

# MINUTES



## REGULAR SESSION BOARD MEETING

DATE: May 16, 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 (excused at 12:00 p.m.)  
Vincent Prieto, President and CEO  
Armando Fontoura, Member (excused at 12:00 p.m.)  
Michael H. Gluck, Esq., Member  
Michael Griffin, NJ State Treasurer's Representative (via phone)  
George Kolber, Member  
Steven Plofker, Member (excused at 12:00 p.m.)  
Andrew Scala, Member  
Anthony Scardino, Member  
Robert Yudin, Member (excused at 12:55 p.m.)

### Absent:

Michael Gonnelli, Member  
Robert J. Dowd, 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 AND CASH DISBURSEMENTS

- Chairman Ballantyne presented the minutes of the Regular Session Board Meeting held on April 11, 2019.

Upon motion made by Commissioner Scardino and seconded by Commissioner Yudin, the minutes of the Regular Session Board Meeting held on April 11, 2019 were unanimously approved.

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

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

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

#### VI. AWARDS/CONTRACTS

Resolution 2019-18 Resolution Authorizing the Award of a Contract for Maintenance of the Meadowlands Adaptive Signal System for Traffic Reduction (MASSTR).

Mr. Levy explained that the resolution would authorize a contract for the maintenance of the NJSEA's Adaptive Signal System, which incorporates 124 traffic signals into a self-adaptive network. Mr. Levy also explained that because of the nature of the system, ongoing maintenance and upkeep is required. Mr. Levy stated that to that end the NJSEA has undertaken the procurement of a dedicated maintenance contractor to maintain the system including restoring equipment failures, performing preventive maintenance, responding to emergency calls, and providing for the overall maintenance of MASSTR equipment. Mr. Levy noted that the Contract is for a term of three years with the option to extend for two additional years. Mr. Levy stated the funding for the contract will be allocated from the Transportation Planning District Fund which is itself funded by impact fees on development in the district intended for just this purpose. Mr. Levy explained that the NJSEA received four submissions with one of the four being rejected after it was deemed non-responsive. He went on to explain that the remaining bids included Orchard Holdings LLC located in Manasquan, NJ with a bid of \$2 million; Jen Electric, Inc. located in Springfield, NJ with a bid of \$2.3 million and HBC Company Inc. located in Lodi with a bid of \$1.3 million. Mr. Levy stated that because of the contract is an on-call maintenance contract, the price proposals submitted were based on the agency's best estimates and projections of quantities and workloads but obviously actual work required will vary based on future maintenance needs. Mr. Levy explained that an evaluation committee composed of NJSEA staff determined that the proposal submitted by HBC Company Inc., which was the lowest bidder, is the most advantageous to the NJSEA, price and other factors considered. Mr. Levy stated the evaluation committee recommends award of the three year maintenance contract to HBC Company, Inc. in an amount not to exceed

\$4,371,807, which is the proposed total project cost for the three year contract term including the 10% contingency.

Commissioner Yudin asked whether staff is confident that the lowest bidder can do the work for that price. Mr. Levy replied that staff is confident that they will be able to do the work for what they bid. Mr. Levy noted that the company is currently performing maintenance for the agency under a different contract.

Chairman Ballantyne presented Resolution 2019-18. Upon motion made by Commissioner Scala and seconded by Commissioner Scardino. Resolution 2019-18 was unanimously approved by a vote of 11-0.

Chairman Ballantyne stated that the Board understands that most of the people wishing to speak today are here about Keegan Landfill. The Chairman gave an update that the eight monitors required by the DEP were installed and that since May 8, around the clock monitoring for hydrogen sulfide has been occurring and has been reported to the DEP. He also stated that the daily monitoring results have been posted on the NJSEA website and are available for review.

Chairman Ballantyne stated that due to the pending legal action taken by the Town of Kearny against the NJSEA, members of the Board have been advised by counsel not to comment further at today's meeting. He stated that the Board is here to listen, to listen closely, and to hear concerns. He further stated that the agency is responding to Kearny's allegations in court and will provide responses to any questions that can be answered on our website. The Chairman encouraged everyone to visit the NJSEA website for information. He stated that the website is njsea.com and that there is a link to a Keegan Landfill information page on the site.

Chairman Ballantyne stated that as always, the Board takes concerns and comments very seriously. He further stated that for today's meeting, Board members will be listening closely as always.

