



Virtual Board Meeting  
Thursday, October 15, 2020

10:00 a.m.



**AGENDA  
REGULAR SESSION**

**Remote Access Meeting via Zoom**

Thursday, October 15, 2020 - 10:00 a.m.

Zoom Link: <https://us02web.zoom.us/j/83767245009>

Zoom via phone: 929-205-6099 / Meeting ID: 837 6724 5009

I. **PLEDGE OF ALLEGIANCE**

II. **OPENING STATEMENT**

III. **ROLL CALL**

IV. **APPROVAL OF MINUTES AND CASH DISBURSEMENTS** (Action)

- Approval of Regular Session Remote Meeting Minutes of September 17, 2020.
- Approval and/or Ratification of Cash Disbursements over \$100,000 for the month of September 2020.

V. **PRESENTATION** Special Presentation by the Meadowlands Environmental Research Institute (MERI) and Natural Resources Department.

VI. **PUBLIC PARTICIPATION ON RESOLUTION**

VII. **APPROVALS**

Resolution 2020-24 Consideration of a Resolution Establishing the NJSEA Committee on Science and the Environment.

VIII. **PUBLIC PARTICIPATION**

IX. **EXECUTIVE SESSION**

Resolution 2020-25 Consideration of a Resolution Authorizing the New Jersey Sports and Exposition Authority to conduct a meeting, to which the general public shall not be admitted for the purposes of discussing legal matters, personnel matters and contract negotiations.

X. **MOTION TO ADJOURN**



**REGULAR SESSION BOARD MEETING  
REMOTE VIA ZOOM**

DATE: September 17, 2020  
TIME: 10:00 a.m.  
PLACE: Remote via Zoom  
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 H. Gluck, Esq., Member  
Michael Griffin, NJ State Treasurer's Representative  
Woody Knopf, Member  
Steven Plofker, Member  
Andrew Scala, Member  
Anthony Scardino, Member  
Louis J. Stellato, Member  
Robert Yudin, Member

**Absent:**

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  
Sara Sundell, Director of Land Use Management and Chief Engineer  
John Yarenis, Director of Finance/Accounting  
Steven Cattuna, Chief of Staff  
John Duffy, Senior Vice President of Sports Complex Operations & Facilities  
Lisa LeBoeuf, Senior Legal Specialist  
Brian Aberback, Public Information Officer  
Lauren LaRusso, Governor's Authorities Unit  
Christine Ferrante, Executive Assistant/Paralegal

Chairman Ballantyne called the meeting to order.

- I. Opening Statement - Chairman Ballantyne read the Notice of Meeting required under the Sunshine Law.
  
- II. Roll Call

Chairman Ballantyne began the meeting with news that reiterates the NJSEA's absolute commitment to transparency and providing the public with as much information as possible regarding air monitoring system at the Keegan Landfill.

He explained that the public may now access real-time air monitoring data at the Landfill's eight monitoring stations through the Keegan Landfill section of the NJSEA website, njsea.com.

The Chairman assured the public that the Town of Kearny is kept informed of all actions taking place in the landfill. He indicated that daily reports of the data collected are sent directly by the NJSEA's consultant to the NJDEP with a copy to the Town of Kearny.

He further stated that in addition, per the ACO, the Town of Kearny is copied on all submissions from the NJSEA to the NJDEP as the agency works to close and cap the site.

The Chairman also stated that the NSEA has and will continue to meet all requirements, deadlines and deliverables of the Administrative Consent Order regarding the process of closing and capping the Keegan Landfill.

### **III. APPROVAL OF MINUTES AND CASH DISBURSEMENTS**

Chairman Ballantyne presented the minutes of the Regular Session Remote Board Meeting held on July 16, 2020.

Upon motion made by Commissioner Scardino and seconded by Commissioner Dowd, the minutes of the Regular Session Remote Board Meeting held on July 16, 2020 were unanimously approved.

Chairman Ballantyne presented the report of cash disbursements over \$100,000 and Professional Invoices for the months of July and August 2020.

Upon motion by Commissioner Dowd and seconded by Commissioner Scala, the cash disbursements over \$100,000 for the months of July and August 2020 were unanimously approved.

### **IV. PUBLIC PARTICIPATION RESOLUTIONS - None**

### **V. APPROVALS**

Resolution 2020-20 Resolution Issuing a Decision on the Use Variance Application Submitted as Part of File No. 19-429 PSE&G/Bergen Switching Station - Expansion - Variance Block 4014, Lot 4 in Ridgefield.

