

MINUTES



REGULAR SESSION BOARD MEETING

DATE: November 21, 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
Armando Fontoura, Member (via phone)
Michael H. Gluck, Esq., Member (via phone)
Michael Griffin, NJ State Treasurer's Representative (via phone)
Woody Knopf, Member
Anthony Scardino, Member
Louis J. Stellato, Member
Robert Yudin, Member

Absent:

Robert J. Dowd, Member
Andrew Scala, Member
Steven Plofker, Member
Michael Gonnelli, 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. PRESENTATION

Lisa Wilkinson, SCS Engineers, gave a technical update on the Landfill Gas Collection and Control System and related work at the Keegan Landfill. Ms. Wilkinson discussed the following:

- Initial Corrective Actions
- Gas Collection and Control System Interim Operations
- Additional Interim Improvements
- Gas Collection and Control System Expansion
- Additional Interim Improvements
- Permanent System
- Enclosed Flare and Sulfur Treatment
- Permanent Flare Tasks Schedule - System startup estimated for the end of February or after receipt of permit.

V. APPROVAL OF MINUTES AND CASH DISBURSEMENTS

- Chairman Ballantyne presented the minutes of the Regular Session Board Meeting held on October 17, 2019.

Upon motion made by Commissioner Scardino and seconded by Commissioner Yudin, the minutes of the Regular Session Board Meeting held on October 17, 2019 were unanimously approved.

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

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

VI. PUBLIC PARTICIPATING ON RESOLUTIONS - None

VII. APPROVALS

Resolution 2019-34 Resolution to Adopt NJSEA 2020 Schedule of Meetings.

Chairman Ballantyne presented Resolution 2019-34. Upon motion made by Vice Chairman Buckelew and seconded by Commissioner Scardino. Resolution 2019-34 was unanimously approved by a vote of 10-0.

Resolution 2019-35 Resolution Authorizing the Placement of Property Insurance.

Mr. Yarnis explained that the resolution is to authorize the placement of Property Insurance coverage for the period of January 1, 2020 - January 1, 2021. Mr. Yarnis explained that the NJSEA utilized the services of Willis Towers Watson of Pennsylvania to obtain the coverage quotes for these policies. He indicated that through their efforts, the agency has been able to maintain its existing coverage with only a minor increase in

premiums for the upcoming coverage year. Mr. Yarenis commented that even though the market has been trying in terms property insurance, the agency has been able to maintain a moderate increase. Mr. Yarenis explained that the agency along with Willis, are still in negotiations with underwriters regarding General Liability, Excess Liability, and Directors & Officers insurance for the coming year. He indicated that the when the policies are finalized they will be presented to the board for approval.

Vice Chairman Buckelew recognized staff for doing a great job getting rates and coverage on the property insurance.

Chairman Ballantyne presented Resolution 2019-35. Upon motion made by Commissioner Yudin and seconded by Vice Chairman Buckelew. Resolution 2019-35 was unanimously approved by a vote of 10-0.

Resolution 2019-36 Resolution Authorizing the President and Chief Executive Officer to Enter Into a Contract Extension for Snow Plowing and Removal Services for a Portion of the Meadowlands Sports Complex.

Mr. Leanza explained that the current contract for this service was initially for three years and provided a two year option at the same price as 2016. He further explained that the contract payment is predicated on the amount of snow. Mr. Leanza indicated that because of the turnover of most of the east side roadways to the American Dream Project, the agency has a reduction of road surface that it is responsible for. He also indicated that the original estimate cost, based on average snow fall, was \$1.3 million. He stated that with the reduction of road surface the annual cost per year for the next two years is now \$150,000.

Chairman Ballantyne presented Resolution 2019-36. Upon motion made by Commissioner Stellato and seconded by Commissioner Yudin. Resolution 2019-36 was unanimously approved by a vote of 10-0.

Resolution 2019-37 Resolution Authorizing the President and Chief Executive Officer to Enter Into a Contract for NJSEA DeKorte Park Facilities Landscape Maintenance, Snow Removal and Ice Watch Services.

Ms. Sanz explained that this resolution covers services for DeKorte Park Complex and other NJSEA properties and does not include the East Rutherford Complex. Ms. Sanz stated that the services were publicly bid and that two bids were received. She also stated that the lowest responsive bid was for a total of \$2,850,200 from El Cisne Landscaping and Snow Removal LLC. Ms. Sanz indicated that this presents a savings of over \$200,000 from the last contract period.