## VII. PUBLIC PARTICIPATION

- Michael Gonnelli, Mayor of Secaucus spoke on American Dream and the impact on Secaucus with regards to signage and traffic. Mayor Gonnelli distributed to board members a photo of traffic in Secaucus and also displayed a poster with the view from Secaucus of American Dream. Mayor Gonnelli explained that the Town has not received a response to any of their concerns from the Governor's office, Triple 5, DOT, etc. He also noted that the Town would only receive \$100,000 impact fee, compared to other municipalities receiving much more. He asked if an impact study has been done since 2004. The Mayor also spoke of his frustration of not knowing what type of signs will be put up.

President Prieto responded that he should be able to get the signage information and will pass it along with any other information from staff that they have regarding the hearings.

The Mayor spoke about the public hearings being posted in libraries and stated that Mayors were not informed, otherwise he would have been at the Hearings. Mayor Gonnelli asked for the NJSEA to step up to the plate and assist Secaucus with their concerns or they will need to take it to the next level.

- Marvin Donadic, Cliffside Park resident spoke on possible new events at the Complex. Mr. Donadic asked about the possibility of the following:
  - Bringing the Battleship New Jersey to Liberty State Park. Chairman Ballantyne responded that the Battleship New Jersey has a permanent home in Camden, NJ
  - Bringing USS Ling to the Meadowlands Complex. Commissioner Yudin replied that the USS Ling is owned by the Navy and that it has taken on water and is in mud. He noted that it would cost a great deal to remove.
  - NBA Franchise for Arena
  - Display a statue of a prominent figure such as Pele. Chairman Ballantyne shared that there is a NJ Hall of Fame Mobile Museum at the Complex. He also explained that there are plans for a permanent display in American Dream.
  - Grand Prix race at Liberty State Park. President Prieto explained that the NJSEA does not control Liberty State Park.
  - Winter Classic Hockey outdoor game.

President Prieto noted that the NJSEA has been in collaboration with MetLife in bringing WrestleMania, World Transplant Games, Army/Navy Game, the XFL and World Cup to the complex.

- Cristina Montague, Kearny resident spoke demanding that the Keegan Landfill be shut down. She explained that Kearny residents are not able to open their windows and many have respiratory ailments. She stated that residents disagree with the NJSEA that closing the landfill will not solve the problem. She stated that the landfill should be shut, capped and a gas capturing system installed so that it could dry out completely and stop the endless cycle. She also stated that the agency needs to find another way to make money. She also spoke of the money generated for post closure should not be used for other projects. Ms. Montague also spoke of how the landfill is making their community sick and that the health of the children does not seem to matter. She stated that the public's interest is not being met. She also stated that the promise to Kearny of green space was never delivered including the escrow account with post-closure monies. Ms. Montague presented the Chairman with a petition to close the Keegan Landfill.
- Lisa Feorenzo, owner of Observer and Kearny resident. Ms. Feorenzo spoke of her respiratory illness and illnesses of other residents. She stated that they will continue to cover the issue and will not give up until Governor Murphy closes and caps the landfill. She also spoke about a study that will be done by Rutgers University regarding this issue. Ms. Feorenzo stated that this is not just a Kearny issue. She asked if anyone knows how far hydrogen sulfide can travel with the wind.

Chairman Ballantyne replied that the board will answer as many questions as they are allowed by counsel on the NJSEA website.

Ms. Feorenzo asked Commissioner Scardino if he would allow his family to go to West Hudson Park for the day.

- Kevin Canessa, with Observer newspaper and Kearny resident. Mr. Canessa asked why Commissioner Scardino would not answer the question asked by Ms. Feorenzo.

Commissioner Scardino stated that his family should not be brought into this matter. The Commissioner went on to express his anger with members of the press that are supposed to be impartial and open minded and who are instead here presenting only one side of the issue. Commissioner Scardino also stated that if you want to know who is to blame to speak to your mayor.

Mr. Canessa stated that he regrets moving back to Kearny because the town has been destroyed by the landfill. Mr. Canessa asked why President Prieto has forgotten the Town of Kearny after they have re-elected him six times.

President Prieto stated that since January, when the issue was brought to his attention, he has represented Kearny by making sure everything possible is being done including his decision along with Board to install the gas collection system.

Mr. Canessa stated that they will continue to follow this issue and side with the Town of Kearny. He indicated that they have joined forces with radio stations and will not stop until landfill is closed.