Ms. Sundell stated that PSE&G submitted and zoning certificate application and use variance request in connection with its Phase Three 345kV-138kV Spare Transformer Installation and Oil Pump Plant Relocation project at its Bergen Switching Station, which

is located along Hendricks Causeway in Ridgefield. She explained that specifically, the use variance request results from PSE&G's proposal to install public utility processing equipment in an area of the site located in the Environmental Conservation zone, where new public utility processing equipment is not a permitted use. She went on to explain that the subject improvements consist of transmission line support equipment that will be relocated from another area of the subject site to a 0.95-acre portion of the Environmental Conservation zone to make room for the installation of a new spare transformer at the center of the site.

Ms. Sundell indicated that approximately 62 acres, or 80 percent of the overall 78-acre site, is located in the Environmental Conservation zone and consists of mostly wetlands. PSE&G will be purchasing 0.80 acres of wetlands mitigation credits to offset its disturbance of wetlands. She also indicated that the equipment proposed to be constructed in the Environmental Conservation zone will blend in with the character of the existing switching station on portions of the site within the Public Utilities, Light Industrial B, and small portion of Environmental Conservation zones.

Ms. Sundell explained that if the variance were not granted to permit the installation of the relocated public utility processing equipment on the portion of the subject premises in the Environmental Conservation zone, PSE&G would not be able to install its spare transformer, which is being proposed to add redundancy and reliability to ensure a continuous, uninterrupted supply of electric power to Bergen County residents and institutions, as well as compliance with Federal Energy Regulatory Commission's (FERC) standards.

Ms. Sundell stated that for these reasons and those stated in the recommendation; Staff is recommending the approval of this use variance.

Chairman Ballantyne presented Resolution 2020-20. Upon motion made by Commissioner Scardino and seconded by Commissioner Gluck. Resolution 2020-20 was unanimously approved by a vote of 13-0.

Resolution 2020-21 Resolution Issuing a Decision on the Use Variance Application Submitted as Part of File No. 19-547 Washington SG LLC/Amazon Parking Facility (Use Variance) – Block 131.01, Lots 4 and 5 in Carlstadt.

Ms. Sundell stated that a zoning certificate application was submitted by Amazon.com Services, Inc. for the premises located at 802 Washington Avenue in Carlstadt, which is within the District's Light Industrial A zone. She also stated that the site contains an existing warehouse building.

Ms. Sundell explained that under this application, Amazon is proposing to park e-commerce delivery vehicles on the subject site, both within the building and on the site's exterior vehicular use area, which is being proposed to be utilized as off-premises parking associated with its nearby distribution operations at 118 Moonachie Avenue in Carlstadt. Ms. Sundell further explained that the applicant has requested a use variance as the parking of e-commerce delivery vehicles as a principal use is not listed as a permitted use in the Light Industrial A zone.

Ms. Sundell indicated that the parking of e-commerce delivery vehicles is an emerging use that is not permitted as a principal use in any zone of the District Zoning Regulations; however, the 2020 Master Plan acknowledges changes in consumer demands and the expansion of e-commerce companies in the District and, as such, the proposed use variance is supportive of warehouse and distribution uses in the District's Light Industrial zones and will contribute to and promote the intent of the Master Plan. She also indicated that in addition, the applicant's traffic expert has demonstrated that the traffic generated by this use will not negatively impact the adjacent roadway system.

Ms. Sundell stated that as conditions of this recommendation, the applicant will be required to ensure that e-commerce delivery vehicles not exceed 27 feet in length and that parking to serve on-site uses other than the parking of e-commerce delivery vehicles shall be provided in accordance with the District Zoning Regulations. She stated that for these reasons and those stated in the recommendation; Staff is recommending the approval of this use variance.

Chairman Ballantyne presented Resolution 2020-21. Upon motion made by Commissioner Scala and seconded by Commissioner Dowd Resolution 2020-21 was approved by a vote of 12-0 with Commissioner Gluck recused.

