

Board Meeting

Thursday, June 16, 2016



**AGENDA
REGULAR SESSION**

Thursday, June 16, 2016 - 10:00 a.m.
Two DeKorte Park Plaza, Lyndhurst, NJ

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

- Approval of Regular Session Meeting Minutes of May 12, 2016

II. **PUBLIC PARTICIPATION ON RESOLUTIONS**

III. **APPROVALS** – (Action)

Cash Disbursements Approval and/or Ratification of Cash Disbursements over \$100,000 for May 2016.

Resolution 2016-19 Consideration of a Resolution issuing a Decision on the Variance Application submitted as part of File No. 11-133 – Fantis Rlty/Addition, Subdivision and Variance in Carlstadt.

IV. **AWARDS/CONTRACTS** – (Action)

Resolution 2016-20 Consideration of a Resolution authorizing a lease contract on new copiers.

Resolution 2016 -21 Consideration of a Resolution authorizing the extension of property insurance coverage.

Resolution 2016-22 Consideration of a Resolution authorizing the purchase of a new digital Motorola Turbo Radio System.

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

VI. **PUBLIC COMMENTS**

VII. **EXECUTIVE SESSION**

Resolution 2016-23 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.

VIII. **APPROVAL**– (Action)

Resolution 2016-24 Consideration of a Resolution regarding Settlement of Claims connected to 2007 Auction Rate Securities.

Resolution 2016-25 Consideration of a Resolution regarding extension of contract services for the Keegan Landfill.

IX. **MOTION TO ADJOURN**



**REGULAR SESSION BOARD MEETING
May 12, 2016**

DATE: May 12, 2016
TIME: 10:00 a.m.
PLACE: 2 DeKorte Park Plaza - Lyndhurst, NJ
RE: **REGULAR SESSION MEETING MINUTES**

Members in Attendance:

Michael Ferguson, Chairman (via phone)
Joseph Buckelew, Vice Chairman (via phone)
Wayne Hasenbalg, Esq., President and Chief Executive Officer
John Ballantyne, Member
Armando Fontoura, Member
Michael H. Gluck, Esq., Member
LeRoy Jones, Member
George Kolber, Member (via phone)
Steven Plofker, Member
Anthony Scardino, Member
Robert Yudin, Member
Peter Simon, NJ State Treasurer's Representative

Absent:

Michael Gonnelli, Member
Andrew Scala, 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
Adam Levy, Vice President of Legal and Regulatory Affairs
Sara J. Sundell, Director of Land Use Management
Dan Povia, Director of Finance/CFO
Lisa LeBoeuf, Governor's Authorities Unit
Christine Ferrante, Executive Assistant/Paralegal
Fred Dressel, HMMC

President Hasenbalg called the meeting to order.

President Hasenbalg 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

President Hasenbalg presented the minutes of the Regular Session Board Meeting held on April 14, 2016.

Upon motion made by Commissioner Yudin and seconded by Commissioner Plofker, the minutes of the Regular Session Board Meeting held on April 14, 2016, were unanimously approved by a vote of 12-0

II. PUBLIC PARTICIPATING ON RESOLUTIONS -

- Alan Magrini, representing Hartz Mountain - spoke in favor of Resolution 2016-17.
- David Drumeler, Secaucus Town Administrator - spoke in favor of Resolution 2016-17.

III. APPROVALS

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

Chairman Ferguson presented the report of cash disbursements over \$100,000 and Professional Invoices for the months of April 2016.

Upon motion by Commissioner Gluck and seconded by Commissioner Jones, the cash disbursements over \$100,000 for the month of April 2016 were approved subject to the following recusals:

Member	Recused as to
Commissioner Buckelew	Borough of Oceanport

Resolution 2016-15 Resolution Issuing a Decision on the Variance Application submitted as part of File No. 14-196, Carter/Faith Inc.-New Building/Variations – Block 120, Lot 4 in Carlstadt.

Ms. Sundell explained Resolution 2016-15 to the Commissioners.

Commissioner Yudin expressed concern that the loading space would not allow for 30 foot or larger trucks. He also stated that he would like to see a condition in the future zoning certificate that 18 wheelers not be permitted. Ms Sundell explained that the site is small. The property owner’s business does not require 18 wheelers. At the hearing there were no objections. The applicant had also discussed that the largest truck they deal with would fit into the 12x30 loading space.

President Hasenbalg presented Resolution 2016-15. Upon motion by Commissioner Ballantyne and seconded by Commissioner Scardino, proposed resolution 2016-15 was approved by 11-1 vote with Commissioner Yudin opposed.

Resolution 2016-16 Resolution authorizing the publication of a Notice of Adoption for the Rezoning of Block 451, Lot 21 in the Township of North Bergen – NJSEA File No. SP-719.

Ms. Sundell explained Resolution 2016-16 to the Commissioners.

President Hasenbalg presented Resolution 2016-16. Upon motion by Commissioner Yudin and seconded by Commissioner Gluck, proposed resolution 2016-16 was approved by a vote of 12-0.

Resolution 2016-17 Resolution to adopt the Hartz Carpet Center Redevelopment Plan for 100 Park Plaza Drive (Block 227, Lots 4.02 and 4.04 in Secaucus.

Ms. Sundell explained Resolution 2016-17 to the Commissioners.

