

Board Meeting

Thursday, November 19, 2015



We Bring the World to New Jersey

AGENDA
REGULAR SESSION

Thursday, November 19, 2015 -10:00 a.m.
Two DeKorte Park Plaza, Lyndhurst, NJ

I. **APPROVAL OF MINUTES** - (Action)

- Approval of Regular Session Meeting Minutes of October 22, 2015

II. **PUBLIC PARTICIPATION ON RESOLUTIONS**

III. **APPROVALS** – (Action)

Cash Disbursements Approval and/or Ratification of Cash Disbursements over \$100,000 for October 2015.

Resolution 2015-57 Consideration of a Resolution Adopting the NJSEA 2015 Budget.

Resolution 2015-58 Consideration of a Resolution approving the NJSEA Annual Schedule of Meetings for the Year 2016.

Resolution 2015-59 Consideration of a Resolution approving procedures for the designation of vital projects within the District.

Resolution 2015-60 Consideration of a Resolution Readopting the NJSEA Regulations at N.J.A.C. 19:3, 19:4, 19:5 and 19:7.

Resolution 2015-61 Consideration of a Resolution regarding Tidelands Application for Secaucus Brownfields Redev LLC/15X Intermodal Parking – Variance/Site Improvements, File No. 15-298 – BBlock 7, Lot 4 in Town of Secaucus.

IV. **AWARDS AND CONTRACTS** (Action)

Resolution 2015-62 Consideration of a Resolution authorizing the President and CEO to enter into a contract for HVAC Maintenance and Services.

Resolution 2015-63 Consideration of a Resolution approving the selection of special counsel for real estate transaction.

Resolution 2015-64 Consideration of a Resolution authorizing the purchase of MEDIX Type III Ambulance.

V. **CHIEF EXECUTIVE OFFICER'S REPORT**

VI. **PUBLIC COMMENTS**

VII. **EXECUTIVE SESSION**

Resolution 2015-65 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.

PLEASE CONTACT THE NJSEA OFFICE (201-460-1700) PRIOR TO MEETING IF
SPECIAL REQUIREMENTS ARE NEEDED UNDER ADA

MINUTES



REGULAR SESSION BOARD MEETING
October 22, 2015

DATE: October 22, 2015
TIME: 10:00 a.m.
PLACE: 2 DeKorte Park Plaza - Lyndhurst, NJ
RE: REGULAR SESSION MEETING MINUTES

Members in Attendance:

Michael Ferguson, Chairman
Joseph Buckelew, Vice Chairman
Wayne Hasenbalg, Esq., President and Chief Executive Officer
Anthony Scardino, Member
Robert Yudin, Member
John Ballantyne, Member
Steven Plofker, Member
Andrew Scala, Member
LeRoy Jones, Member
Michael H. Gluck, Esq., Member
George Kolber, Member
James Wooster, NJ State Treasurer's Representative

Absent:

Armando Fontoura, Member

Also Attending:

Ralph J. Marra, Jr., Esq. Sr. Vice President, Chief of Legal and Regulatory Affairs
Christine Sanz, Sr. Vice President/Chief Operating Officer
Giuseppina Copa, Director of Information Technology & Telecommunications
Adam Levy, Vice President of Legal and Regulatory Affairs
John Duffy, Senior Vice President of Sports Complex Operations & Facilities
Helen Strus, Director of Marketing & Communications/External Affairs
Sara J. Sundell, Director, Land Use Management
Tom Marturano, Director of Solid Waste & Natural Resources
Amy Herbold, Assistant Counsel, Governor's Authorities Unit
Christine Ferrante, Executive Assistant/Paralegal
Fred Dressel, HMMC

Chairman Ferguson called the meeting to order.

Chairman Ferguson stated that the New Jersey Sports and Exposition Authority gave notice of the time, place, and date of this meeting by providing such notice to the Secretary of State for the State of New Jersey, The Star-Ledger, The Record, and other newspapers and by posting the notice at the offices of the Authority.

I. APPROVAL OF MINUTES

Chairman Ferguson presented the minutes of the Regular Session Board Meeting held on September 17, 2015.

Upon motion made by Commissioner Plofker and seconded by Commissioner Yudin, the minutes of the Regular Session Board Meeting held on September 17, 2015, were unanimously approved by a vote of 12-0.

II. PUBLIC PARTICIPATING ON RESOLUTIONS –

- Captain Bill Sheehan, Hackensack Riverkeeper spoke on Resolution 2015-54.
- Mayor Michael Gonnelli, Secaucus spoke in favor of Resolution 2015-54
- Mayor Fed Dressel, HMMC spoke in favor of Resolution 2015-54
- Robert Ceberio, former Executive Director of NJMC spoke in favor of Resolution 2015-54.

III. APPROVALS

- Approval of Cash Disbursements Over \$100,000 and Professional Invoices

President Hasenbalg presented the report of cash disbursements over \$100,000 and Professional Invoices for the months of September 2015.