- Albino Cardoso, Kearny Councilman spoke about the sheet rock still being accepted at the landfill. He also stated that the agency is being reactive. The Councilman spoke about the money from the landfill being used for other project. He stated that they will not stop until landfill is closed.
- Alberto Santos, Mayor of Kearny – Mayor Santos stated he would be speaking about the facts. He stated that his only mistake was in 2005 when he agreed to allow the landfill to be reopened, capped and to be turned into open space. He stated that he should never have believed the agency. He also spoke of health effects of 30ppb readings of hydrogen sulfide. The Mayor then gave a list of dates of high readings from meters the town had installed. He also stated that there is a video image of cloud emerging from the landfill of materials being dumped. He also spoke of the landfill accepting early deliveries before 7:00 a.m. Mayor Santos stated that enough tipping income has been generated to close the landfill several times over. He also stated that the money generated from the Keegan landfill is going to fund the closure of other landfills in the area. The Mayor stated that it is his opinion that the agency should be ashamed of the harm to public health that is being caused by the landfill, the harm to environment and the use of the citizens of Kearny to finance obligations elsewhere. The Mayor stated that they will continue to shine light on the truth. The Mayor also stated that the ultimate solution is to eliminate hydrogen sulfide by closing and capping the landfill like the Fenimore Landfill.
- Michael Fernandez and his two children, Kearny residents – Mr. Fernandez asked what the difference is between the Oxford Press Study that was done in 2016 and the Keegan landfill with regards to accepting construction debris. Mr. Fernandez also asked that the Board to direct the Town on what they need to do to close the landfill and to protect their children. He also asked what is the difference between the Fenimore landfill and Keegan landfill. Mr. Fernandez spoke of his concern with the way the NJSEA is handling the landfill. He also spoke of a rock wall that the children built during the protest. Mr. Fernandez asked if there is a record of the truck that dropped a piece of sheet rock on the day of the protest and if sheet rock is still be accepted. He also asked who is watching the trucks. Mr. Fernandez son asked when a fishing pier is going to be built there. Mr. Fernandez also stated that his son wrote a letter describing the smell at the field while he is playing. He stated that he expects the Board to do something.

Chairman Ballantyne thanked Mr. Fernandez's son for his participation and for being a good young leader.

- Laurie Grant – Kearny resident spoke of her respiratory and health issues beginning in 2018. She stated that what is being done is a band aid remedy and is not good enough. She stated that Kearny is the collateral damage.
- Peter Santana, Kearny Councilman stated that no one from the agency was at the protest expect the director of solid waste. Councilman Santana also spoke about cameras being installed at the landfill and an email he sent to President Prieto. He noted that the email listed on website was not working. The Councilman also spoke

of his concern with the piece of sheet rock that fell off a truck during the protest. He stated that they were previously told that sheet rock would no longer be accepted. The Councilman also spoke about health concerns of the community.

Chairman Ballantyne stated that the email address on the website will be fixed.

- Gerald Ficeto, Kearny Councilman asked that since Kearny's monitors are not allowed on the property can their cameras be placed on the landfill so that they can get raw data. The Councilman explained that people are not making personal attacks against Commissioners, but personal pleas. Councilman Ficeto also spoke of the April 27 protest and how the director of solid waste should have been concerned about the sheet rock falling off a truck rather than the rock wall the children built across the road. The Councilman asked that the Board contact the Governor to close the landfill.
- Lyla DeCastro, Kearny resident spoke about the Green Space Initiative that was mailed to residents of Kearny in 2005. Ms. DeCastro asked why the Green Space Initiative can't be done today.
- Mahmoud Mahmoud, Guttenberg resident asked the Board how they would evaluate that human element regarding the Town's concerns. Mr. Mahmoud also asked about illegal dumping being done for decades, water logged drywall, and who pays post-closure costs. Mr. Mahamoud asked Commissioner Scardino what evidence he has that the Mayor of Kearny is responsible for what is happening. He spoke of how younger politicians are now getting involved.
- Ken Pincus, Kearny Director of Health spoke of his concern with the detrimental health effects of chronic exposure to hydrogen sulfide. Mr. Pincus stated he is the voice of the town and spoke of the 82 complaints his department has received regarding the Keegan landfill. He stated that action needs to be taken now and that public health comes first.
- Len Twist, Kearny resident – Mr. Twist asked the board what legacy they want to leave behind. He also stated that if he knew that someone had a gun with the intention of killing someone and didn't stop them, that he would be as guilty as the one pulling the trigger.

Commissioner Yudin objected to the reference to the use of firearms and the applause from the public.

