

ESSEX COUNTY
IMPROVEMENT AUTHORITY
ESSEX COUNTY, NEW JERSEY

REGULAR BOARD MEETING : TRANSCRIPT OF RECORDED
: PROCEEDINGS
:
:

27 Wright Way
Fairfield, New Jersey

April 29, 2014
Commencing at 5:06 p.m.

M E M B E R S P R E S E N T:

COMMISSIONER RONALD J. BROWN
COMMISSIONER STEVEN H. KLINGHOFFER
COMMISSIONER GERARD M. SPIESBACH
COMMISSIONER ELEONORE KESSLER COHEN,
Vice Chairperson, (Via telephone)
COMMISSIONER STEVEN C. ROTHER, Chairman

M E M B E R S A B S E N T:

COMMISSIONER CYNTHIA D. TORO

A L S O P R E S E N T:

JAMES R. PAGANELLI, Executive Director
NIA H. GILL, ESQ., General Counsel
LUCY SAPINSKI, Director of Operations
SHARIFA R. SALAAM, ESQ., Deputy Freeholder Counsel
THOMAS GOMEZ, Airport Manager
BETSY WILLIAMSON, Administrative Assistant
JOSEPH CALI, Airport Accounts Receivables
JOSEPH FACCONI, Samuel Klein & Co.
GERARD STANKIEWICZ, Samuel Klein & Co.

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1 CHAIRMAN ROTHER: Okay.

2 Notice was duly given by regular mail and
3 facsimile to the Essex County Executive, the
4 Essex County Clerk, the Clerk of the Board of
5 Chosen Freeholders, Freeholder President Watson,
6 the News Editor of The Herald News, the News
7 Editor of The Star-Ledger, and notice was posted
8 on the bulletin board in the Office of the Essex
9 County Improvement Authority stating the time,
10 date, location of this Regular Board Meeting.

11 Roll call please.

12 MS. SAPINSKI: Commissioner Brown?

13 COMMISSIONER BROWN: Here.

14 MS. SAPINSKI: Commissioner Cohen?

15 COMMISSIONER COHEN: Here.

16 MS. SAPINSKI: Commissioner Klinghoffer?

17 COMMISSIONER KLINGHOFFER: Here.

18 MS. SAPINSKI: Commissioner Spiesbach?

19 COMMISSIONER SPIESBACH: Here.

20 MS. SAPINSKI: Chairman Rother?

21 CHAIRMAN ROTHER: Here.

22 Do we have Public Comments from anyone?

23 Okay, hearing none.

24

25 (Whereupon, the Board discussed and took

1 action on the following item:

2 **ACCEPTANCE OF MINUTES**

3 **RESOLUTION NO. 14-12**

- 4 1. REGULAR BOARD MEETING 3-25-14; and
5 2. EXECUTIVE SESSION - BOARD MEETING 3-25-14.)

6

7 CHAIRMAN ROTHER: Can we have a motion on
8 the Acceptance of Minutes; the Regular Board
9 Meeting of March 25th, 2014 and the Executive
10 Session Meeting of the same date?

11 COMMISSIONER SPIESBACH: Move to accept.

12 COMMISSIONER KLINGHOFFER: Second.

13 MS. SAPINSKI: Commissioner Brown?

14 COMMISSIONER BROWN: Yes.

15 MS. SAPINSKI: Commissioner Cohen?

16 COMMISSIONER COHEN: Yes.

17 MS. SAPINSKI: Commissioner Klinghoffer?

18 MS. DILLON: Commissioner Cohen, you have
19 to speak up.

20 COMMISSIONER COHEN: Okay.

21 Yes.

22 MR. PAGANELLI: There it is.

23 MS. DILLON: Thank you.

24 MS. SAPINSKI: Commissioner Klinghoffer?

25 COMMISSIONER KLINGHOFFER: Yes.

1 MS. SAPINSKI: Commissioner Spiesbach?

2 COMMISSIONER SPIESBACH: Yes.

3 MS. SAPINSKI: Chairman Rother?

4 CHAIRMAN ROTHER: Yes.

5 Do you expect we're going to have an
6 Executive Session?

7 MR. PAGANELLI: I would. And if we can do
8 it in advance, I'd like to do it at the beginning
9 of the meeting rather than at the end.