Upon motion by Commissioner Plofker and seconded by Commissioner Gluck, the cash disbursements over \$100,000 for the month of September 2015, were approved subject to the following recusals:

<u>Member</u>	<u>Recused as to</u>
Chairman Ferguson	PSE&G
Commissioner Jones	PSE&G
Commissioner Buckelew	Borough of Oceanport

Resolution 2015-54 Resolution approving a form of ordinance for the Town of Secaucus and the Town of Kearny each having elected to assume certain zoning authority within the District

Mr. Levy explained Resolution 2015-54 to the commissioners. Commissioner Yudin asked if a subject is of regional importance, does the NJSEA have authority to take control back under this resolution. Mr. Levy explained that this resolution is to allow the towns to opt-out under certain circumstances. Under a different section of the statute, the NJSEA does have the authority to take back vital projects it deems to be of importance to the people. The criteria is currently being worked on and will be presented to the Board for approval at a later date.

Chairman Ferguson presented Resolution 2015-54. Upon motion by Commissioner Ballantyne and seconded by Commissioner Kolber, proposed resolution 2015-54 was approved by a vote of 12-0.

IV. AWARDS/CONTRACTS

Resolution 2015-55 Resolution authorizing the President and CEO of the New Jersey Sports and Exposition Authority to enter into a contract for DeKorte Park general site improvements.

Mr. Marturano explained Resolution 2015-55 to the commissioners.

Chairman Ferguson presented Resolution 2015-55. Upon motion by Commissioner Yudin and seconded by Commissioner Ballantyne, proposed resolution 2015-55 was approved by a vote of 12-0.

V. CEO REPORT

President Hasenbalg stated that today marks a milestone in implementing one of the key features of the merger law. President Hasenbalg thanked Secaucus Mayor Gonnelli and the Mayor and staff of Kearny for working closely with NJSEA staff in putting together this key provision of the new law.

VI. PUBLIC COMMENTS

- Kevin O'Brien, President of Theatrical Stagehands Union of Northern New Jersey.
- Don Evanson, Secaucus resident

VII. EXECUTIVE SESSION

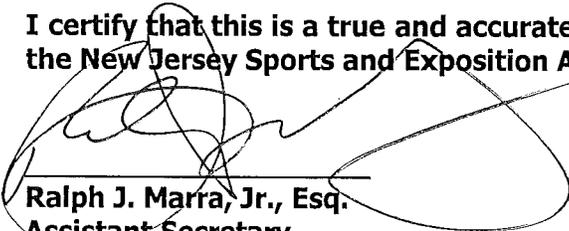
Chairman Ferguson stated a need for the Board to enter into Executive Session to discuss contractual matters and litigation matters.

Resolution 2015-56 Resolution authorizing the NJSEA to enter into a meeting to which the general public shall not be admitted to discussing legal matters, personnel matters and contract negotiations.

Upon motion made by Commissioner Buckelew and seconded by Commissioner Scardino, Resolution 2015-56 was approved by a vote of 12-0.

Chairman Ferguson requested a motion to conclude the meeting. Upon motion made by Commissioner Yudin and seconded by Commissioner Scala, the public meeting was adjourned by a vote of 12-0.

I certify that this is a true and accurate transcript of the Regular Session Minutes of the New Jersey Sports and Exposition Authority Board meeting of October 22, 2015.


Ralph J. Marra, Jr., Esq.
Assistant Secretary

APPROVALS



CASH DISBURSEMENTS
 \$100,000 OR MORE
 OCTOBER 2015

SPORTS COMPLEX

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
NEW JERSEY STATE POLICE	450,732.89	A	OVERTIME CHARGES: JUL 2015 - AUG 2015
NRG BUSINESS SOLUTIONS	770,016.24	A	ELECTRICITY CHARGES: AUG 2015 - SEP 2015
PUBLIC SERVICE ELECTRIC & GAS	192,086.64	A	ELECTRIC TRANSMISSION: SEP 2015
SPORTS ARENA EMPLOYEES RETIREMENT FUND LOCAL 137	234,185.01	A	PENSION WITHDRAWAL LIABILITY PAYMENT: 4th QTR 2015
TREASURY, STATE OF NEW JERSEY	292,794.91	I	WORKERS' COMPENSATION: 1st QTR 2016
SPORTS COMPLEX TOTAL	<u>1,939,815.69</u>		

SPORTS COMPLEX PAYMENT IN LIEU OF TAXES

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
BOROUGH OF EAST RUTHERFORD	2,037,546.19	A	PAYMENT IN LIEU OF TAXES: 4th QUARTER 2015
SC PILOT TOTAL	<u>2,037,546.19</u>		

MONMOUTH PARK RACETRACK PAYMENT IN LIEU OF TAXES

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
BOROUGH OF OCEANPORT	474,492.45	A	PAYMENT IN LIEU OF TAXES: 4th QUARTER 2015
MP PILOT TOTAL	<u>474,492.45</u>		



