

**MINUTES**



## REGULAR SESSION BOARD MEETING

DATE: June 20, 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  
Robert J. Dowd, Member  
Armando Fontoura, Member  
Michael Griffin, NJ State Treasurer's Representative (via phone)  
Andrew Scala, Member  
Anthony Scardino, Member  
Robert Yudin, Member

### Absent:

Michael Gonnelli, Member  
Michael H. Gluck, Esq., Member  
Steven Plofker, Member

### Also Attending:

Christine Sanz, Senior Vice President/COO  
Adam Levy, Vice President of Legal & Regulatory Affairs  
Anna Ancanfora, Assistant Director of Finance/Accounting  
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. SPECIAL PRESENTATION

Chairman Ballantyne welcomed everyone to the meeting. The Chairman stated that many people present are here to speak on the Keegan Landfill. The Chairman then explained that as stated at last month's meeting, that due to ongoing litigation the board is limited in the way that they are able to communicate. He stated that Commissioners will not be responding to comments or engaging in a question and answer scenario. He also explained that updates and answers to questions will be posted on the NJSEA website.

Chairman Ballantyne announced that to keep the public informed about the ongoing progress at the Keegan Landfill, there will be a special technical presentation by SCS Engineers on the progress of the Gas Collection System. The Chairman introduced Lisa Wilkinson. He stated that Ms. Wilkinson is a Project Manager at SCS with over 20 years of experience in landfill engineering design, landfill gas, permitting, civil and environmental engineering, financial feasibility evaluations, storm water design, and construction quality assurance at landfills and solid waste facilities. Ms. Wilkinson also has experience working on foundation and structural design teams for various facilities, and she is proficient in the computerized analysis of engineering designs.

Ms. Wilkinson presented and explained the following regarding the gas collection system:

- Summary of Work Update
  - May 8 – Monitoring Station Operation; May 23 – submitted & SW Permit Applications; May 29 – submitted emissions estimates per ACO; May 31 – submitted ACO progress report and June 18 – resolution for construction contractor.
- Construction Schedule (approximate)
  - Mobilization – week of June 24; trench excavation – 8-10 weeks; vertical well drilling – 2 weeks; flare skid installation – 5 days and system startup – 2 days. Full-time operation of gas collection system is expected end of September 2019.
- Landfill Gas Collection and Control System
  - Vertical gas extraction wells; horizontal collectors; blower to extract gas from the wells; flare to combust collected gas and goal: maximize LFG collection to reduce odors.
  - Keegan Landfill Gas Collection System:
    - 28 vertical gas extraction wells; 6 horizontal collectors; about one mile of main header pipe; about  $\frac{3}{4}$  mile of lateral pipe; valves for isolation; 5 condensate drains and 1 skid-mounted utility flare.
  - Vertical Extraction Wells Design Parameters
    - Well depth 40 to 50 feet; boreholes 36 inch diameter; casing is pvc; bottom slotted – start 20-30 feet below ground surface and typical “radius of influent” – 100 feet.
  - Horizontal Collectors – Design Parameters
    - Installed on flat plateau of landfill; perforated pipe in a gravel trench; 6-inch HDPE pipe; drain pits at low points and solid pipe to outside slopes to prevent air intrusion.

- LFG Collection Piping
  - Pathway for LFG from wellheads to blowers; pipe material: HDPE; sized for velocity and pressure drop; design intent is to have more vacuum than necessary at all wells. Wellhead valve is adjusted to reduce vacuum to needed level and pipe sloped to promote condensate drainage.
- Condensate Management
  - LFG is saturated with water; as LFG cools, water condenses; temperature drop is affected by pipe length, wind, flow rate and whether piping is above or below grade.
  - Quantity of condensate produced is a function of flow rate and temperature differential.
- Skid-Mounted Blower/Flare
  - 15-hp blower with 500 scfm capacity; 6-inch utility flare with 750 scfm capacity; 24-inch diameter moisture separator; automatic shut-off valve; flow meter with chart recorder and remote monitoring; pilot flame assembly and ignitor and control panel for automatic operation.
- Odor Control Plan
  - During Construction
    - Minimize open trench; no open boreholes, trenches overnight; odorous waste from drilling/trenching directly onto trucks; stockpiled cover materials to cover odorous waste; monitoring stations active during construction; odor neutralizing agent direct applied and inspection of all disruption activities.
  - Odor Neutralizing Agent
    - Neutralene by Air Care; absorbent filter; suppression of dust particles; salt that acts as solvent and surfactant; NOT a masking agent and used at Monmouth County and other NJ Landfills.