Chairman Ballantyne presented Resolution 2019-37. Upon motion made by Vice Chairman Prieto and seconded by President Prieto. Resolution 2019-37 was unanimously approved by a vote of 10-0.

Resolution 2019-38 Resolution Authorizing the Appropriation of Funding to Rutgers University-Newark to Support the Operations of the Meadowlands Environmental Research Institute (MERI).

Chairman Ballantyne was pleased to introduce resolution 2019-38 that provides funding for the continued operation of the Meadowlands Environmental Research Institute. He stated that MERI is the science and research arm of the NJSEA. He also stated that the agency is pleased to assist MERI in conducting research that provides many positive benefits for the Meadowlands eco-system. He stated that the benefits include generating the critical knowledge necessary to sustain and conserve the Hackensack Meadowlands Estuary, which is especially crucial given future challenges such as addressing sea level rise.

Ms. Sanz stated that the amount of the appropriations is \$250,000 and will allow MERI to continue operating through the end of the fiscal year.

Chairman Ballantyne presented Resolution 2019-38. Upon motion made by President Prieto and seconded by Commissioner Knopf, Resolution 2019-38 was unanimously approved by a vote of 10-0.

VIII. PUBLIC PARTICIPATION

Commissioner Yudin stated for the record that after last month's meeting the board came to the conclusion that they are committed to permanently closing the Keegan Landfill at some point. He noted that a statement went out but was not picked up by any publications. He also noted that the statement is available on the website for those who are interested.

- Peter Santana, Kearny Councilman Second Ward commented on the following:
 - Commented on Commissioner Yudin's statement that NJSEA is committed to closing the landfill. He then commented that there are health consequences in the meantime.
 - Commented on the calls and complaints he receives from residents regarding odors.
 - Commented on the children being effected playing soccer on Harvey Field and also commented on having to close the field during a championship game.
 - Commented that expanding the gas collection system is not a permanent solution. The only solution is to cap the landfill.
 - Commented that damage is already great and hopes that capping the landfill does not continue to poison the community.
 - Commented most residents are unable to attend the morning board meetings. He invited the board to come to the town and meet with the residents at a Council Meeting.
 - Commented on H2S levels over 30ppb for 30 minutes and how the system is not working
 - Commented on the health of his child and other residents health complaints.
 - Commented that the only solution is to cap the landfill now.
 - Commented on the calls he has made to the Governor's Office and DEP.

- Commented on Senator Sacco's Resolution SC180 and Hearing held on Monday.
- Commented on DEP Commissioner McCade being committed to the health of state but not Kearny.
- Commented that board members can rely on the Whistle Blower law if they are feeling pressured.
- Commented on what legacy the board members would want to leave for their families. Commenting that perhaps a legacy of having killed many people or making many people ill by not doing anything.
- Commented that the board should withdraw the appeal and cap the landfill.
- Commissioner Yudin stated that he rejects the comment the Councilman made stating that many people will die because of the NJSEA. The Councilman stated that many people would die if nothing is done.

Chairman Ballantyne stated that the agency is concerned with the health and welfare of the residents and takes all comments and concerns very seriously. He also stated that the agency is working very hard to reduce the emissions and is committed to responsibly closing the landfill.

President Prieto stated that there is an ongoing commitment to cap the landfill. He also stated that part of the process is for the gas collection and control system to be put in place and noted that capping is the final step. President Prieto also commented on the timeline when becoming aware of the odors and taking immediate action upon receiving ACO.

- Asked if the board would come to a Town Council meeting to speak to residents.
- Kevin Canessa, Harrison resident commented on the following:
 - Asked why do you need to reopen the landfill if you are committed to permanently close it? Asked does the landfill have to be open to cap?

Chairman Ballantyne stated that because of litigation the board is unable to respond. He also stated that the appeal in part is to clarify and correct the record during the original trial. He also stated that there has always been a timeframe to close the landfill permanently.

- Commented that as a member of the media he is willing to explain what the agency believes to have been misstated during the hearings if the agency is willing to drop the appeal.
- Lyla DeCastro Kearny resident commented on the following:
 - Commented that the landfill is closed and should be capped. Asked for a motion to cap the landfill.
 - Commented on the odors going to other communities.
 - Commented on the H2S readings and that the agency has not been in compliance with the law and state statutes over 300 times.
 - Commented on the detrimental impact it is having on the community.
 - Commented that moisture will continue into the landfill unless it has an impermeable cap.
 - Commented on Senator Sacco's Resolution SC10 and amendments.
- Michael Fernandez Kearny resident commented on the following:
 - Asked when the landfill will be permanently closed.
 - Asked when there will be a presentation to address the residents' health concerns.