#### Resolution 2020-22 Resolution Accepting the 2019 Audit Report.

Mr. Yarenis explained that the resolution is to accept the results of the 2019 Independent Auditor's Report for the NJSEA. He stated that the report, prepared by Mercadien, PC, issued the Authority a generally Unqualified Opinion (or clean opinion) on its financial operations. He indicated that there were exceptions on the following two 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 September 14, 2020. He further stated that members from the firm of Mercadien, P.C. are present today to answer questions related to the audit.

Mr. Yarenis expressed appreciation to Mercadian and his team for their hard work and contributions to making it a successful audit.

Chairman Ballantyne commented that with regards to the pension plans, they are negotiated through a collective bargaining agreement. The Chairman asked if Mr. Yarenis is referring to the unfunded liability of those plans and not being able to

calculate the unfunded liability specifically for our participants. Mr. Yarenis replied that he is correct and indicated that the pension plans are well funded.

Chairman Ballantyne stated that the Audit Committee met on September 14 and that there were no concerns and are satisfied with the audit report. The Chairman thanked Mr. Yarenis and his team for their work during these difficult times.

Chairman Ballantyne presented Resolution 2020-22. Upon motion made by Commissioner Plofker and seconded by Commissioner Gluck. Resolution 2020-22 was unanimously approved by a vote of 13-0.

## **VI. PUBLIC PARTICIPATION -**

John Pinho, Harrison resident, commented on the following:

- Thanked the board for posting the real-time monitoring.
- Commented that what is posted appears to be 30 minute averages. Asked if it is possible to have what Kearny had in place – second by second readings.

Ms. Sanz replied that the NJSEA's consultant is the same consultant Kearny had used. She explained that during discussion with the consultant regarding this aspect of monitoring, they indicated that they would be providing NJSEA with what they had provided to the Town. Ms. Sanz welcomed Mr. Pinho to reach out to her with any further questions.

- Commented on reading at MS4 was at 50 ppb on September 13. He commented that there have been reports of odors from people online in both Harrison and Kearny.
- Asked why readings are going up.

Chairman Ballantyne replied that the agency is aware of the one elevated reading on September 13. The Chairman explained that it is not clear what created the elevated reading. He indicated that the wind conditions were coming from outside of the site blowing towards that meter. He also indicated that there were no odor complaints reported during that time period. President Prieto indicated that the consultant has written a letter to DEP.

- Commented on injured bird on the landfill.

President Prieto replied that a hawk was injured by one of the flares. He stated that as of September 4 DEP has agreed to allow operation of the enclosed flare while they continue conducting their review. President Prieto also spoke of additional deterrents at the site to make sure the wildlife is protected. President Prieto stated that the closed flare is the last portion of the gas collection system. President Prieto indicated that the agency continues to be transparent. He also indicated that Kearny has been copied on everything and that he has spoken with the governing body of Harrison to see if they had any issues and so far he has not heard anything back.

- Commented on his issues with DEP that is separate and apart of NJSEA.
- Commented that birds brought the attention but that it is people's lungs that are slowly being burnt by the gas.

President Prieto replied that the flares are destroying gas before it get into the atmosphere. He stated that the agency is doing everything in its power to move as quickly as allowed.

**VII. EXECUTIVE SESSION**

Resolution 2020-23 Resolution Authorizing the New Jersey Sports and Exposition Authority to conduct a meeting, to which the general public shall not be admitted for the purposes of discussing legal matters, personnel matters and contract negotiations.

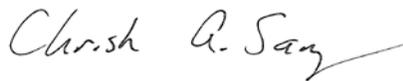
Chairman Ballantyne presented Resolution 2020-23. Upon motion made by Commissioner Gluck and seconded by Commissioner Dowd Resolution 2020-23 was unanimously approved by a vote of 13-0.

**VIII. ADJOURNMENT**

With no further business, motion was made to adjourn by Commissioner Gluck and seconded by Commissioner Scardino with all in favor.