## V. APPROVAL OF MINUTES AND CASH DISBURSEMENTS

- Chairman Ballantyne presented the minutes of the Regular Session Board Meeting held on May 16, 2019.

Upon motion made by Commissioner Fontoura and seconded by Commissioner Dowd, the minutes of the Regular Session Board Meeting held on May 16, 2019 were unanimously approved.

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

Upon motion by Commissioner Dowd and seconded by Commissioner Scala, the cash disbursements over \$100,000 for the month of May 2019 were unanimously approved.

## VI. PUBLIC PARTICIPATING ON RESOLUTIONS

- Jim Kirkos, Chief Executive Officer, Meadowlands Regional Chamber of Commerce spoke in favor of Resolution 2019-22. Mr. Kirkos expressed to the Board how terrific staff has been in working with the Chamber with regards to their comments and thoughts on the Master Plan. Mr. Kirkos spoke about the importance of long term vision in the region and outside the 14 municipalities. Mr. Kirkos also spoke about the Chamber's 16-month process in developing their 2040 Vision Plan. Mr. Kirkos stated that he would share the document with Board.
- Alberto Santos, Mayor of Kearny spoke on Resolution 2019-22 - The Mayor commented that an active landfill should not be a permitted land use under this state agency. He stated that environmental restoration and economic development should be the mission of the agency and not active disposal of solid waste.

### Public Participation on Resolution 2019-23

- Cristina Felix Montague and her daughter, Kearny residents. Ms. Montague's daughter presented a picture she drew in protest of the landfill. Ms. Montague spoke on how the gas capturing system is not enough and that the landfill must be permanently closed and capped like the Fennimore Landfill in Morris County. She also stated that the Governor would not speak to the Mayor of Kearny on this issue. She commented that the community is pleading for the health of their children and how the State of New Jersey and the NJSEA are fighting back so that they do not lose revenue.

Chairman Ballantyne thanked Ms. Montague's daughter for her participation and for sharing her poster.

- Gerald Ficeto, Kearny resident and Councilman. Councilman Ficeto thanked the board for the presentation on the gas collection system and asked the following questions:
  - Asked if the gas collection system is installed will the agency continue to receive tipping fees and if so will the fees be put into an escrow account and will the account be monitored by a third party?
  - Mr. Ficeto stated that the DEP Consent Order requires the agency take reasonable measures to eliminate the hydrogen sulfide odor. He then asked if the agency is providing additional coverage and excavation and removal of the illegal waste being deposited at the landfill. He noted at the protest the NJSEA engineer was more concerned that the trucks would be damaged from the rocks on the road from the children then he was of the sheet rock falling off the truck.

Chairman Ballantyne stated that he hopes that Mr. Ficeto recognizes that the engineer was concerned for the safety of the children if a truck had shot out a stone and injured someone.

- Mr. Ficeto stated that NJSEA received a temporary certificate. He then asked if it is the NJSEA's intension to use the gas collection system to extend the operation of the Keegan Landfill.
- Asked how the NJSEA proposes to comply with the Notice of Violation where corrective action has to be taken immediately to cease emitting hydrogen sulfide in concentrations exceeding 30ppb over a 30 minute period beyond the property line. He stated the standard for health violation is 30ppb averaged and not sustained over 30 minutes.