10 CHAIRMAN ROTHER: At the end.

11 Very good.

12 MR. PAGANELLI: No, I'd rather do it now.

13 CHAIRMAN ROTHER: Do it now?

14 MR. PAGANELLI: Yeah.

15 CHAIRMAN ROTHER: All right. Very good.

16 If we could have a motion to go into
17 Executive Session?

18 COMMISSIONER SPIESBACH: Moved.

19 CHAIRMAN ROTHER: For what reason?

20 COMMISSIONER SPIESBACH: Moved.

21 MR. PAGANELLI: Litigation and ongoing
22 negotiations.

23 COMMISSIONER BROWN: Second.

24 MS. SAPINSKI: Who was first?

25 MR. PAGANELLI: Mr. Spiesbach.

1 MS. SAPINSKI: Commissioner Brown?

2 COMMISSIONER BROWN: Yes.

3 MS. SAPINSKI: Commissioner Cohen?

4 COMMISSIONER COHEN: Yes.

5 MS. SAPINSKI: Commissioner Klinghoffer?

6 COMMISSIONER KLINGHOFFER: Yes.

7 MS. SAPINSKI: Commissioner Spiesbach?

8 COMMISSIONER SPIESBACH: Yes.

9 MS. SAPINSKI: Chairman Rother?

10 CHAIRMAN ROTHER: Yes.

11

12 (Whereupon, the Board moved to Executive
13 Session I at 5:08 p.m., Resolution 14-102.)

14

15 (Whereupon, the Board returned to Open
16 Session at 5:40 p.m.)

17

18 (Whereupon, there was a pause in the
19 proceedings.)

20

21 MR. PAGANELLI: Deb, you tell us when we're
22 back.

23 MS. DILLON: Yes. Go ahead.

24 MR. PAGANELLI: We're back?

25 MS. DILLON: Um-hum.

1 MR. PAGANELLI: Okay.

2 COMMISSIONER KLINGHOFFER: We're back.

3 MR. PAGANELLI: So we have no items arising
4 out of the Executive Session.

5 As everybody knows that was to discuss
6 pending litigation and ongoing negotiations with
7 different issues.

8

9 (Whereupon, the Board discussed and took
10 action on the following items:

11 **ADMINISTRATIVE**

12 1. RESOLUTION NO. 14-078 - RESOLUTION
13 AUTHORIZING ACCEPTANCE OF THE AUTHORITY'S REPORT
14 OF AUDIT FOR THE YEAR ENDED DECEMBER 31, 2013;

15 2. RESOLUTION NO. 14-079 - RESOLUTION
16 AUTHORIZING PAYMENT TO AUDIO-DIGITAL
17 TRANSCRIPTION SERVICES, LLC FOR TRANSCRIPTION OF
18 BOARD MEETING ON 3-25-14;

19 3. RESOLUTION NO. 14-080 - RESOLUTION
20 RATIFYING PAYMENT OF RECURRING BILLS (BILL LIST);
21 and

22 4. RESOLUTION NO. 14-081 - RESOLUTION
23 AUTHORIZING PAYMENT TO SCIROCCO FINANCIAL GROUP
24 IN THE AMOUNT OF \$1,831.00 FOR ADDITIONAL PREMIUM
25 DUE TO 2013 AUDIT OF WORKERS COMPENSATION

1 POLICY.)

2

3 MR. PAGANELLI: So the next items on our
4 agenda are our Administrative items 1 through 4.

5 With regard to number one we've asked Gerry
6 Stankiewicz and Joe Faccone to join us tonight.
7 They are the audit team from Samuel Klein that
8 has been here way too long but --

9 MR. STANKIEWICZ: You don't mean that, do
10 you?

11 MR. PAGANELLI: Started here, February,
12 whatever, January.

13 MR. STANKIEWICZ: Couple snow days.

14 MR. PAGANELLI: Right.

15 MR. STANKIEWICZ: That voice was Gerry
16 Stankiewicz in case you didn't know.

17 MR. PAGANELLI: So, with that what I would
18 just like to, you know, ask you guys to do is
19 maybe give a -- kind of a little verbal overview
20 of your findings for the Board.

21 And if we have any questions, we can go
22 from there.

23 MR. STANKIEWICZ: Okay.

24 Actually, we'll go to the -- we'll go to
25 the end product real quick and then we'll talk

1 after that.

2 We issued our audit opinion as of last
3 Tuesday. And, by the way, we have confirmation
4 that it did get to Trenton on time, which is
5 April 30th.

6 And we have a -- an opinion that we issue
7 and the opinion is an unmodified opinion,
8 previously known as a clean opinion, also known
9 as an unqualified opinion.

10 The lords of the profession have decided
11 that now you get an unmodified opinion, so we
12 have to follow their lead.