President Hasenbalg presented Resolution 2016-17. Upon motion by Commissioner Yudin and seconded by Commissioner Scardino, proposed resolution 2016-17 was approved by a vote of 12-0.

IV. AWARDS/CONTRACTS - None

V. CEO REPORT –

President Hasenbalg reported that the agency plans to reach out to the stakeholders and people who have interest in the Meadowlands to hold roundtable discussions this summer. President Hasenbalg hopes to meet with Chamber members and others in the business community in the Meadowlands, the Mayors Committee, and those with environmental interests.

VI. PUBLIC COMMENTS

- Capt. Bill Sheehan, Riverkeeper – Spoke on Resolution 2016-16 – Wanted it on the record that originally they were adamantly opposed to the rezoning of the North Bergen Motel Association property. Capt. Sheehan went on to say that they are now happy to see that the variance approved is strictly limited to the upland portion only and eliminates any chance of impacting the wetlands.
Capt. Sheehan also spoke in favor of Resolutions 2016-17.
- Fred Dressel, Executive Director HMMC – Thanked President Hasenbalg for organizing roundtable discussions. Mayor Dressel also spoke in favor of Resolutions 2016-16 and Resolution 2016-17.
- Marvin Donadic – spoke about his concerns with the NJSEA’s past and future direction. Chairman Ferguson responded that Mr. Danadic is invited to come in to meet with staff to obtain more information and accurate facts. Vice-Chairman Buckelew stated he has met with Mr. Donadic and is happy to meet with him again.
- Lenny Nix, resident of Hackensack – spoke of his concerns with the Authority.

VII. EXECUTIVE SESSION

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

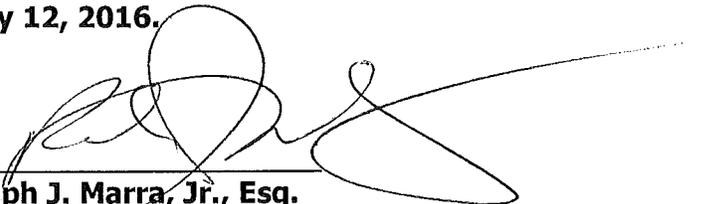
Resolution 2016-18 Resolution authorizing the NJSEA to enter into a meeting to which the general public shall not be admitted to discuss legal matters, personnel matters and contract negotiations.

Upon motion made by Commissioner Gluck and seconded by Commissioner Yudin, Resolution 2016-18 was approved by a vote of 12-0.

Motion to enter into open session was made by Commissioner Scardino and second by Commissioner Yudin with all in favor.

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

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 May 12, 2016.



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

May 12, 2016

Commissioner	Roll Call	2016-15	2016-16	2016-17	2016-18
Ferguson	P via phone	Y	Y	Y	Y
Buckelew	P via phone	Y	Y	Y	Y
Hasenbalg	P	Y	Y	Y	Y
Ballantyne	P	Y	Y	Y	Y
Fontoura	P	Y	Y	Y	Y
Gluck	P	Y	Y	Y	Y
Gonnelli	--	--	--	--	--
Jones	P	Y	Y	Y	Y
Kolber	P via phone	Y	Y	Y	Y
Plofker	P	Y	Y	Y	Y
Scala	--	--	--	--	--
Scardino	P	Y	Y	Y	Y
Yudin	P	N	Y	Y	Y
Treasury Rep Simon	P	Y	Y	Y	Y

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



CASH DISBURSEMENTS
\$100,000 OR MORE
MAY 2016

SPORTS COMPLEX

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
NRG BUSINESS SOLUTIONS	269,947.86	A	ELECTRICITY CHARGES: APR 2016
SPORTS COMPLEX TOTAL	269,947.86		

RACETRACK

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
NEW JERSEY RACING COMMISSION	894,307.14	A	BUDGET FOR FISCAL YEAR 2016
RACETRACK TOTAL	894,307.14		

OTHER

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
JACOBS ENGINEERING GROUP, INC.	116,967.13	A	ENGINEERING SUPPORT, MAINTENANCE, AND OPERATIONS OF MASSTR TRAFFIC SYSTEM: FEB 2016 - APR 2016
JERSEY CITY, TOWN OF	239,890.00	A	TAX SHARING: CALENDAR YEAR 2016
KEARNY MUNICIPAL UTILITIES AUTHORITY	496,817.03	A	KEEGAN LANDFILL - SEWER USER FEES FOR PERIOD 1
KEARNY, TOWN OF	730,511.00	A	TAX SHARING: CALENDAR YEAR 2016
NEW JERSEY HEALTH BENEFITS FUND	178,394.21	A	HEALTH BENEFITS - ACTIVE EMPLOYEES: MAY 2016
NORTH ARLINGTON, BOROUGH OF	188,734.00	A	TAX SHARING: CALENDAR YEAR 2016
RIDGEFIELD, BOROUGH OF	209,104.00	A	TAX SHARING: CALENDAR YEAR 2016
SIGNAL CONTROL PRODUCTS, INC.	199,763.51	A	RETAINAGE PAYMENT: PHASES 1-4 MASSTR VIDEO DETECTION SYSTEM
SUPERIOR COURT OF NEW JERSEY	1,880,000.00		KEEGAN LANDFILL - CONDEMNATION PAYMENT
TRANSCORE ITS, LLC	248,119.86	A	RETAINAGE PAYMENT: PHASES 1-4 MASSTR ADAPTIVE TRAFFIC CONTROL SYSTEM
WASTE MANAGEMENT OF NEW JERSEY	435,054.14	A	OPERATIONS CONTRACT - KEEGAN LANDFILL: APR 2016
OTHER TOTAL	4,923,354.88		