- Alberto Santos, Mayor of Kearny commented that the gas collection system is an important step but not the only step. He stated that curbing and reduction of hydrogen sulfide is not enough. The Mayor spoke of two ways to eliminate the hydrogen sulfide one being with a synthetic cap and the other excavation and removal, which they will be investigating. The Mayor also spoke about accountability and that it is never too late to do the right thing. The Mayor stated that due to the recent high levels of hydrogen sulfide they closed Harvey Field. The Mayor asked about the June 18-19 data not being posted on the NJSEA website. The Mayor stated that he has been researching landfill gas basics and spoke about the four phases of bacterial decomposition of landfill waste. Mayor Santos also spoke on how landfill gas can migrate to 1,500 feet and about landfill gas entering buildings and homes. The Mayor asked that the NJSEA represent the people of Kearny and that no more construction debris be accepted at the landfill. He would like the collection system to be built right away and to begin the design for a synthetic cover.
- Albino Cardoso, Kearny resident and Councilman stated that the gas collection system will not solve the problem and that the only solution is to cap and close the landfill. The Councilman also stated that the landfill is a money maker for the agency. He indicated that they will continue fighting until the landfill is closed. He spoke about how something has changed and how there were no odors ten years ago. He asked for resolution to no longer accept sheet rock and sewerage sludge.
- Desiree Mills, Kearny resident and Kearny Art Teacher spoke as a voice of the children. She presented a sign made by her students of the landfill. She spoke about how parents and children are concerned for their health by going outside. Ms. Mill also presented a poem and sign written by one of her student entitled "Please Care About Our Air."
- Linda Meado, Kearny resident asked if other dangerous gases that cannot be smelled are being collected.
- Linda Guziejewski Kearny resident spoke about odors from the Landfill that can be smelled across town and how the odor permeates into stores and buildings. She spoke how the odors are life shattering for the people and children living in the area. She spoke of the Kearny High School outdoor graduation tomorrow and hopes that people and students do not get ill. She asked how many ppb today and how many ppb every day.
- Santos Murillo Kearny resident and Vice Chairman of the Board of Health asked the following questions:
  - Asked if 20% gypsum is allowed at the landfill.
  - Asked how you determine the amount of gypsum in a truck.
  - Asked what is done if more than 20% gypsum is found?
  - Asked if there was a collection system in place when the agency took over the facility. Chairman Ballantyne replied that there was not a collection system in place.
  - Asked if DEP put the monitoring systems on the landfill? Chairman Ballantyne replied that they were put in place by the NJSEA.
  - Asked if workers wear special gear like masks.
  - Asked if there is a budget analysis for sulfur extraction v. capping the landfill.
  - Asked if funds accumulated from ticket fees have accrued money to take care of problems that are happening now?

- Michael Fernandez Kearny resident asked the following questions:
  - Asked if the Board read the Oxford University Study from 2016 on Hydrogen Sulfide?
  - Asked if the Board could direct the Town and its residents on what they need to do to close the landfill.
  - Asked what is the difference between the Fennimore and Keegan landfills?
  - Asked if there is a record of the truck from Jersey City that dropped the gypsum board the day of the protest.
  - Asked if a fishing pier will be built.
  - Asked about the health effects of hydrogen sulfide?
  - Asked if the town could do a presentation at next meeting?

Mr. Fernandez wanted to clarify that he was approached at the protest by NJSEA engineer that he would be responsible for trucks being damaged from the rocks the children put down in the roadway and not approached regarding concern for the children being injured. Mr. Fernandez stated that it is time to close and cap the landfill and that there is no need for the landfill.

- Lyla DeCastro, Kearny resident spoke about the Supreme Court order for the temporary closing of the landfill. She also spoke of her concern for the health of the community and that health should be the first priority. She stated that they will not stop until landfill is closed.
- John Pinho, Kearny resident asked the following questions:
  - Asked if the minutes of the April meeting can reflect that he spoke. President Prieto stated that his comments are listed in the transcript.
  - Asked if he could obtain a copy of the transcript. President Prieto replied that it can be obtained through an OPRA request.
  - Asked about the composition of the Board of Commissioners. He indicated that he would like to write to them individually asking that they close the landfill. It was answered that there are 12 members.
  - Asked about the policy for board members to appear via phone and having a quorum.
  - Asked who is the counsel on the Keegan matter that advised the board not to answer questions. Mr. Levy replied that it is Lowenstein Sandler.
  - Asked about the SCS report not being available on the website as required by the Consent Order.

Ms. Sanz advised Mr. Pinho and the public that the board is not going to discuss Keegan matters that are within attorney/client privilege and that he is welcome to speak with her after the meeting.

Mr. Pinho stated that the Keegan Landfill is poisoning the people and that the Supreme Court decision sent a message that it is causing irreparable harm. He asked that the commissioners propose a resolution to close and cap the landfill.

Commissioner Yudin stated to the Chairman his concern with the board being verbally abused by a gentleman in the audience.