- Asked if there is any consideration in compensating/donating to children's programs.
- Asked if there is any repercussion in violating the emissions over 300 times?
- Commented that there were never any problems when Kearny had the landfill.
- Asked that the landfill not be reopened and to move ahead with permanently closing as soon as possible.
- Ken Pincus, Director of the Kearny Health Department commented on the following:
 - Commented that he is here again to defend the health of Kearny residents.
 - Commented on the removal of wording on the website about gas collection system having significant reductions.
 - Commented that agency needs to tell the public the truth.
 - Commented that it doesn't make sense to appeal the case since the agency is committed to permanently closing.
 - Commented that the agency is not letting the residents know about the health effects of H2S. Suggested that flyers and mailers be sent to the residents and also suggested that a presentation be made at the next meeting.
 - Commented about having to close the field nine times and the chaos it creates.
 - Commented that the build has not eliminated the H2S emissions to 0ppb.
 - Commented that the agency continues to injure, weaken and poison the Kearny community.
 - Commented that the Kearny monitors continue to have readings above 0ppb every day.
 - Commented that the faulty equipment being used is not reducing H2S emissions to 0ppb.
 - Commented on the chronic long-term effects of H2S on residents. Also commented that not all residents have health insurance coverage to seek the proper care.
- John Pinho, Kearny resident commented on the following:
 - Asked if the NJSEA appealed the order closing Keegan?
 - Asked if Commissioners approved the appeal.
 - Asked which Commissioners voted for and against the appeal.
 - Asked if agency plans to reopen the landfill and collect tipping fees?
 - Asked if the reason why the agency appealed is it to reopen and go to 100 feet to collect tipping fees?
 - Asked if the Keegan landfill is the source of revenue for the payment of the American Dream Bonds?
 - Asked why only six Commissioners are present? Ballantyne stated that Commissioners identified themselves at the beginning of the meeting.
 - Commented that the reason good men are doing evil is because of the need for revenue source.
 - Commented on the statement retracted on the agency website.
 - Commented that people are not going away and that it is not a nuisance odor but toxic gas.
 - Commented that the agency is seeking cash flow on the backs of residents of Kearny and other communities.
 - Commented that odor is spreading to other communities

- Barbara Goldberg, Kearny residents commented on the following:
 - Read for the record H2S monitor readings for November.
 - Commented that out of 13 days of readings only 3 days were below acceptable levels.
 - Asked that while Commissioners are having their Thanksgiving dinners that they think of Kearny and other communities smelling H2S.
 - Commented that the agency shoot for Christmas to cap the landfill.

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 2019-39 Resolution Authorizing the NJSEA to Conduct a Meeting to which the General Public Shall Not Be Admitted.

Chairman Ballantyne presented Resolution 2019-39. Upon motion made by Commissioner Yudin and seconded by Commissioner Kopf Resolution 2019-39 was carried by a vote of 10-0.

Entered Executive Session 11:25 p.m.

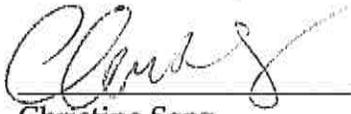
Returned to open session 12:20 p.m.

XI. ADJOURNMENT

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

Meeting adjourned at 12:21 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 November 21, 2019.



Christine Sanz
Assistant Secretary

November 21, 2019

Commissioner	Roll Call	2019-34	2019-35	2019-36	2019-37	2019-38	2019-39
Ballantyne, Chairman	P	Y	Y	Y	Y	Y	Y
Bucklelew, Vice Chairman	P	Y	Y	Y	Y	Y	Y
Prieto	P	Y	Y	Y	Y	Y	Y
Dowd	--	--	--	--	--	--	--
Fontoura	P (via phone)	Y	Y	Y	Y	Y	Y
Gluck	P (via phone)	Y	Y	Y	Y	Y	Y
Gonnelli	--	--	--	--	--	--	--
Knopf	P	Y	Y	Y	Y	Y	Y
Plofker	--	--	--	--	--	--	--
Scala	--	--	--	--	--	--	--
Scardino	P	Y	Y	Y	Y	Y	Y
Stellato	P	Y	Y	Y	Y	Y	Y
Yudin	P	Y	Y	Y	Y	Y	Y
Treasury Rep Griffin	P (via phone)	Y	Y	Y	Y	Y	Y

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