OUTSTANDING PROFESSIONAL SERVICES
OCTOBER 2015

SPORTS COMPLEX

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>DESCRIPTION</u>
CONNELL FOLEY LLP	3,168.00	LEGAL SERVICES: SPECIAL COUNSEL - SEP 2015
GIBBONS P.C.	148,264.47	LEGAL SERVICES: GENERAL COUNSEL - OCT 2015
SPORTS COMPLEX TOTAL	<u>151,432.47</u>	



CASH DISBURSEMENTS
\$100,000 OR MORE
OCTOBER 2015

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
AVENTA SYSTEMS LIMITED LIABILITY CO	\$133,593.00	A	MASSTR- RETAINAGE PHASES 1- 4
	<u>\$133,286.00</u>	A	MASSTR- PROGRESS PYMNT #8 PHASE 5
	\$266,879.00		
PRIORE CONSTRUCTION SERVICES	\$106,649.10	A	PROJECT SW13-001 VISITOR CENTER WALKWAY, GAZEBO & BALCONY RECONSTRUCTION
KEARNY, TOWN OF	\$457,306.42	A	HOST COMMUNITY – KEEGAN LANDFILL JULY-SEPTEMBER 2015
WASTE MANAGEMENT OF NJ	\$593,257.11	A	OPERATIONS CONTRACT – KEEGAN LANDFILL- SEPTEMBER 2015



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	EXECUTIVE DIRECTOR APPROVAL
I	STATUTORY PAYMENT
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 2015-57

**RESOLUTION ADOPTING THE
2015 NEW JERSEY SPORTS AND EXPOSITION AUTHORITY BUDGET**

BE IT RESOLVED by the New Jersey Sports and Exposition Authority that the attached Operations, Maintenance, and Capital budgets are hereby approved and adopted as the 2015 New Jersey Sports and Exposition Authority Budget.

ADOPTED: November 19, 2015

**New Jersey Sports and Exposition Authority
Comparative Budgetary Statement
Calendar Year 2015**

Revenue Budget	Proposed Budget 2015
Fee Income	\$ 1,500,000
Solid Waste Overhead Reimbursement	4,698,784
Reserve Fund Utilization	1,133,635
Other Operating Revenue	14,449,108
Site Revenue - E.R.	9,700,000
	-
Total Revenues	<u>\$ 31,481,527</u>
Expense Budget	Proposed Budget 2015
Operations & Maintenance:	
NJMC	\$ 8,115,527
NJMC-Environment Center	1,041,000
Site Expenses - E.R.	8,929,000
General and Administrative	24,276,000
Payment in Lieu of Taxes & CAFO	11,795,369
	-
Sub Total	<u>\$ 54,156,896</u>
Operating Gain (Loss)	\$ (22,675,369)
Non - Operating Income and (Expenses)	
State Appropriations	26,000,000
	-
Change In Net Position	<u>\$ 3,324,631</u>

NJSEA
Comparative Budgetary Statement
Calendar Year 2015
Support Schedule - Consolidating Budget Information

	<u>SEA</u>	<u>NJMC</u>	<u>Combined</u>
Revenue Budget			
Fee Income		\$1,500,000	\$1,500,000
Solid Waste Overhead Reimbursement		4,698,784	4,698,784
Reserve Fund Utilization		1,133,635	1,133,635
Other Operating Revenue	\$12,625,000	1,824,108	\$14,449,108
Site Revenue - E.R.	9,700,000		9,700,000
Total Revenues	<u>\$22,325,000</u>	<u>\$9,156,527</u>	<u>\$31,481,527</u>
Expense Budget			
Operations & Maintenance:			
NJMC		\$8,115,527	\$8,115,527
NJMC-Environment Center		1,041,000	1,041,000
Site Expenses - E.R.	8,929,000		8,929,000
General and Administrative	24,276,000		24,276,000
Payment in Lieu of Taxes & CAFO	11,795,369		11,795,369
Sub Total	<u>\$45,000,369</u>	<u>\$9,156,527</u>	<u>\$54,156,896</u>
Operating Gain (Loss)	(22,675,369)	0	(22,675,369)
Non - Operating Income and (Expenses)			
State Appropriations	26,000,000	0	26,000,000
Change In Net Position	<u>\$3,324,631</u>	<u>\$0</u>	<u>\$3,324,631</u>

NJSEA
CALENDER YEAR 2015 BUSINESS PLAN COMBINED DETAIL

OPERATING REVENUES:

Site Revenue

NMSCO Ground Event	\$ 3,187,000
Arena Revenue	4,673,000
Solid Waste Overhead Reimbursement	4,698,784
Reserve Fund Utilization	1,133,635
Non Event Parking	1,112,000
Land Use Fee Income	1,500,000
Misc. Other	2,192,108
Wireless	360,000
Total Site Revenue	\$ 18,856,527