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 2016-19

**RESOLUTION ISSUING A
DECISION ON THE VARIANCE APPLICATION
SUBMITTED AS PART OF FILE NO. 11-133
FANTIS RLTY/ADDITION, SUBDIVISION & VARIANCE
BLOCK 126, LOTS 14 & 15, IN THE BOROUGH OF CARLSTADT**

WHEREAS, an application for one bulk variance has been filed with the New Jersey Sports and Exposition Authority (NJSEA) by Jerry Makris of Fantis Realty LLC, for the premises identified as 50 & 60 Triangle Boulevard, Block 126, Lots 14 & 15, in the Borough of Carlstadt, New Jersey; and

WHEREAS, the premises are located in the Hackensack Meadowlands District's Light Industrial B zone; and

WHEREAS, the bulk variance is sought in connection with the applicant's proposal to construct one loading area on the subject property in the front yard facing Triangle Boulevard; and

WHEREAS, the applicant requested relief from N.J.A.C. 19:4-8.3(b)1, which does not permit loading in any front yard, whereas one loading area is proposed in the front yard facing Triangle Boulevard; and

WHEREAS, notice of the requested bulk variance relief was given to the public and all interested parties as required by law and was published in The Record newspaper; and

WHEREAS, a public hearing was held in the Office of the NJSEA on Tuesday, April 26, 2016, before Sara Sundell, P.E., P.P., Director of Land Use Management and Chief Engineer, Sharon Mascaró, P.E., Deputy Director of Land Use Management and Deputy Chief Engineer, and Ronald Seelogy, P.E., P.P., Senior Engineer; and

WHEREAS, in response to the public notice, Ken Cohen of Pantheon Properties, agent for 70 Triangle Boulevard, testified at the public hearing objecting to the application; and

WHEREAS, a comprehensive report dated June 7, 2016, has been prepared indicating the recommendations of the Director of Land Use Management and the Senior Vice President of Legal & Regulatory Affairs in this matter; and

WHEREAS, a copy of the recommendation and comprehensive report was provided to the applicant on June 7, 2016; and

WHEREAS, the report recommends the approval of the requested bulk variance from N.J.A.C. 19:4-8.3(b)1, to permit one loading area on the subject property in the front yard facing Triangle Boulevard; and

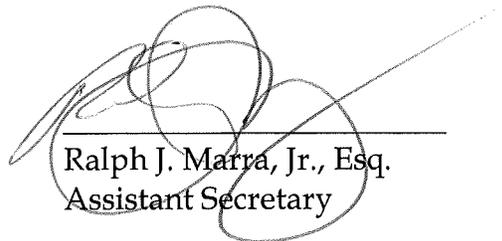
WHEREAS, the Board of Commissioners of the NJSEA has reviewed the full record, including the transcripts of the public hearings, recommendations on the application by the Director of Land Use Management and by the Senior Vice President, Legal & Regulatory Affairs, and the submissions of the applicant; and

WHEREAS, the Board of Commissioners concurs with the recommendations of the Director of Land Use Management and the Senior Vice President, Legal & Regulatory Affairs; and

WHEREAS, the Board of Commissioners hereby determines that the requested bulk variance application to permit one loading area in the front yard facing Triangle Boulevard, conforms with the standards for approving applications for variances as set forth in N.J.A.C. 19:4-4.14(e).

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the New Jersey Sports and Exposition Authority, that the Fantis Rlty/Addition, Subdivision & Variance application for one bulk variance to permit one loading area in the front yard facing Triangle Boulevard, is hereby **APPROVED** for the reasons set forth in the recommendation dated June 7, 2016.

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 June 16, 2016.



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



MEMORANDUM

To: NJSEA Board Member and Wayne Hasenbalg, President/CEO

From: Sara J. Sundell *Date:* June 16, 2016

Subject: Variance Recommendation: - Fantis Rlty/ Addition, Subdivision & Variance (File No. 11-133)

An application for one bulk variance has been filed with the New Jersey Sports and Exposition Authority (NJSEA) by Jerry Makris of Fantis Realty LLC, for the premises identified as 50 & 60 Triangle Boulevard, Block 126, Lots 14 & 15, in the Borough of Carlstadt, New Jersey. The subject premises is located in the Hackensack Meadowlands District's Light Industrial B zone. The variance is sought in connection with the applicant's proposal to construct one loading area on the subject property in the front yard facing Triangle Boulevard.

The applicant requested variance relief from the following:

1. N.J.A.C. 19:4-8.3(b)1, which does not permit loading in any front yard, whereas one loading area is proposed in the front yard facing Triangle Boulevard.

A public hearing was held in the Office of the NJSEA on Tuesday, April 26, 2016.

In a comprehensive report dated June 7, 2016, the Director of Land Use Management and the Senior Vice President of Legal & Regulatory Affairs recommended the approval of the bulk variance requested above. A copy of the comprehensive report and variance recommendation was provided to the applicant on June 7, 2016.