13 We also have the independent auditor's
14 opinion that delineates more clearly what is our
15 responsibility and what is your responsibility.

16 Your responsibility is to provide us with a
17 set of records that we can audit in a reasonable
18 efficient manner, number one. That happened.
19 Okay? So, -- and that leads us to our opinion,
20 which is unmodified.

21 How we got there --

22 MR. FACCONI: That's the best opinion you
23 can --

24 MR. STANKIEWICZ: Right. That's the
25 highest level of opinion you can get.

1 Other entities are getting lesser opinions.
2 They have other issues. How they get to those
3 issues is a whole different story. We don't have
4 those issues and I'll tell you why.

5 A, we have a go-between between us and the
6 Authority. We have an accounting firm who
7 prepares all the various records, the general
8 ledgers, the bank reconciliations properly and
9 timely. We audit off of those records.

10 We come in. We do our procedures. We
11 review payroll. Okay? We make sure that that's
12 administered properly. That -- and in your case
13 it is.

14 We look at your expenditures and three
15 major things with expenditures:

16 A, they're all properly documented;

17 B, you're in compliance with the Public
18 Contracts Law; and

19 C, with regards to the fiscal year end
20 cutoff, the bills are cutoff properly.

21 So, we're not sitting here in April of 2014
22 and you have let's say October's electric bill
23 being charged to '14.

24 So, those three criteria, we cut everything
25 off properly with that regard.

1 We also audit your revenue. We're
2 comfortable with the revenue. We're comfortable
3 with the fact that, A, you're charging the proper
4 prices as prescribed by the Commissioners; that
5 it's being deposited timely; and it's being
6 recorded in the records properly and timely.

7 So as a result of our testing and our
8 inquiries, and yes, we started here probably --
9 corresponding with Lucy probably some time in
10 late December and by the time we got rolling it
11 was mid-February.

12 We had some new people with the firm who I
13 wanted to be up here working on various aspects
14 because I like to be able to have situation where
15 if one of them leaves, I had at least two other
16 people who were familiar with the operation and
17 the people and the personality.

18 So, as a result, we had people here from on
19 and off between February 15th and about April
20 15th.

21 A lot of the work we were able to do in the
22 office because it was more accounting work and,
23 you know, abstracting computer runs and various
24 items like that. But the testing work, which is
25 the crux of the audit, was all done here in the

1 office. And, as a result, we end up with a clean
2 opinion, an unmodified opinion and we have no
3 recommendations for past several years I believe.
4 And we're very comfortable in that because we did
5 sufficient testing based on our standards of our
6 profession in order to come out with our opinion,
7 which was unmodified.

8 We do want to thank all the hard working
9 people here in this office here and I believe the
10 gentleman who handles the parking, -- I don't
11 think he's physically here but --

12 MS. SAPINSKI: Michael.

13 MR. STANKIEWICZ: -- somewhere. And we
14 also want to thank Lucy who was our honcho -- so
15 help us -- get things moving between us and all
16 the various other consultants and inside
17 professionals.

18 So, yeah, we ended up with the clean
19 opinion.

20 We also --

21 Jim, I don't know, we -- did we want to
22 discuss operation results or not?

23 I don't know if you've briefed the
24 Commissioners on that but, you know, we're --
25 based on these financial statements and short of

1 any other disastrous accruals that we have to
2 make, we're in reasonably good financial position
3 within our Development Assistance fund and within
4 our Airport fund.

5 The other three funds really those are no
6 net benefit to the Authority because, basically,
7 their -- their revenues and expenses deducted
8 from them are spoken for.

9 The Juror Parking goes to the County; comes
10 to us.

11 The Sportsplex doesn't really generate a
12 profit.

13 And the Sportsplex Parking gets sort of
14 reinvested into some capital work there. So, our
15 main funds are in relatively good financial
16 condition.

17 The other fund, which is the restricted
18 funds, which is all the conduit debt which we
19 issue on behalf of participants and other
20 agencies, we didn't really have any problems in
21 that regard with those. You know it's basically
22 cash in and cash out and it's, you know, --

23 CHAIRMAN ROTHER: Trustees are involved on
24 each of --

25 MR. STANKIEWICZ: There's trustees involved

1 and there's bondholder representatives involved
2 and there's always another set of eyes other than
3 us keeping an eye on it but every now and then
4 you never know if something would pop up. But
5 all the debt was paid. You know all the money
6 came in that had to be paid out. We kind of
7 looked for that to make sure and we also didn't
8 have any problems with any arrearages. I think
9 most of the problem child's have been addressed,
10 in terms of the ones that were in -- delinquent
11 or in default. So, we're in real good shape with
12 that.