Meeting adjourned at 10:36 a.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 Remote Board Meeting held on September 17, 2020.**



**Christine Sanz**  
**Assistant Secretary**

September 17, 2020

Commissioner	Roll Call	2020-20	2020-21	2020-22	2020-23
Ballantyne, Chairman	P	Y	Y	Y	Y
Buckelew, Vice Chairman	P	Y	Y	Y	Y
Prieto	P	Y	Y	Y	Y
Dowd	P	Y	Y	Y	Y
Fontoura	P	Y	Y	Y	Y
Gluck	P	Y	R	Y	Y
Gonnelli	--	--	--	--	--
Knopf	P	Y	Y	Y	Y
Plofker	P	Y	Y	Y	Y
Scala	P	Y	Y	Y	Y
Scardino	P	Y	Y	Y	Y
Stellato	P	Y	Y	Y	Y
Yudin	P	Y	Y	Y	Y
Treasury Rep Griffin	P	Y	Y	Y	Y

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



CASH DISBURSEMENTS  
\$100,000 OR MORE  
SEPTEMBER 2020

**EAST RUTHERFORD - SPORTS COMPLEX**

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
NEW JERSEY RACING COMMISSION	1,121,425.78	A	NJRC BUDGET FOR FISCAL YEAR 2020 - 2ND PAYMENT
NRG BUSINESS SOLUTIONS	363,162.11	A/L	ELECTRICITY CHARGES: JUL-AUG 2020
PUBLIC SERVICE ELECTRIC & GAS	136,640.30	J/L	ELECTRIC TRANSMISSION CHARGES: JUL-AUG 2020
<b>EAST RUTHERFORD - SC TOTAL</b>	<u>1,621,228.19</u>		

**LYNDHURST**

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
KEARNY MUNICIPAL UTILITIES AUTHORITY	678,338.54	A	SEWER USE CHARGES - KEEGAN & 1A/1E: 2ND QTR 2020
<b>LYNDHURST TOTAL</b>	<u>678,338.54</u>		

**MONMOUTH PARK RACETRACK**

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
BOROUGH OF OCEANPORT	207,995.17	A	CAFO SPECIAL ASSESSMENT AGREEMENT: 4TH QUARTER 2020
<b>MP RACETRACK TOTAL</b>	<u>207,995.17</u>		



CASH DISBURSEMENTS  
\$100,000 OR MORE

<u>REFERENCE LETTER</u>	<u>TYPE</u>
A	CONTRACT ON FILE
B	PURCHASE AWARDS - APPROVED AT MONTHLY BOARD MEETING
C	STATE REQUIREMENT FOR RACING
D	STATE VENDOR
E	SOLE SOURCE*
F	APPOINTED BY RACING COMMISSION
G	ADVERTISED BID
H	PRESIDENT/CEO APPROVAL
I	STATUTORY PAYMENT
J	UTILITIES
K	LOWEST PROPOSAL
L	REIMBURSABLE
M	OUTSTANDING PROFESSIONAL INVOICES APPROVED AT MONTHLY BOARD MEETING
N	PURCHASES ON BASIS OF EXIGENCY
*	PURCHASES DIRECT FROM SOURCE
	EXPENDITURE TO BE CHARGED TO MAINTENANCE RESERVE FUND

## RESOLUTION 2020-24

### **RESOLUTION AUTHORIZING THE ESTABLISHMENT OF AN NJSEA COMMITTEE ON SCIENCE AND THE ENVIRONMENT**

**WHEREAS**, the Hackensack Meadowlands Agency Consolidation Act at N.J.S.A. 5:10A-19 requires the NJSEA to endeavor to safeguard the environmental resources of the Hackensack Meadowlands district; and

**WHEREAS**, the natural resources of the Hackensack Meadowlands constitute a unique urban eco-system and a vital asset for the Meadowlands and the State of New Jersey. To protect this critical environment, the NJSEA is focused on protecting, conserving, managing, restoring and otherwise improving the health of Meadowlands' natural resources for current and future generations using innovative approaches and solutions based in science, agency inter-departmental collaboration, and respect for all the communities and interests involved; and

**WHEREAS**, over the past several decades the NJSEA, through the Meadowlands Environmental Research Institute (MERI) and its Natural Resources Department, both through joint efforts and individual initiatives, has played an integral role in contributing to the remarkable comeback of the Meadowlands' eco-system, including the return of hundreds of species of birds, fish and additional wildlife. The NJSEA's work, including collaboration between MERI and the Natural Resources Department, has been especially important to the rebounding health of the Hackensack River and its environmentally sensitive wetlands, which filter pollutants, mitigate flooding and provide a habitat for wildlife; and

**WHEREAS**, in 2019, the NJSEA Natural Resources staff developed a Wildlife Action Plan for the Meadowlands District, modeling the effort after the State Plan. The staff continues to update the plan by studying and assessing the health of wildlife and their habitats and identifying the problems they face. The goal of the evolving Wildlife Action Plan is to develop a strategic and cost-effective strategy for preserving, protecting and perpetuating the District's wildlife resources over time; and