At this time, the Board of Commissioners is required to issue a decision on the variance application described above. A resolution requesting the same is attached for your consideration.

RECOMMENDATION ON THE VARIANCE APPLICATION OF
Fanits Rily/Addition, Subdivision & Variance
FILE # 11-133

I. INTRODUCTION

An application for one bulk variance has been filed with the New Jersey Sports & Exposition Authority (NJSEA) by Jerry Makris of Fanits Realty LLC, for the premises located at 50 and 60 Triangle Boulevard, Block 126, Lots 14 and 15, in the Borough of Carlstadt, New Jersey. The subject premises is located in the Hackensack Meadowlands District's (District) Light Industrial B zone. The variance is sought in connection with the applicant's proposal to construct one loading area on the subject property in the front yard facing Triangle Boulevard.

Specifically, the applicant is requesting relief from the following:

1. N.J.A.C. 19-4-8.3(b)1, which does not permit loading in any front yard, whereas one loading area is proposed in the front yard facing Triangle Boulevard.

Notice was given to the public and all interested parties as required by law. The public notice was published in The Record newspaper. No written objections were received. A public hearing was held in the NJSEA Offices on Tuesday, April 26, 2016. All information submitted to the Division of Land Use Management relative to this application is made part of the record of this recommendation.

II. GENERAL INFORMATION

A. Existing and Proposed Use

The subject premises contains two adjacent parcels, Block 126, Lots 14 and 15, which front along Triangle Boulevard to the south. Properties in the immediate vicinity are developed with a mix of light industrial and warehouse/distribution uses.

The property currently contains a free-standing 106,007-square-foot building, consisting of 103,487 square feet of warehouse space and 2,520 square feet of office space. The existing building is comprised of two separate structures that were recently joined together by means of a 6,312 square-foot building addition, which was approved under Conditional Zoning Certificate, CZC-11-133, by the New Jersey Meadowlands Commission (NJMC) on April 30, 2014. Prior to the construction of the addition, the lot identified as 50 Triangle Boulevard, Block 126, Lot 15, contained an existing 49,740-square-foot warehouse building with three (3) existing loading areas located along the easterly building facade, and the lot identified as 60 Triangle Boulevard, Block 126, Lot 14, contained an existing 51,085-square-foot building, consisting of 2,520 square feet of office space and 48,565 square feet of warehouse space, with six (6) loading areas along the southerly building facade. The existing loading areas are all accessed off of Triangle Boulevard.

The common property line between Lots 14 and 15 bisects the building addition. As such, under Conditional Zoning Certificate, CZC-11-133, Fanits Foods combined Lots 14 and 15 into a single zoning lot of record to utilize both of the subject properties as a united parcel for zoning purposes.

Fanits Foods operates a food distribution business on the premises and has been in the neighborhood for approximately 27 years. A portion of the recently constructed addition contains space utilized for the storage of frozen product. The proposed loading dock would be used to transfer temperature-

controlled foods directly between a temperature-controlled truck and the new freezer area within the addition, along the shortest possible path.

Since the front facade of the recent building addition is recessed from the front facades of the existing adjoining buildings on Lots 14 and 15, the screening of the proposed loading area from the adjoining public and adjacent properties is not required. To access the proposed loading area, vehicles will enter the site from an existing driveway along Triangle Boulevard. No additional vehicle maneuvering will need to occur within the Triangle Boulevard right of way or on neighboring properties. There will be no decrease in the number of parking spaces provided on site.

The existing drainage is piped and flows off of the property from north to south, directly into the existing municipal system on Triangle Boulevard. Construction of the proposed loading area on the southerly side of the recently approved building addition will require modifications to the previously approved drainage improvements.

B. Response to the Public Notice

No written objections were received prior to the public hearing.

III. PUBLIC HEARING (April 26, 2016)

A public hearing was held on Tuesday, April 26, 2016. NISEA staff in attendance were Sara J. Sundell, P.E., P.P., Director of Land Use Management and Chief Engineer; Sharon Mascaró, P.E., Deputy Director of Land Use Management and Deputy Chief Engineer; and Ronald Seelogy, P.E., P.P., Senior Engineer.

A. Exhibits

The following is a list of the exhibits submitted by the applicant at the public hearing and marked for identification as follows:

Number	Description
A-1	"Proposed Site Plan," Sheet SP-21, prepared by LAN Associates, dated December 9, 2010, revised through March 1, 2016.
A-2	"Vehicle Movement Plan," Sheet SP-23, prepared by LAN Associates, dated December 9, 2010, revised through March 1, 2016.
A-3	Aerial photo exhibit, undated.

B. Testimony

Carmine Alampi, Esq., of the firm, Alampi & De Mairriis, represented the applicant at the hearing. The following witnesses testified in support of the application:

1. George D. Cascino, P.E., P.P.;
2. Eric Boe, P.E., LAN Associates; and
3. Jerry Makris, Fandis Realty LLC/50 Triangle Carlstadt Realty LLC.

Staff findings and recommendations are based on the entire record. A transcript of the public hearing was prepared and transcribed by Beth Calderone, Certified Shorthand Reporter.

C. Public Comment

Ken Cohen, of Pantleon Properties, the agent for the owner of the property located at 70 Triangle Boulevard, appeared at the hearing in objection of the application.