- Gerald Ficeto – spoke again asking the following:
  - Should the monthly progress reports be posted on the website per the Administrative Consent Order? He noted that the month of May is not posted.
- Barbara Goldberg, Kearny resident indicated that she is personally offended by the Commissioner who felt threatened and upset by Mr. Downey’s outburst to a comment or lack of comment by the Commissioners. Ms. Goldberg stated that the community has been coming to the meetings, which are scheduled at

inconvenient times, for months trying to take corrective action against the Keegan landfill. She stated that the people are hurting and demand that the landfill be closed.

## APPROVALS

Resolution 2019-20 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. 19-162, Alex Property Management LLC - New Residential Bldg. & Variances - Block 149, Lot 8 in Secaucus.

Ms. Sundell stated that Alex Property Management LLC submitted a zoning certificate application proposing the construction of a 32-unit residential building at 1150 Paterson Plank Road in Secaucus. She also stated that Block 149, Lot 8, a portion of the subject property, is located in the District's Neighborhood Commercial zone and currently contains a vacant restaurant that is proposed to be demolished. She explained that residential dwellings are only permitted in the Neighborhood Commercial zone when they are accessory to a permitted use, and as such, the proposed solely residential use on Lot 8, is not permitted in the zone. She also explained that the remainder of the subject property, Lot 7, is within the Low-Density Residential zone, where residential uses are permitted as a principal use. Ms. Sundell indicated that existing uses within the Neighborhood Commercial zone in the vicinity are predominantly residential, with a few ground floor commercial and retail businesses located in the immediate vicinity along Paterson Plank Road. She also indicated that the subject property is located along the border of an existing residential neighborhood, including single-family and multi-family residences situated to the north and west of the site. She also stated that the subject property is located within a walkable distance from downtown Secaucus, including local retail stores and restaurants, recreational facilities, and other public amenities. Ms. Sundell requested that the Board concur with the Review Team's recommendation that Lot 8 be deemed suitable for residential use.

Chairman Ballantyne presented Resolution 2019-20. Upon motion made by Commissioner Fontoura and seconded by Commissioner Dowd. Resolution 2019-20 was unanimously approved by a vote of 9-0.

Resolution 2019-21 Resolution Authorizing the Public Notice and Holding of a Public Hearing for the Draft Update to the Hackensack Meadowlands District Master Plan.

Ms. Sundell stated that the Hackensack Meadowlands Agency Consolidation Act mandates that the next examination and revision of the master plan be completed within five years of the Act's effective date, which was February 5, 2015. An update to the 2004 District Master Plan is being prepared by NJSEA staff. Ms. Sundell indicated that staff has sought and received stakeholder input from the Meadowlands Chamber of Commerce, environmental groups and municipal stakeholders. She explained that a public notice will be published in the NJ Register providing the date for the public hearing on the draft plan and the public comment period. Upon publication, the draft Master Plan will be made publically available. Ms. Sundell stated that staff is requesting

that the Board authorize the publishing of a public notice in the NJ Register and hold a public hearing to accept comments on the Draft Update to the District Master Plan. Chairman Ballantyne explained that this is an administrative step to notify the public and municipal stakeholders on the public hearings regarding the draft District Master Plan. The Chairman asked about the public comment period. Ms. Sundell explained that once it is published the document will be made available to the municipalities and on be our website. Ms. Sundell indicated that the public comment period will begin approximately August 5, 2019.

Chairman Ballantyne presented Resolution 2019-21. Upon motion made by Commissioner Dowd and seconded by Commissioner Scardino. Resolution 2019-21 was unanimously approved by a vote of 9-0.

## VII. AWARDS/CONTRACTS

Resolution 2019-22 Resolution Authorizing a Lease Contract on New Copiers.

Ms. Acanfora stated that this resolution is for the renewal of the lease agreement with DEC Office Solutions for five copiers that are located in the mailroom, science center, solid waste, LUM, and the admin. kitchen. She also stated that the new monthly payment will be \$2,875.00 for a total of \$103,500.00. Ms. Acanfora explained that it includes the equipment and the service plan for a 36-month period. She also explained that DEC Office Solutions, a state contract vendor, has reduced the cost of the current lease by \$830.00 per month, a savings of \$29,880.00 over the 36-month lease.

Vice Chairman Buckelew stated that staff prepared a comparison between leasing and purchasing. He noted that they found it to be more advantageous to lease the equipment.