Other Revenue

NMR Shared Services	\$ 5,350,000
NMSCO Pilot/Rent/Other	3,679,000
MP Reimbursable	2,402,000
Wildwood Management Fees	315,000
Misc. Other	879,000
Total Other Revenue	\$ 12,625,000

Total Revenue	\$ 31,481,527
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OPERATING EXPENSES:

Site Expenses

Salaries/Fringe	\$ 5,400,000
Arena Event Expenses	2,561,000
Bulding/Other	968,000
Total Site Expenses	\$ 8,929,000

General and Administrative

Salaries/Fringe	\$ 12,182,427
Utilities	5,129,000
New Jersey Racing Commission	2,471,000
Professional Services	2,000,000
Pension Withdrawl	1,800,000
Workers Compensation	1,500,000
Services	1,480,000
Retiree Medical	1,100,000
Repairs/Maintenance	1,075,000
Insurance/Data Processing/Telephone	722,000
Capital/Maintenance	640,000
State Police	500,000
Ramapo Operations	500,000
Supplies	316,000
Repairs-Sandy	300,600
Two Rivers	200,000
Misc. Other	1,516,500
Total G&A	\$ 33,432,527

Payment in Lieu of Taxes & CAFO	\$ 11,795,369
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(East Rutherford, Oceanport, Long Branch)

Total Expenses	\$ 54,156,896
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RESOLUTION 2015-58

**RESOLUTION TO ADOPT ANNUAL SCHEDULE
OF MEETINGS**

BE IT RESOLVED by the New Jersey Sports and Exposition Authority that, pursuant to N.J.S.A. 10:4-6 et seq., the New Jersey Open Public Meetings Law, the New Jersey Sports and Exposition Authority will hold its regular meetings during the year 2016 on the following dates and that said meetings shall be conducted at the Offices of the Authority, 2 DeKorte Park Plaza, Lyndhurst, New Jersey at 10:00 a.m.

Public Board Meetings

January 14, 2016

February 11, 2016

March 17, 2016

April 14, 2016

May 12, 2016

June 16, 2016

July 14, 2016

August - No Meeting

September 15, 2016

October 13, 2016

November 17, 2016

December 15, 2016

BE IT FURTHER RESOLVED that a copy of the schedule be forwarded to all persons entitled to Notice under the attached Schedule of Meetings and posted on the NJSEA bulletin board and website.

ADOPTED: November 19, 2015

ANNUAL SCHEDULE OF MEETINGS

The Board meetings are scheduled to be held by the New Jersey Sports and Exposition Authority from January 14, 2016 through December 15, 2016.

- ANNUAL MEETING: To be held on the third Thursday in the month of November at the Office of the Authority, Two DeKorte Park Plaza, Lyndhurst, New Jersey, beginning at 10:00 a.m.
- REGULAR MEETINGS: Ordinarily to be held on the third Thursday of each month, or such earlier or later date as the Commission may determine, at the Office of the Authority beginning at 10:00 a.m.
- SPECIAL MEETINGS: May be called by the Chairman or upon the written request of two members of the Board, to be held at the Office of the Authority, Two DeKorte Park Plaza, Lyndhurst, New Jersey, at such time as shall be designated.

A copy of this schedule and the Notice of Meetings called by the Authority requiring 48-hour notice shall be:

1. Prominently posted on the bulletin board maintained in the Office of the Authority.
2. Posted on the Authority's website.
3. Transmitted to the Bergen Record, Star Ledger, and the Jersey Journal.
4. Filed with the Secretary of State.
5. Mailed to any person requesting same who has paid the fee established by the Commission to cover the cost of providing said Notice.
6. Forwarded to the Clerk of each Meadowlands constituent municipality.

NEW JERSEY SPORTS AND EXPOSITION AUTHORITY

BY: _____
WAYNE HASENBALG, PRESIDENT/CEO

RESOLUTION 2015-59

**RESOLUTION APPROVING PROCEDURES FOR THE DESIGNATION OF VITAL
PROJECTS WITHIN THE DISTRICT**

WHEREAS, the Hackensack Meadowlands Agency Consolidation Act, ("the Act"), under which the New Jersey Meadowlands Commission ("NJMC") became part of the New Jersey Sports and Exposition Authority ("NJSEA") was adopted on February 5, 2015 and subsequently amended on July 6, 2015; and

WHEREAS, under Section 11(a) of the Act a constituent municipality may elect to assume certain zoning authority within the Hackensack Meadowlands District subject to the NJSEA's determination that the rules and regulations adopted by the constituent municipality conform in all material respects to those of the NJSEA; and

WHEREAS, Section 11(f) of the Act provides that regardless of a municipality's assumption of certain zoning authority, "the commission shall maintain sole jurisdiction over any project it deems, in its sole discretion, to be vital to the public safety, general welfare, development, or redevelopment of the district;" and

WHEREAS, as a means of establishing process and criteria for the implementation of Section 11(f) of the Act, the NJSEA has determined to approve the attached procedures.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the New Jersey Sports and Exposition Authority hereby approves the attached procedures for the implementation of Section 11(f) of the Hackensack Meadowlands Agency Consolidation Act.