Mr. Twist stated that if you are a participant in a landfill that is poisoning family and neighbors you are as guilty as those who have put the drywall in the landfill to begin with. Mr. Twist also spoke about the 2006 Observer article about "What Will Our Legacy Be". Mr. Twist stated if you are not part of the solution you are part of the problem.

Ten minute break – reconvened at 12:00 p.m.

- Mr. Monllor, Kearny resident spoke about his wife's illness and the health concerns for his family. He spoke of the odors being detected in different towns. Mr. Monllor stated that he is going to request that the doctor do a blood test to see if any of the enzymes from the landfill are detected in his wife. He stated that if results come back to show the landfill is the cause for his wife's illness; he would demand an answer from the Board as to why.
- Susan McCurrie, Kearny resident and Councilwoman stated that measures taken so far are not being implemented fast enough and continuing to impact the town. Ms. McCurrie spoke of the 100 feet capacity happening sooner rather than later. She asked if a closure plan is being discussed and why it cannot be done now.

- John Pinho, Harrison resident noted that he was not listed as speaking in the minutes of the April meeting. Mr. Pinho requested the name of counsel who is telling board members that they are not allowed to answer questions. President Prieto replied that he will be given the information after the meeting. Mr. Pinho asked about the SCS Engineering report and instrument readings. Mr. Pinho also asked about the methane gas being released. He spoke about using the Fenimore landfill engineering report as a model to close the landfill. He stated that the only solution is to close landfill.
- Eileen Eckel, Kearny Councilwoman commented that the Town's people and Mayor have done their homework and research. She stated that the Town did not get what was promised and was misled. Councilwoman also commented that there should be no doubt from what was heard today from the health official and residence that there is a problem. She asked why nothing is being done and stated that what little is being done is not being done fast enough. She asked the Board to do their homework too, speak up and do the right thing.
- Kenneth Gonzalez, Union City resident running for Hudson County Executive spoke in response to a comment from the Board that the media is one-sided. He stated that there is only one side. He stated that residents of Kearny do not want the landfill. He stated that Observer is standing with the people. He also commented that Mayor Santos is the only elected official in Hudson County that is standing with the residents. He asked that the Board respect the Mayor and media for protecting the Town of Kearny.
- Anita Rodrigues, Kearny resident asked that legal counsel be present at the next meeting to answer questions in person from residents. Ms. Rodrigues spoke about the protest and showed a picture of the rock wall the children built across the road. She explained that this is their voice showing that they are not happy either with the landfill.

Chairman Ballantyne commented that any questions that can be answered will be posted on the website. He stated his concern for the safety of the children who had built the rock wall had a truck driven over the wall and sent a rock flying out and injuring a child. The Chairman asked Ms. Rodrigues as a follow-up to a comment she made at previous meeting regarding being aware of illegal dumping. He asked if she had given anyone the information. Ms. Rodrigues replied that she spoke to Mr. Levy and told him that if the person she knew was willing to come forward she would give him the information.

## 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 2019-19 Resolution Authorizing the NJSEA to Conduct a Meeting to which the General Public Shall Not Be Admitted.

Chairman Ballantyne presented Resolution 2019-19. Upon motion made by Commissioner Scala and seconded by Commissioner Kolber Resolution 2019-19 was carried by a vote of 11-0.

Entered Executive Session 12:30 p.m.  
Returned to open session 12:45 p.m.

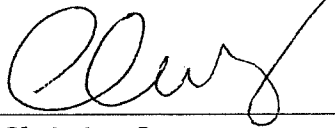


**XI. MOTION TO ADJOURN**

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 1:00 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 May 16, 2019.



**Christine Sanz**  
Assistant Secretary

May 16, 2019

Commissioner	Roll Call	2019-18	2019-19			
Ballantyne, Chairman	P	Y	Y			
Buckelew, Vice Chairman	P (excused @ 12:00 p.m.)	Y	--			
Prieto	P	Y	Y			
Dowd	--	--	--			
Fontoura	P (excused @ 12:00 p.m.)	Y	--			
Gluck	P	Y	Y			
Gonnelli	--	--	--			
Kolber	P	Y	Y			
Plofker	P (excused @ 12:00 p.m.)	Y	--			
Scala	P	Y	Y			
Scardino	P	Y	Y			
Yudin	P (excused @ 12:55 p.m.)	Y	Y			
Treasury Rep Griffin	P (via phone)	Y	Y			

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