13 So on the very back page we have a page
14 that most people like; it says Recommendations --

15 CHAIRMAN ROTHER: I was going to ask.

16 MR. STANKIEWICZ: -- and it says none.

17 Okay.

18 CHAIRMAN ROTHER: No recommendations.

19 MR. STANKIEWICZ: Right.

20 I do want to point out though one comment
21 that we make pretty much in all the reports,
22 although we have none, we can't get complacent.
23 And we've had this conversation with Jim. We
24 want to make sure that the records are kept up to
25 date. That any items on any balance sheet or any

1 financial record, that if it's old or stagnant we
2 need to review it and address it; whether we
3 cancel it or pay it out or make sure that it's
4 not there because, you know, whoever inherits
5 these records, we want to make sure they're also
6 starting from a clean perspective and we have no
7 old issues that are sitting around.

8 But we also point out that it doesn't hurt
9 every now and then to just constantly review
10 procedures. Whether it be the parking lot
11 procedures and how they record and deposit money;
12 whether it's the Airport and how they oversee the
13 leases and all that stuff; or even the gasoline,
14 which is a major, major revenue item here -- it
15 really almost is break-even. But, you know, all
16 these little things; we try to emphasize not to
17 get complacent.

18 And -- because when you get complacent,
19 that's when a problem occurs and we don't want to
20 actually be here to discuss a problem that would
21 occur that we maybe could have caught internally
22 before it got to our level.

23 So, we're very happy to, you know, to do
24 the work, to do the audit. It's interesting
25 actually in -- from my perspective and we're

1 | just --

2 | MR. FACCONA: Appreciative.

3 | MR. STANKIEWICZ: -- appreciative of all
4 | the help that we get to do this audit.

5 | It helps when people within an entity are
6 | concerned about knowing whether they're doing a
7 | good job or not.

8 | When they're -- when they don't get
9 | concerned then that becomes a problem.

10 | CHAIRMAN ROTHER: Okay.

11 | Any questions, anybody?

12 | Thank you much.

13 | MR. STANKIEWICZ: Okay? We're dismissed?

14 | Thank you.

15 | MR. PAGANELLI: See you in a couple months.

16 | MS. SAPINSKI: Thank you.

17 | MR. STANKIEWICZ: Yes.

18 | Talk to you.

19 | CHAIRMAN ROTHER: Okey-doke.

20 | MR. STANKIEWICZ: Bye-bye now.

21 | MR. PAGANELLI: Mr. Chairman, --

22 | CHAIRMAN ROTHER: Bye-bye.

23 | MR. PAGANELLI: -- if I could, before we
24 | move on to any --

25 | CHAIRMAN ROTHER: Yeah.

1 MR. PAGANELLI: -- other items in
2 Administrative, I know Gerry mentioned it.

3 First we do want to say thank you to Joe
4 and Gerry and their team. You know I'm not the
5 easiest person in the world to work with and so I
6 drive them a little nutty and I appreciate that
7 they put up with it but they -- you know they're
8 very diligent in how they work with us. And we
9 really do appreciate all your time and effort.

10 They mentioned the outside accounting firm,
11 which you know I think was a good decision by the
12 Board and they've really work well.

13 CHAIRMAN ROTHER: Um-hum.

14 MR. PAGANELLI: Nothing gets done without
15 Lucy working here. So, you know, whether you
16 call me Executive Director or call me whatever
17 you want to call me, this place does not get --
18 does not run as smoothly as it does without her
19 quarterbacking everything.

20 CHAIRMAN ROTHER: Um-hum.

21 MR. PAGANELLI: So whether it's her dealing
22 with the auditors, her dealing with the
23 accountants, or her dealing with Joe or Tommy or
24 Mike inside, if she's not on it, it's not getting
25 done.

1 So, you know, it's really her document. I
2 drive it because I want it to be timely; I don't
3 want anybody ever to say that we're -- budget's
4 not on time and our audit's not on time.
5 Whatever the audit has to say, I tell them all
6 the time, just whatever it has to be, just put it
7 in there and we'll -- you know, we'll deal with
8 it.

9 But Lucy's the quarterback.

10 So I just want to make sure that, you know,
11 we all -- you know I sign it, and my name's on it
12 and I have all those other things but it does not
13 get done without her effort.

14 So, it's acknowledged and very much
15 appreciated from me especially. I run up and
16 down this 280 hill all day long and it's nice to
17 know that things at home are being taken care of
18 the way they are here, so.