ADOPTED: November 19, 2015

Designation of Vital Projects

“Notwithstanding subsections a. through e. of this section, the commission shall maintain sole jurisdiction over any project it deems, in its sole discretion, to be vital to the public safety, general welfare, development, or redevelopment of the district.” N.J.S.A. 5:10A-11(f).

In accordance with Resolution 2015-59 adopted by the NJSEA Board of Commissioners on November 19, 2015, the President and CEO of the NJSEA or his designee shall be guided by the following process when exercising the authority granted under N.J.S.A. 5:10A-11(f) to designate “Vital Projects” within those District municipalities that have opted to take over zoning approvals within the in-District portion of that municipality in accordance with N.J.S.A. 5:10A-11(a):

1. The NJSEA shall maintain sole jurisdiction over certain public projects as follows:
 - A. Public projects proposed by federal, state, and county governmental/quasi-governmental agencies including, but not limited to, NJDOT, NJTA, NJ Transit, County authorities and agencies, NJDEP, BCUA, MCT, USACE, PANYNJ, Amtrak, and other railroad entities. (Existing exemptions from NJSEA regulations under N.J.A.C. 19:4-3.2(a)4 and N.J.S.A. 5:10A-11(c) are unaffected.)
2. The NJSEA may maintain sole jurisdiction over certain vital projects, per N.J.S.A. 5:10A-11(f), which meet one or more of the following criteria:
 - A. Projects that enhance public safety.
 - B. Projects that promote the general welfare.
 - C. Projects that have a substantial impact on the environment.
 - D. Development projects of regional economic importance.
 - E. Development projects with regional impacts on flood control, stormwater infrastructure and/or other critical infrastructure.
 - F. Development projects with significant regional traffic/transportation impacts.
 - G. Redevelopment projects within a District redevelopment area.
3. The President and CEO or his designee will assess projects on a case-by-case basis, in accordance with the above criteria. The evaluation shall consider a project’s impact with respect to land, water, air, solid waste, aquatic and terrestrial wildlife, social and economic conditions, and aesthetics at the project site and surrounding region.
4. In addition to the authority delegated herein, the NJSEA Board may, at its discretion, adopt a resolution to retain jurisdiction over any project it deems to be to be vital to the public safety, general welfare, development, or redevelopment of the District, in accordance with N.J.S.A. 5:10A-11(f).

RESOLUTION 2015-60

**RESOLUTION READOPTING THE
NEW JERSEY SPORTS AND EXPOSITION AUTHORITY
REGULATIONS AT N.J.A.C. 19:3, 19:4, 19:5 & 19:7**

WHEREAS, the NJSEA is authorized by N.J.S.A. 5:10A-1 *et seq.*, specifically N.J.S.A. 5:10A-7(b) and 5:10A-81(a), to adopt codes and standards regarding the zoning and rezoning of lands and transportation plan within the Meadowlands District; and

WHEREAS, the NJSEA regulations at N.J.A.C. 19:3 Administration, N.J.A.C. 19:4 District Zoning Regulations, and N.J.A.C. 19:5 Subdivision Regulations are scheduled to expire on December 23, 2015, and must be readopted to remain effective; and

WHEREAS, the NJSEA regulations at N.J.A.C. 19:7 District Transportation Plan Rules are scheduled to expire on January 5, 2016, and must be readopted to remain effective; and

WHEREAS, the NJSEA staff has reviewed the rules and determined that the rules at N.J.A.C. 19:3-1 Rulemaking, 19:3-2 Flood Insurance, 19:3-3 Disability Discrimination Procedure, 19:3-5 Redevelopment Areas, 19:3-7 Debarment and Suspension from Contracting, 19:4 District Zoning Regulations, 19:5 Subdivision Regulations, and 19:7 District Transportation Plan Rules remain necessary, reasonable, and proper for the purposes for which they were originally promulgated, and that the rules at N.J.A.C. 19:3-4 Professional Services Contracts should be allowed to sunset; and

WHEREAS, effective February 5, 2015, the New Jersey Meadowlands Commission has become part of the NJSEA; and

WHEREAS, no substantive changes to the existing rules are currently necessary; and

WHEREAS, non-substantive administrative changes and technical corrections include replacing all references to the words "New Jersey Meadowlands Commission" and "NJMC" with the words "New Jersey Sports and Exposition Authority" and "NJSEA," and correcting a cross-reference within N.J.A.C. 19:4-5.115; and

WHEREAS, the NJSEA will continue to review its regulations and may, in a future rulemaking proceeding, make changes to the rules to further effectuate the Hackensack Meadowlands Agency Consolidation Act; and

WHEREAS, the matter was forwarded to the Hackensack Meadowlands Municipal Committee (HMMC) on October 2, 2015, and no comments were provided by the HMMC during its 30-day comment period, which ended on November 2, 2015; and