IV. RECOMMENDATION(S)

A. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 194-8.3(b)1, which does not permit loading in any front yard, whereas one loading area is proposed in the front yard facing Triangle Boulevard.

The Hackensack Meadows District Zoning Regulations at N.J.A.C. 194-8.3(b)1 state in part that, a variance shall not be granted unless specific written findings of fact directly based upon the particular evidence presented are made that support conclusions that...

1. Concerning bulk variances:

i. The variance requested arises from such condition that is unique to the property in question, is not ordinarily found in the same zone, and is not created by any action of the property owner or the applicant.

The subject properties, which front along Triangle Boulevard to the south, are located within the District's Light Industrial B zone. The two existing buildings on these lots prior to being joined together by the addition, like many of the neighboring structures in the immediate vicinity, were constructed prior to the establishment of the District zoning regulations. As a result, the subject properties contain a number of pre-existing nonconformities. The maximum permitted lot coverage of 50 percent is exceeded on both individual properties, as well as on the overall zoning lot of record. A minimum side yard setback of 11.8 feet is provided along the westerly property line of Lot 14, whereas a minimum side yard setback of 20 feet is required. Minimum rear yard setbacks of 9.8 feet and 12.2 feet are provided along the northerly property lines of Lots 14 and 15 respectively, whereas a minimum rear yard setback of 30 feet is required. The building on Lot 14 is configured such

that all existing loading is provided in the front yard facing Triangle Boulevard. These pre-existing nonconforming conditions affect the development and site layout of the properties in question. District regulations require that loading doors and facilities be located in either rear or side yards. However, the site layout and building configuration of the overall structure on Lots 14 and 15 limit the provision of new loading areas with adequate and appropriate building access and vehicle circulation that would be in conformance with the regulations.

One new loading door is proposed to be constructed in the front yard facing Triangle Boulevard, adjacent to two (2) existing loading doors located on Lot 14. A third loading door is located within the adjacent loading area; however, it is not currently in use. Although the western portion of the building on Lot 14 has front yard loading, this is not a condition ordinarily found in the immediate vicinity. Three (3) additional existing loading areas are located in the easterly side yard of Lot 15.

Locations for conforming loading areas are limited to either the westerly side yard and northerly rear yard of Lot 14, or the northerly rear yard and easterly side yard of Lot 15. However, based upon the siting of the existing building in relation to the adjacent property lines, the provision of new conforming loading spaces in the westerly side yard of Lot 14 or northerly rear yards of Lots 14 and 15 would not be possible. Similarly, the provision of new loading in the easterly side yard of Lot 15 would result in the loss of required parking, site circulation conflicts with adjacent

vehicle parking areas, and inadequate area for vehicular maneuvering.

Property cannot be acquired from adjacent Lot 12 to the west, which is under separate ownership, since the existing structure on this lot is only approximately 95 feet from the common property line, and this area is not wide enough to accommodate the existing loading facilities on Lot 12 and provide a 60-foot-long loading space with a minimum 24-foot-wide drive aisle that is required for suitable two-way access for Lot 14. In addition, it would not be feasible to acquire any land from Lots 13 or 20 to the north, as the area along the common lot line would need to be re-graded to address an abrupt change in elevation between the properties. For these reasons, the requested variance arises from conditions that are unique to the properties in question and are not created by any action of the property owner.

ii. *The granting of the variance will not adversely affect the rights of neighboring property owners or residents.*

The granting of the requested variance will not adversely affect the rights of neighboring property owners or residents. The neighborhood in which the subject properties are located is primarily industrial in nature. There are no residences nearby. To utilize the proposed loading door, vehicles will enter the site from an existing driveway along Triangle Boulevard. All loading operations will occur on site and will not require additional maneuvering within the right of way or on neighboring properties to access the proposed loading area. Modifications proposed to the

on-site drainage system will not negatively impact any of the neighboring properties and will improve stormwater management in the area.

The proposed improvements will not create any negative visual impacts to neighboring properties or impede their ability to function as intended. All properties within the immediate vicinity of the site are already developed. Since the front façade of the recent building addition is recessed from the adjacent existing front facades of the buildings on Lots 14 and 15, the screening of the proposed loading area from adjacent properties or the motorway public will not be required. All maneuvering to access the proposed loading area will occur on-site and will not impede off-site circulation. The existing loading areas located on the properties identified as Lot 5 in Block 125 (55 Triangle Boulevard) and Lot 6 in Block 125 (15 Triangle Boulevard), which are located across Triangle Boulevard from the proposed loading area, will not be affected.

iii. *The strict application of the regulations will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner.*

The strict application of the regulations that prohibit front yard loading will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner. In balancing the requirements of the Light Industrial B zone with the particular characteristics of the subject properties, the proposed variance is required to ensure a functional warehouse building and

parking layout. The proposed loading door will be constructed adjacent to an existing loading area to the west, which represents a consolidated approach to the site's layout.

Three (3) existing loading areas are located on the easterly building facade of 50 Triangle Boulevard, and six (6) loading areas are currently provided on the southerly building facade of 60 Triangle Boulevard. District regulations require that four (4) 12-foot by 60-foot loading spaces be provided for a building of this size. Although located in the front yard facing Triangle Boulevard, four of the seven loading areas provided at 60 Triangle Boulevard meet the minimum loading space dimensional requirements.