**WHEREAS**, the NJSEA monitors and assesses habitat communities and produces habitat mapping using data generated by MERI's drone technology, including site structural diversity, vegetation strata, trophic levels, spatial mosaic, landscape connectivity, and site stressors. The goal of these collaborative efforts between the departments is to develop management and restoration recommendations, and document changes that occur through time based on drone flights; and

**WHEREAS**, the NJSEA continues to survey avian fauna and nesting habitat by monitoring bird populations, in part through point counts and its bird banding program, determining abundance and distribution, and assessing how habitats are being utilized. The information collected is used to best inform policy and land management decisions; and data collected is shared with the NJ Division of Fish and Wildlife, Conserve Wildlife Foundation and others with a goal of developing a Regional Conservation Strategy; and

**WHEREAS**, the NJSEA is assessing shoreline types through Sediment Elevation Table research and developing a GIS database of Meadowlands shoreline typology and conditions. Building on this data, a summary report is being developed that documents potential future challenges and stressors for each shoreline type, such as sea level rise, along with potential restoration opportunities and strategies to combat an expected frequency and severity in future storm events brought about by sea level rise; and

**WHEREAS**, to continue to build on efforts to assist in the recovery of Osprey populations in the Meadowlands, this year staff worked with several partners to build 5 nesting platforms in various locations in the District. Staff continues to monitor each platform to examine how Osprey are using the sites, and look for additional areas to build more platforms this fall; and

**WHEREAS**, the NJSEA continues to monitor the invasive species in the area and launched a pilot project to determine how to reduce reliance on herbicides to control the invasive REED *Phragmites australis*, which damages wetland systems; and

**WHEREAS**, NJSEA staff teams with local researchers on their studies of the Meadowlands ecology and environment and coordinates efforts with important environmental advocacy groups such as the Hackensack Riverkeeper, Bergen County Audubon Society (BCAS) and the NY/NJ Baykeeper; and

**WHEREAS**, MERI generates the critical knowledge and predictive understanding necessary to sustain and conserve the Hackensack Meadowlands Estuary, which is crucial given the region's sensitive eco-system and marshes, and future challenges such as addressing sea level rise and increased flood and storm events; and

**WHEREAS**, MERI staff continually monitors and studies the region's water, air and soil quality in real time as well as its vital flood gate operations through a network of monitoring stations placed throughout the Hackensack River and its wetlands; and

**WHEREAS**, in addition to its research projects and monitoring, MERI provides critical services to constituents, District municipalities and the NJSEA through ongoing activities and programs that include a state-of-the-art drone program; real-time flood

alert systems; and production of digital maps through the Institute's Remote Sensing and Geographic Information Systems group; and

**WHEREAS**, the NJSEA Board of Commissioners, recognizing the importance of the Authority's work as described herein, is of the belief that a special committee on the issues of science and the environment should be developed so that the Board may be a more direct part of the extraordinary efforts being undertaken by the Authority's staff.

**NOW, THEREFORE, BE IT RESOLVED**, that the NJSEA hereby authorizes the creation of a special Committee on Science and the Environment; and

**BE IT FURTHER RESOLVED**, that the Chairman shall establish the composition of the Committee.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Sports and Exposition Authority at their meeting of October 15, 2020.

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Vincent Prieto  
Secretary

**RESOLUTION 2020-25**

**RESOLUTION AUTHORIZING THE  
NEW JERSEY SPORTS AND EXPOSITION AUTHORITY  
TO CONDUCT A MEETING TO WHICH  
THE GENERAL PUBLIC SHALL NOT BE ADMITTED**

**BE IT RESOLVED** by the New Jersey Sports and Exposition authority (“Authority”) that it shall conduct a meeting to which the general public shall not be admitted to discuss personnel matters, the status of pending and anticipated litigation and other matters within the attorney client privilege, contract negotiations, and, if necessary, to act upon pending contracts.

**BE IT FURTHER RESOLVED** that the time when such discussions may be disclosed to the public shall be when and as such disclosure may be made without adversely affecting the Authority’s pending and/or anticipated legal, personnel, contractual matters and other matters within the exceptions provided for by the statute.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Sports and Exposition Authority at their meeting of October 15, 2020.

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Vincent Prieto  
Secretary