WHEREAS, the staff recommends that the NJSEA Board of Commissioners readopt N.J.A.C. 19:3-1 Rulemaking, 19:3-2 Flood Insurance, 19:3-3 Disability Discrimination Procedure, 19:3-5 Redevelopment Areas, 19:3-7 Debarment and Suspension from Contracting, 19:4 District Zoning Regulations, 19:5 Subdivision Regulations, and 19:7 District Transportation Plan Rules with the non-substantive administrative changes and technical corrections specified herein, and that N.J.A.C. 19:3-4 Professional Services Contracts be allowed to sunset; and

WHEREAS, the staff further recommends that the NJSEA Board of Commissioners authorize the NJSEA staff to submit a Notice of Readoption to the Office of Administrative Law for the rules to be adopted upon publication in the Register and remain effective thereafter for a period of seven years.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the New Jersey Sports and Exposition Authority hereby readopts the regulations at N.J.A.C. 19:3-1 Rulemaking, 19:3-2 Flood Insurance, 19:3-3 Disability Discrimination Procedure, 19:3-5 Redevelopment Areas, 19:3-7 Debarment and Suspension from Contracting, 19:4 District Zoning Regulations, 19:5 Subdivision Regulations, and 19:7 District Transportation Plan Rules, with the non-substantive administrative changes and technical corrections specified herein, and that N.J.A.C. 19:3-4 Professional Services Contracts shall be allowed to sunset, as set forth in the Notice of Readoption; and

NOW, BE IT FURTHER RESOLVED, that the Board of Commissioners of the New Jersey Sports and Exposition Authority hereby authorizes the NJSEA staff to submit a Notice of Readoption to the Office of Administrative Law for publication in the New Jersey Register.

ADOPTED: November 19, 2015



MEMORANDUM

To: NJSEA Commissioners and Wayne Hasenbalg, President/CEO

From: Sara Sundell

Date: November 19, 2015

Subject: Readoption of N.J.A.C. 19:3, 19:4, 19:5 and 19:7 (File #SP-727)

The New Jersey Sports & Exposition Authority's regulations at N.J.A.C. 19:3 (Administration), 19:4 (District Zoning Regulations), and 19:5 (Subdivision Regulations) are scheduled to expire on December 23, 2015, and the regulations at N.J.A.C. 19:7 (District Transportation Plan Rules) are scheduled to expire on January 5, 2016. These regulations must be readopted in order to remain effective.

The NJSEA staff has reviewed these regulations, and found that the regulations at N.J.A.C. 19:3-1 Rulemaking, 19:3-2 Flood Insurance, 19:3-3 Disability Discrimination Procedure, 19:3-5 Redevelopment Areas, 19:3-7 Debarment and Suspension from Contracting, 19:4 District Zoning Regulations, 19:5 Subdivision Regulations, and 19:7 District Transportation Plan Rules, remain necessary, reasonable, and proper for the purpose for which they were originally promulgated. N.J.A.C. 19:3-4 Professional Services Contracts will be allowed to sunset. The NJSEA will continue to review its regulations and may, in a future rulemaking proceeding, make changes to the rules to further effectuate the Hackensack Meadowlands Agency Consolidation Act.

No changes to the existing rules are proposed at this time, with the exception of non-substantive administrative changes and technical corrections replacing existing references to the words "New Jersey Meadowlands Commission" and "NJMC" with the words "New Jersey Sports and Exposition Authority" and "NJSEA," and, due to this change, correcting a cross-reference to N.J.A.C. 19:4-5.115. A Notice of Readoption must be filed with the Office of Administrative Law for publication in the New Jersey Register (NJR). Upon readoption, the rules will remain effective for seven years.

On October 2, 2015, the matter was forwarded to the Hackensack Meadowlands Municipal Committee (HMMC) for its consideration. No comments were provided by the HMMC during its 30-day comment period, which ended on November 2, 2015.

The staff is requesting that the NJSEA Board readopt the regulations at N.J.A.C. 19:3-1 Rulemaking, 19:3-2 Flood Insurance, 19:3-3 Disability Discrimination Procedure, 19:3-5 Redevelopment Areas, 19:3-7 Debarment and Suspension from Contracting, 19:4 District Zoning Regulations, 19:5 Subdivision Regulations, and 19:7 District Transportation Plan Rules with the non-substantive administrative changes and technical corrections specified herein; allow the rules at N.J.A.C. 19:3-4 Professional Services Contracts to sunset; and authorize the staff to file a Notice of Readoption with the Office of Administrative Law. A resolution requesting same is attached for your consideration.