Testimony was provided that the applicant needs the proposed loading door in close proximity to the location of the approved building addition in order to comply with USDA mandates that require the freezer area, which is located within the recently constructed building addition, to be located within a predetermined distance from the loading area serving it. According to the applicant, utilization of any of the existing loading doors for the loading and off-loading of frozen meat products would not be consistent with USDA practices, which require that the loading area be closely proximate to the freezer, nor would it result in an efficient process for the movement of goods within the overall building. Locating the proposed loading door as close as possible to the freezer will minimize the exposure and possible contamination of the meat products during loading and unloading.

iv. The variance will not result in substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

There will be no substantial detriment to the public good and no adverse impacts to the public health, safety, morals, order, convenience, prosperity or general welfare by the granting of the requested variance. The placement of the proposed loading area within the front yard facing Triangle Boulevard will have no adverse impact on public safety or health, as adequate light, air, and open space will continue to be supplied.

The location of the proposed loading area permits vehicles to safely maneuver both on and off site. Direct access to the site will be maintained from an existing driveway on Triangle Boulevard. In addition, excess noise, odor, vibration, or glare will not be generated as a result of the proposed loading area. The new loading area will decrease the number of trucks waiting in queue, thereby reducing engine idling. It is anticipated that the number of vehicle trips generated by the proposed loading area will not cause significant changes to current traffic patterns. Testimony was provided that one additional delivery per day is anticipated, based on current similar operations at Tantis Foods' North Carolina facility.

v. The variance will not have a substantial adverse environmental impact.

The granting of the requested variance will not have any adverse environmental impacts. Although new paved surfaces are

proposed, the amount of open space for the overall zoning lot of record established with the approval of the addition under CZC-11-13, will be maintained. Environmentally sensitive areas, such as wetlands or stormwater facilities, will not be disturbed. The new loading area will reduce the number of trucks queuing, thereby reducing engine idling. Therefore, the requested variance to locate the proposed loading area within the front yard facing Triangle Boulevard will not cause the District's environmental performance standards for noise, glare, vibrations, airborne emissions, or hazardous materials to be exceeded.

vi. The variance represents the minimum deviation from the regulations that will afford relief.

The requested variance represents the minimum deviation from the regulations that will afford relief. The applicant provided testimony that the location of the new loading door is required for compliance with USDA requirements regarding the transport and storage of meat products. Potential locations to provide an alternative loading area outside the front yard facing Triangle Boulevard are limited due to existing building configuration and site layout. The proposed loading area has been situated to ensure safe and efficient operations of the warehouse/distribution facility, necessitating its location facing Triangle Boulevard.

vii. Granting the variance will not substantially impair the intent and purpose of these regulations.

The proposed loading area to be located in the front yard facing Triangle Boulevard will not substantially impair the intent and purpose of these regulations. The intent and purpose of front yard loading regulations are rooted in the promotion of public safety and aesthetics. Although this proposal locates a loading area in the front yard, public safety is not adversely impacted. All maneuvering to access the proposed loading area will occur on-site and will not impede off-site circulation. The proposed loading area will not be a significant detriment to area aesthetics, as the proposed loading door is to be located within an existing front yard loading area and will be partially screened due to its setback from the adjacent building facades.

The placement of the proposed loading area within the front yard at this particular location will provide appropriate and functional access for vehicles, including trucks and emergency equipment. The site will, therefore, be utilized in a safe and orderly manner.

V. SUMMARY OF CONCLUSIONS

A. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.3(b)1, which does not permit loading in any front yard, whereas one loading area is proposed in the front yard facing Triangle Boulevard.

Based on the record in this matter, the bulk variance application to permit one loading area in the front yard facing Triangle Boulevard, whereas loading is not permitted in any front yard, is hereby recommended for APPROVAL.

APPROVAL _____ Date 6/7/16
Recommendation on _____
Variance Request Sara J. Sundell, P.E., P.P.
Director of Land Use Management

APPROVAL _____ Date 6/7/16
Recommendation on _____
Variance Request Adam J. Levy
Vice President of Legal and
Regulatory Affairs

RESOLUTION 2016-20

**RESOLUTION AUTHORIZING
A LEASE CONTRACT ON NEW COPIERS**

WHEREAS, the lease agreements on five current copiers have expired; and

WHEREAS, NJSEA staff has investigated state contract vendor proposals; and

WHEREAS, DEC Office Solutions came in at the lowest cost, and is a New Jersey state contract vendor (#40465), which satisfies all required documents and qualifications; and

WHEREAS, the new lease contract with DEC Office Solutions will be \$3,705.00 per month (inclusive of supplies and service), which is \$875.00 savings per month with a total savings of \$31,500.00 over the 36-month term.

NOW, THEREFORE, BE IT RESOLVED the New Jersey Sports and Exposition Authority is hereby authorized to enter into a lease agreement with DEC Office Solutions, a state contract vendor, at a total cost of \$133,380.00 for a 36-month term.

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 June 16, 2016.


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



MEMORANDUM

To: NJSEA Board Member and Wayne Hasenbalg, President/CEO

From: Daniel Povia

Date: June 16, 2016

Subject: Lease for new copiers

The lease agreements on five copiers - Mailroom, Science Center, Keegan Landfill, LUM & MEC - have expired. NJSEA staff has investigated state contract vendor's proposals and have found DEC Office Solutions as a suitable vendor at the lowest cost. As a state contract vendor, they satisfy all required documents and qualifications where no RFP or bidding process is required.