Chairman Ballantyne presented Resolution 2019-22. Upon motion made by Vice Chairman Buckelew and seconded by Commissioner Dowd. Resolution 2019-22 was unanimously approved by a vote of 9-0.

Resolution 2019-23 Resolution Authorizing a Contract for the Construction of a Gas Collection System at the Keegan Landfill.

Mr. Levy explained that resolution is for a contract for the installation and construction of a gas collection system at the Keegan Landfill. Mr. Levy stated that the contract is in the amount of \$1.9 million. He stated that the work will be performed by SCS Field Services as outlined during the presentation by Lisa Wilkinson.

Chairman Ballantyne presented Resolution 2019-23. Upon motion made by Commissioner Yudin and seconded by Commissioner Dowd. Resolution 2019-23 was unanimously approved by a vote of 9-0.

## VIII. PUBLIC PARTICIPATION

- James Harris, NJ Association of Black Educators and President of NAACP. Stated that the Keegan Landfill issue needs to be addressed quickly for the health and

safety of the children and community. He also stated that this is a civil rights issue. Mr. Harris suggested having the next meeting at the site.

Mr. Harris asked about providing transportation to the American Dream site for workers coming from Union, Bergen and Essex counties and especially for those who are underemployed. Mr. Harris also asked who is responsible in monitoring the companies that are awarded the contracts at American Dream ensuring that they are following the affirmative action and equal opportunity contract provisions. Mr. Harris stated that the Association for Black Educators and the NAACP are available to help address these concerns especially relating to affirmative action and equal opportunity.

Chairman Ballantyne stated that the last report received from Triple Five showed that they had exceeded their goal with regards to diversity. The Chairman indicated that the Carpenter's Union and other trades have people in the diversity plan who sit in leadership roles as shop stewards and in major leadership roles. He did indicate that they fell short with regards to women participation, although there is ongoing outreach. The Chairman invited Mr. Harris to speak after the meeting with a representative of the Carpenter's Union who is present today and also Commissioner Scala for an update.

- Alberto Santos, Mayor of Kearny – spoke about diversity in the work force. He spoke of the Koppers Peninsula Redevelopment Area and that it would be a good vehicle to promote local businesses in Hudson County and for them to be involved in the project. The Mayor reaffirmed Mr. Harris' suggestion and welcomed the Board to have their meeting at or near the landfill. The Mayor also spoke about the perception of a police vehicle being parked at the front door of the building during a public meeting.
- Vincent Roderick – Spoke of his concern with American Dream diversity numbers exceeding expectation in labor only. Mr. Roderick stated that diverse community is not just laborers and should include senior level skills. He spoke of the diversity numbers between Triple Five and American Dream. Mr. Roderick indicated that diverse hiring starts at the top floor and ends in the basement and that a greater perspective is needed.

## 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 2019-24 Resolution Authorizing the NJSEA to Conduct a Meeting to which the General Public Shall Not Be Admitted.

Chairman Ballantyne presented Resolution 2019-24. Upon motion made by Vice Chairman Buckelew and seconded by Commissioner Scardino Resolution 2019-24 was carried by a vote of 9-0.

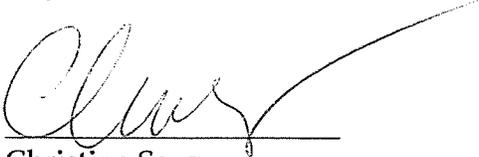
Entered Executive Session 12:00 p.m.

Returned to open session 12:43 p.m.

## XI. ADJOURNMENT

With no further business, Chairman Ballantyne adjourned the meeting.  
Meeting adjourned at 12:45p.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 June 20, 2019.



**Christine Sanz**  
Assistant Secretary

June 20, 2019

Commissioner	Roll Call	2019-20	2019-21	2019-22	2019-23	2019-24
Ballantyne, Chairman	P	Y	Y	Y	Y	Y
Buckelew, Vice Chairman	P	Y	Y	Y	Y	Y
Prieto	P	Y	Y	Y	Y	Y
Dowd	P	Y	Y	Y	Y	Y
Fontoura	P	Y	Y	Y	Y	Y
Gluck	--	--	--	--	--	--
Gonnelli	--	--	--	--	--	--
Plofker	--	--	--	--	--	--
Scala	P	Y	Y	Y	Y	Y
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