RESOLUTION 2015 -61

**RESOLUTION REGARDING TIDELANDS APPLICATION FOR
SECAUCUS BROWNFIELDS REDEV LLC/15X INTERMODAL PARKING -
VARIANCE/SITE IMPROVEMENTS
FILE NO. 15-298
BLOCK 7, LOT 4, IN THE TOWN OF SECAUCUS**

WHEREAS, pursuant to N.J.S.A. 13:1B-13.8, the New Jersey Meadowlands Commission may provide comments to the New Jersey Department of Environmental Protection's Bureau of Tidelands Management on tidelands conveyance applications if the application pertains to lands within the Hackensack Meadowlands District; and

WHEREAS, effective February 5, 2015, the New Jersey Meadowlands Commission has become part of the New Jersey Sports and Exposition Authority (NJSEA); and

WHEREAS, on July 20, 2015, Kevin M. Kinsella, Esq., of the firm DeCotiis, FitzPatrick & Cole, LLP, on behalf of Secaucus Brownfields Redevelopment, LLC, submitted an application to the Bureau of Tidelands Management for a license for the use of state-owned tidelands to facilitate the closure of the former Malanka Landfill and for the development of a commercial parking facility on the premises located at Block 7, Lot 4, in the Town of Secaucus; and

WHEREAS, the 30.42-acre subject property was previously used as a sanitary landfill and contains 0.41 acres of formerly-flowed State-claimed tidelands; and

WHEREAS, Secaucus Brownfields Redevelopment, LLC, has also submitted a zoning certificate and use variance application to the NJSEA for a commercial parking facility on the subject property (Secaucus Brownfields Redev. LLC/15X Intermodal Parking - Variance/Site Improvements, File No. 15-298); and

WHEREAS, in accordance with N.J.A.C. 19:4-4.4(e)3, if a portion of a lot that is proposed for development is subject to the State's riparian interest, a duly executed riparian instrument or permit executed by the Bureau of Tidelands Management shall accompany a zoning certificate application; and

WHEREAS, the NJSEA Staff has reviewed the tidelands license application submitted by Secaucus Brownfields Redevelopment, LLC, to the Bureau of Tidelands Management and recommends approval of same by the Bureau of Tidelands Management.

NOW, THEREFORE, BE IT RESOLVED that, based upon its review of the Secaucus Brownfields Redevelopment, LLC's application to the Tidelands Resource Council for a tidelands license, the Board of Commissioners of the New Jersey Sports and Exposition Authority agrees with the Staff recommendation and recommends that the application be approved by the Bureau of Tidelands Management.

BE IT FURTHER RESOLVED that the Board of Commissioners of the New Jersey Sports and Exposition Authority hereby authorizes NJSEA staff to forward the Board of Commissioner's recommendation to the Bureau of Tidelands Management accordingly.

ADOPTED: November 19, 2015



MEMORANDUM

To: NJSEA Commissioners and Wayne Hasenbalg, President/CEO

From: Sara Sundell

Date: November 19, 2015

Subject: Tidelands Application - Secaucus Brownfields Redev LLC/15X Intermodal Parking -Variance/Site Improvements (File No. 15-298)

On July 20, 2015, Kevin M. Kinsella, Esq., of the firm, DeCotiis, FitzPatrick & Cole, LLP, on behalf of Secaucus Brownfields Redevelopment, LLC, ("Applicant") submitted an application to the New Jersey Department of Environmental Protection Bureau of Tidelands Management (Tidelands Resource Council) for a Tidelands License for the placement of improvements in the formerly-flowed State-claimed tidelands on portions of Block 7, Lot 4, in the Town of Secaucus. The subject property is 30.42 acres in area and was previously used as a sanitary landfill. The applicant is seeking a tidelands license to facilitate the landfill closure and for the development of the premises as a commercial parking facility, which is subject to New Jersey Sports and Exposition Authority (NJSEA) approval for a use variance. The tidelands in question encompass a total area of 0.41 acres.

Pursuant to N.J.S.A. 13:1B-13.8, the Tidelands Resource Council is responsible for transmitting a copy of the application to the NJSEA for comment. The NJSEA has 45 days to submit its recommendation to the Tidelands Resource Council. Having reviewed the application and associated plans, the NJSEA staff recommends that the application be approved by the Tidelands Resource Council. Furthermore, the NJSEA staff recommends that the NJSEA adopt the attached resolution and forward same to the Tidelands Resource Council as its comment on the application.

**AWARDS/
CONTRACTS**

RESOLUTION 2015- 62

**RESOLUTION AUTHORIZING THE PRESIDENT
AND CHIEF EXECUTIVE OFFICER
TO ENTER INTO A CONTRACT FOR
HVAC SYSTEMS MAINTENANCE AND SERVICES**

WHEREAS, the New Jersey Sports and Exposition Authority requires HVAC Systems Maintenance and Services for its Lyndhurst campus and;

WHEREAS, this work was publicly bid, with four (4) bids being received on November 6, 2015 and;

WHEREAS, All County Mechanical Contracting was the lowest responsive bidder, with a bid in the amount of \$557,400.00 for the five year period and;

WHEREAS, staff review of the bid indicates that the bid is reasonable and proper, as outlined in the attached memorandum; and