The current lease with Ricoh USA for the five copiers is \$4,580.00 per month. The new cost to lease the five copiers with DEC Office Solutions would be \$3,705.00 per month; \$133,380.00 over the 36-month term. This is a savings of \$31,500.00 over the term of the lease.

RESOLUTION 2016-21

**RESOLUTION AUTHORIZING THE EXTENSION OF
PROPERTY INSURANCE COVERAGE**

WHEREAS, the New Jersey Sports and Exposition Authority ("Authority") utilizes the services of insurance brokers to assist in the placement of its various insurance coverages; and

WHEREAS, the Authority seeks to have all major lines of insurance on the same policy period in order to maximize efficiency; and

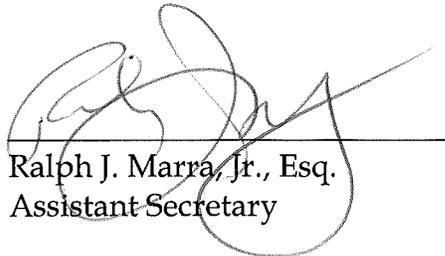
WHEREAS, the Authority's property insurance policy with Lexington Insurance Company, obtained through the NJSEA insurance broker, Marsh USA, is set to expire on June 30, 2016; and

WHEREAS, the Authority requires a property insurance policy for a six-month period through December 31, 2016 in order to have all major lines of insurance on the same policy period, and

WHEREAS, Marsh USA has procured and recommends a six-month policy with Lexington Insurance Company under the same terms and conditions as its current policy and with a premium of \$285,583 for six-months, which is the same rate as the current coverage.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the New Jersey Sports and Exposition Authority hereby authorizes Marsh USA to bind the property insurance coverage with Lexington Insurance Company effective June 30, 2016 through December 31, 2016 at a cost of \$285,853.

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 June 16, 2016.



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

RESOLUTION 2016 -22

**RESOLUTION AUTHORIZING THE PURCHASE OF A NEW
MOTOROLA TURBO RADIO SYSTEM DIGITAL**

WHEREAS, the NJSEA existing Analog Radio System is at the end of its useful life; and

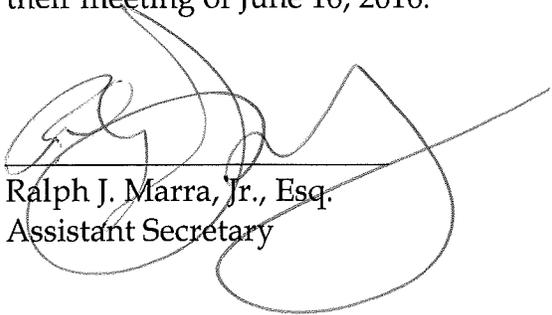
WHEREAS, the existing system needs to be relocated from the former Grandstand and the cost to relocate and upgrade the system is significantly more than purchasing a new digital system under State Contract; and

WHEREAS, a reliable radio system is necessary for communications between emergency services, security and operations under our lease obligations and to protect the patrons and workers at the Sports Complex; and

WHEREAS, staff is recommending the award of a purchase agreement, under State Contract No. T-0109, with Pinnacle Wireless of Fair Lawn, NJ in the amount of \$197,427.28.

NOW, THEREFORE, BE IT RESOLVED that the President and Chief Executive Officer is hereby authorized to enter into a purchase agreement with Pinnacle Wireless in the amount not to exceed \$197,427.28.

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 June 16, 2016.



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

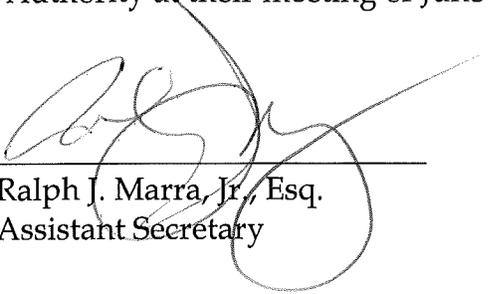
RESOLUTION 2016-23

**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 June 16, 2016.



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

RESOLUTION 2016-24

**RESOLUTION AUTHORIZING SETTLEMENT OF CLAIMS IN CONNECTION
WITH 2007 AUCTION RATE SECURITIES**

WHEREAS, the New Jersey Sports and Exposition Authority (the "Authority") issued auction rate securities in 2007 to refund certain then-outstanding State Contract Bonds of the Authority (the "NJSEA ARS"); and

WHEREAS, the NJSEA ARS were secured by a Second Amended and Restated Agreement (the "State Contract") between the Authority and the Treasurer of the State of New Jersey (the "Treasurer"), whereby the Treasurer agreed to make payments to the Authority equal to the amount of principal and interest on the NJSEA ARS, subject to annual appropriation by the New Jersey Legislature; and

WHEREAS, Goldman Sachs & Co. ("Goldman Sachs") was an underwriter on a portion of the NJSEA ARS; and

WHEREAS, during late 2007-2008, the market for auction rate securities collapsed and auctions failed due to major financial institutions withdrawing support for the auction rate securities market, thereby causing the interest rate on auction rate securities, including the NJSEA ARS, to reset at punitive default interest rates; and

