed 4-story, 675,200 square foot disaster recovery facility on the premises identified as 275 Hartz Way, Block 22, Lot 2, in the Town of Secaucus. She further explained that the existing warehouse and retail structure on the subject property is proposed to be demolished for the construction of a disaster recovery facility, while an existing disaster recovery facility, also located on the subject property, is proposed to remain and that the subject property is located within the Light Industrial A zone, where neighboring uses include industrial and warehouse/distribution facilities, and other disaster recovery and data facilities. She stated that the surrounding development pattern is not compatible with the siting of residential uses, due to the heavy reliance by industrial and warehouse/distribution uses in the area on trucking services to move products. She indicated that noise generated from open loading docks on the neighboring properties; trucks maneuvering on adjacent sites, in the access driveway, and in the public streets; lack of sidewalks; and safety concerns for pedestrians render this site unfavorable to residential uses. There are no adjacent residential or other supportive uses that could, from a planning perspective, create a cohesive neighborhood. Ms. Sundell explained that the site is remote from public schools, local retail stores, and other public amenities. She also explained that pedestrian access to the rest of the community requires traveling a considerable distance through an active industrial area. Staff evaluated the site and prepared a suitability review indicating that Block 22, Lot 2, is recommended to be deemed unsuitable for

housing. Ms. Sundell stated that staff requests that the Board concur with the Review Team's recommendation that Block 22, Lot 2 be deemed unsuitable for residential use.

Chairman Ballantyne presented Resolution 2019-44. Upon motion made by Vice Chairman Buckelew and seconded by Commissioner Stellato. Resolution 2019-44 was unanimously approved by a vote of 10-0.

Resolution 2019-45 Resolution Issuing a Decision on the Suitability Recommendation as Required by the *NJMC Interim Policies Governing Affordable Housing Development in the Meadowlands District* - File No. SP-756, Secaucus Transit Village Redevelopment Plan Amendment - Specifically Block 5, Lots 7.01, 7.02, 8 and 9 in Secaucus

Ms. Sundell explained. The NJSEA received petitions for amendments to the Secaucus Transit Village Redevelopment Plan from both the Town of Secaucus and Prologis, who is the owner of Block 5, Lot 7.02. She explained that the petition submitted by the Town of Secaucus includes a request to add multi-family dwellings as a permitted use in the Transition Zone of the redevelopment area. She further explained that Prologis, the owner of the largest lot in the Transition Zone, also submitted a petition for amendments to the redevelopment plan and expressed their support for the amendment proposed by the Town of Secaucus regarding the addition of multi-family dwellings as a permitted use. Ms. Sundell stated that the four properties within the Transition Zone are currently developed with existing warehouse and distribution facilities; however, future redevelopment of these properties with residential uses could expand the vibrant neighborhood created by the existing Xchange residential development, which is located directly across County Road Extension. She also stated that the properties within the Transition Zone are proximate to an array of supportive land uses including retail, restaurant, and daycare facilities at the adjacent Xchange residential development; passive and active recreational opportunities within Hudson County's Laurel Hill Park; and the Hudson County High Tech High School. The Frank R. Lautenberg Rail Station at Secaucus Junction provides significant mass transit opportunities and would provide future residents of the Transition Zone with transportation options beyond the use of personal automobiles. Additional inclusionary residential development in the Secaucus Transit Village Redevelopment Area would provide more affordable housing units for low- and moderate-income persons, couples, and families, and would assist the Town of Secaucus in the implementation of its municipal Housing Element and Fair Share Plan. Staff evaluated the site and prepared a suitability review indicating that the properties located within the Transition Zone of the redevelopment area are recommended to be deemed suitable for housing, contingent upon approval of a future redevelopment plan amendment to permit residential uses. Ms Sundell stated that staff requests that the Board concur with the Review Team's recommendation that the Transition Zone of the Secaucus Transit Village Redevelopment Area be deemed suitable for residential use.

Chairman Ballantyne presented Resolution 2019-45. Upon motion made by Commissioner Knopf and seconded by Commissioner Vice Chairman Buckelew. Resolution 2019-45 was unanimously approved by a vote of 10-0.

## VIII. PUBLIC PARTICIPATION

- Captain Bill Sheehan, Hackensack Riverkeeper commented on the following:
  - Commented on his happiness with the partnership between NJSEA and Riverkeeper. He also commented that with the advocacy work of the Riverkeeper and governance of the NJSEA the future of the Meadowlands will be secured for future generations.
  - Commented on the closing of the Keegan Landfill and moving forward. He also commented that he is glad that it will become some sort of recreation area.
  - Commented that an unanticipated consequence of the court order closing the landfill is that they are now seeing construction debris dumped in out of the way locations and dead ends – reverting to what was done back in the 50's, 60's and 70's. Captain Sheehan stated that it is most likely from small construction companies who would have normally brought their construction debris to the landfill. Captain Sheehan asked that the NJSEA find a new place for these contractors to dispose of their debris legally and safely.

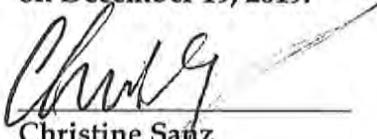
Chairman Ballantyne thanked staff for their hard work and help in guiding the Board through issues with regards to the Keegan Landfill. He also acknowledged how quickly staff responded to and handled putting the gas collection system in place. The Chairman wished everyone a Happy Holiday.

## XI. ADJOURNMENT

With no further business, motion was made to adjourn by Commissioner Stellato and seconded by Commissioner Yudin

Meeting adjourned at 11:30 p.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 19, 2019.

  
 Christine Sanz  
 Assistant Secretary

December 19, 2019

Commissioner	Roll Call	2019-40	2019-41	2019-42	2019-43	2019-44	2019-45	2019-46	2019-47	2019-48
Ballantyne, Chairman	P	Y	Y	Y	Y	Y	Y	Y	Y	Y
Buckelew, Vice Chairman	P	Y	Y	Y	Y	Y	Y	Y	Y	Y
Prieto	P	Y	Y	Y	Y	Y	Y	Y	Y	Y
Dowd	--	--	--	--	--	--	--	--	--	--
Fontoura	P (via phone)	Y	Y	Y	Y	Y	Y	Y	Y	Y
Gluck	P (via phone)	Y	Y	Y	Y	Y	Y	Y	Y	Y
Gonnelli	--	--	--	--	--	--	--	--	--	--
Knopf	P	Y	Y	Y	Y	Y	Y	Y	Y	Y
Plofker	P (via phone)	Y	Y	Y	Y	Y	Y	Y	Y	Y
Scala	--	--	--	--	--	--	--	--	--	--
Scardino	--	--	--	--	--	--	--	--	--	--
Stellato	P	Y	Y	Y	Y	Y	Y	Y	Y	Y
Yudin	P	Y	Y	Y	Y	Y	Y	Y	Y	Y
Treasury Rep Griffin	P (via phone)	Y	Y	Y	Y	Y	Y	Y	Y	Y

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