NOW, THEREFORE, BE IT RESOLVED by the New Jersey Sports and Exposition Authority that the President and Chief Executive Officer is hereby authorized to enter into a contract with All County Mechanical Contracting at a price not to exceed \$557,400.00

ADOPTED: November 19, 2015



MEMORANDUM

To: NJSEA Commissioners and Wayne Hasenbalg, President/CEO

From: Thomas Marturano

Date: November 19, 2015

Subject: HVAC Systems Maintenance and Services for NJSEA's Lyndhurst Facilities

On November 6, 2015, four bids were received and opened for the above-referenced contract. The contract is a five year HVAC Systems Maintenance and Services contract for the New Jersey Sports and Exposition Authority facilities. The last two years are at the option of the Authority.

This resolution authorizes the President and Chief Executive Officer to enter into a contract as described in the bid documents. Under the contract, the work shall include standard maintenance, services, major repairs, and duct cleaning to the NJSEA's HVAC systems. The Contractor shall furnish all labor, personnel, materials and equipment necessary to properly maintain and service NJSEA's HVAC Systems as outlined in the specifications.

This contract will begin January 1, 2016 till December 31, 2018 with an optional 4th and 5th year. This service contract is a not to exceed price for five years.

During the bid period, a total of seven prospective bidders purchased the contract documents. The lowest responsive bidder was All County Mechanical Contracting of Hackensack, NJ with a bid of \$557,400.00. Review of the bid indicates it is complete and in order. The monthly maintenance fee is approximately \$10,000 lower than the current contract

The bids ranged from \$557,400.00 to \$1,260,608.00. The low bidder has performed work on our equipment in the past with excellent results. Our existing contractor was the second lowest responsible bidder at \$656,670.00.

Therefore, we are submitting for your consideration and approval, a resolution authorizing the President and Chief Executive Officer to enter into a contract for HVAC Systems Maintenance and Services with All County Mechanical Contracting.

RESOLUTION 2015-63

**RESOLUTION AUTHORIZING THE SELECTION OF OUTSIDE COUNSEL
FOR THE KINGSLAND REAL ESTATE TRANSACTION**

WHEREAS, as a result of litigation, approximately 718 acres of property located in Lyndhurst, Rutherford and North Arlington ("Properties"), which had been previously slated for a golf course redevelopment project, are owned by the NJSEA; and

WHEREAS, through a public bid process, the NJSEA awarded the sale of the Properties to Kingsland Development, LLC, and authorized the President and CEO of the NJSEA to negotiate and execute the purchase and sale agreement; and

WHEREAS, the NJSEA requires legal counsel to represent the NJSEA in this real estate transaction; and

WHEREAS, the NJSEA is permitted to retain counsel for this purpose from the Attorney General's Approved Special Counsel List of firms selected to provide real estate transactional legal services; and

WHEREAS, of the available firms, staff recommends the selection of Saiber, LLC based on evaluation of its prior experience, particular expertise, and proposed hourly rates.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the NJSEA, hereby approves the selection of Saiber, LLC from the Approved Special Counsel List to serve as outside counsel for the Kingsland real estate transaction at blended rates of \$225.00 per hour for Partners, \$200.00 per hour for Associates, and \$90.00 for Paralegals and authorizes and directs the President and other officers of the NJSEA to execute all necessary documents relating to such appointment.

ADOPTED: November 19, 2015

RESOLUTION 2015-64

**RESOLUTION AUTHORIZING THE PURCHASE OF A
2015 FORD E450 MEDIX TYPE III - 14 FT. AMBULANCE**

WHEREAS, the NJSEA Medical Department's existing 2004 Type III ambulance is at the end of its useful life; and

WHEREAS, this ambulance is used as a back-up ambulance on the field for the players at football games held at Meadowlands Stadium; and

WHEREAS, there are no ambulance contracts in place under the state contract program; and

WHEREAS, upon advice from the Division of Purchase and Property, NJSEA staff reached out to the Houston-Galveston Area Council's ("H-GAC") "HGACBuy" program, a nationwide Government-to-Government cooperative purchasing program, as allowed by N.J. PL2011.c.139. Since the NJSEA is currently a member of this program, the staff was able to obtain competitive pricing and immediate availability for a replacement ambulance, which meets our requirements; and

WHEREAS, staff is recommending the award of a purchase agreement to Southwest Ambulance Sales in the amount of \$129,700.00 through the NJSEA's Interlocal Contract #13-3649 via HGAC. The agreement amount includes a \$1,000.00 H-GAC program fee for the purchase of an ambulance.

NOW THEREFORE BE IT RESOLVED that the President and Chief Executive Officer is hereby authorized to enter into a purchase agreement with Southwest Ambulance Sales in an amount not to exceed \$129,700.00.

ADOPTED: November 19, 2015

EXECUTIVE SESSION

RESOLUTION 2015-65

**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.

ADOPTED: November 19, 2015