WHEREAS, as a result of the failure of the auction rate securities market, the Authority was forced to remarket the NJSEA ARS in 2008 to fixed rate bonds, at rates which were higher than if the Authority had issued such bonds at the time of original issuance of the NJSEA ARS or during 2007, once the underwriters were aware of the problems in the auction rate securities market; and

WHEREAS, in connection with the original issuance of the NJSEA ARS, the Authority entered into interest rate swap agreements (the "Swaps") for the purpose of hedging the variable rate exposure and synthetically fixing the interest rate on the NJSEA ARS (the "ARS Financing Structure"); and

WHEREAS, the Authority has also terminated all of the Swaps entered into in connection with the NJSEA ARS; and

WHEREAS, underwriters of municipal bonds, including Goldman Sachs, have been the target of various lawsuits and investigations concerning prior knowledge of such underwriters as to the true nature of the auction rate securities market; and

WHEREAS, on February 10, 2014, the Authority and the Treasurer filed a statement of claim with the Financial Industry Regulatory Authority ("FINRA") in a FINRA arbitration (#14-00407) against a number of major financial institutions, including Goldman Sachs, alleging violations of FINRA and Municipal Securities Rulemaking Board ("MSRB") rules, negligent misrepresentation, breach of fiduciary duty, fraud, negligence, breach duty of good faith and fair dealing and unjust enrichment (the "FINRA Arbitration"); and

WHEREAS, Shepherd Smith Edwards & Kantas LTD LLP and Fishman Haygood LLP, special counsel to the Authority and the Treasurer ("Special Counsel") represent the Authority and the Treasurer in the FINRA Arbitration and participated in a settlement mediation session and subsequent settlement negotiations with Goldman Sachs; and

WHEREAS, as a result of such settlement negotiations, the Treasurer approves settlement of the FINRA Arbitration with Goldman Sachs and the Authority wishes to authorize and approve settlement of the FINRA Arbitration with Goldman Sachs; and

NOW THEREFORE BE IT RESOLVED BY THE NEW JERSEY SPORTS AND EXPOSITION AUTHORITY AS FOLLOWS:

Section 1. Approval of Settlement.

The Authority hereby approves settlement of the FINRA Arbitration with Goldman Sachs in accordance with the terms and conditions as discussed in executive session.

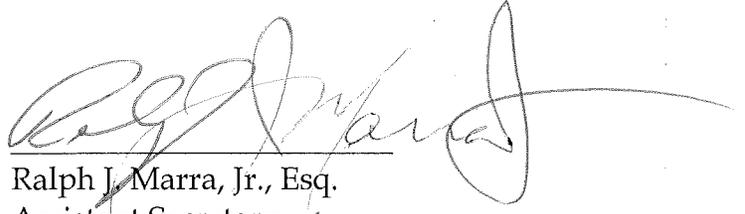
Section 2. Delegation of Authority.

The President and Chief Executive Officer of the Authority is hereby authorized and directed to execute and deliver any and all documents necessary to effectuate a settlement of the FINRA Arbitration with Goldman Sachs in substantial accordance with the terms and conditions set forth in executive session, including but not limited to, execution and delivery of a settlement agreement, upon the advice of Special Counsel and the Attorney General's Office.

Section 3. Effective Date.

This resolution shall take effect in accordance with the provisions of the New Jersey Sports and Exposition Authority Law, N.J.S.A. 5:10-1 et seq., as from time to time amended and supplemented.

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 June 16, 2016.



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

RESOLUTION 2016-25

**RESOLUTION AUTHORIZING THE PRESIDENT AND CEO TO EXECUTE
A SIX MONTH EXTENSION OF NJSEA'S OPERATIONS, MANAGEMENT AND
MAINTENANCE SERVICES CONTRACT FOR THE KEEGAN LANDFILL**

WHEREAS, by resolution of the former New Jersey Meadowlands Commission, Waste Management of New Jersey, Inc. was awarded a contract for the operation, management and maintenance of the Keegan Landfill; and

WHEREAS, the term of the contract is set to expire on June 30, 2016; and

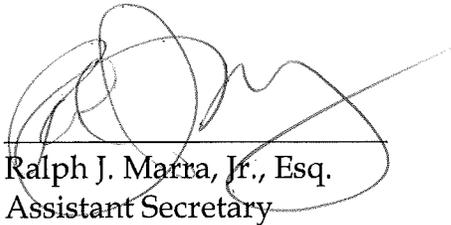
WHEREAS, on December 1, 2014, NJSEA submitted a permit application for renewal and expansion of the Keegan Landfill to the NJDEP; and

WHEREAS, on June 14, 2016, following submission of an amended application by the NJSEA, the New Jersey Department of Environmental Protection determined that the permit application was Administratively Complete, thus allowing landfill operations to continue uninterrupted under the terms of the existing permit until a new permit is issued; and

WHEREAS, pending full permit approval from NJDEP, the NJSEA desires to enter into an extension of the contract with Waste Management of New Jersey, Inc. for a period of six months to insure uninterrupted operations at the Keegan Landfill.

NOW, THEREFORE BE IT RESOLVED that the President and CEO is hereby authorized to execute an extension of NJSEA's Contract with Waste Management of New Jersey, Inc. for a six month period.

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 June 16, 2016.


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