19 CHAIRMAN ROTHER: Good.

20 COMMISSIONER BROWN: So I can honestly say
21 there's zero findings?

22 MR. PAGANELLI: There are zero findings.

23 COMMISSIONER BROWN: Okay.

24 MR. PAGANELLI: And there will be zero
25 findings as long as you keep her.

1 Me you may have a few but --

2 CHAIRMAN ROTHER: Thank you, Lucy.

3 MS. SAPINSKI: Thank you.

4 COMMISSIONER BROWN: Thank you.

5 COMMISSIONER KLINGHOFFER: Thank you, Lucy.

6 COMMISSIONER SPIESBACH: Yes, thank you,
7 Lucy.

8 MR. PAGANELLI: Thanks, guys.

9 MR. STANKIEWICZ: Okay.

10 MR. PAGANELLI: Yup.

11 MR. STANKIEWICZ: Thank you once again.

12 CHAIRMAN ROTHER: Bye-bye, gentlemen.

13 MR. FACCONI: Thank you, everybody.

14 CHAIRMAN ROTHER: Okay, Administrative
15 Resolutions 1 through 4.

16 Any questions?

17 Anyone?

18 If not, can we have a motion?

19 Oh, we said we were going to do a consent
20 agenda at one point.

21 MR. PAGANELLI: I just -- you were going to
22 kind of --

23 CHAIRMAN ROTHER: Pardon?

24 MR. PAGANELLI: I didn't know if the
25 Board --

1 CHAIRMAN ROTHER: We're going to -- well,
2 let's talk about that at the end. All right?
3 And we'll just do it in our normal fashion --

4 MR. PAGANELLI: Okay.

5 CHAIRMAN ROTHER: -- this time.

6 Okay.

7 Administrative Resolutions 1 through 4.

8 COMMISSIONER SPIESBACH: I would move items
9 1 through 4.

10 COMMISSIONER BROWN: I'll second it.

11 MS. SAPINSKI: Commissioner Brown?

12 COMMISSIONER BROWN: Yes.

13 MS. SAPINSKI: Commissioner Cohen?

14 COMMISSIONER COHEN: Yes.

15 MS. SAPINSKI: Commissioner Klinghoffer?

16 COMMISSIONER KLINGHOFFER: Yes.

17 MS. SAPINSKI: Commissioner Spiesbach?

18 COMMISSIONER SPIESBACH: Yes.

19 MS. SAPINSKI: Chairman Rother?

20 CHAIRMAN ROTHER: Yes.

21

22 (Whereupon, the Board discussed and took
23 action on the following items:

24 **CORRECTIONAL FACILITY/CELANESE LITIGATION**

25 **5. RESOLUTION NO. 14-082 - RESOLUTION**

1 AUTHORIZING PAYMENT IN THE AMOUNT OF \$25,173.59
2 TO BUCHANAN, INGERSOLL & ROONEY, PC FOR LEGAL
3 SERVICES RENDERED IN THE MONTH OF MARCH, 2014;
4 and

5 6. RESOLUTION NO. 14-083 - RESOLUTION
6 AUTHORIZING PAYMENT IN THE AMOUNT OF \$3,612.00 TO
7 SMART DEVINE FOR ACCOUNTING REVIEW/ANALYSIS
8 SERVICES RENDERED IN THE MONTH OF MARCH 2014.)

9

10 CHAIRMAN ROTHER: Correctional
11 Facility/Celanese Litigation.

12 Resolutions 5 and 6.

13 COMMISSIONER KLINGHOFFER: So moved.

14 COMMISSIONER SPIESBACH: Second.

15 MS. SAPINSKI: Commissioner Brown?

16 COMMISSIONER BROWN: Yes.

17 MS. SAPINSKI: Commissioner Cohen?

18 COMMISSIONER COHEN: Yes.

19 MS. SAPINSKI: Commissioner Klinghoffer?

20 COMMISSIONER KLINGHOFFER: Yes.

21 MS. SAPINSKI: Commissioner Spiesbach?

22 COMMISSIONER SPIESBACH: Yes.

23 MS. SAPINSKI: Chairman Rother?

24 CHAIRMAN ROTHER: Yes.

25

1 (Whereupon, the Board discussed and took
2 action on the following item:

3 **NEWARK RIVERFRONT PROJECT**

4 7. RESOLUTION NO. 14-084 - RESOLUTION
5 AUTHORIZING PAYMENT OF \$925.00 TO DeCOTIIS,
6 FITZPATRICK & COLE, LLP FOR LEGAL SERVICES
7 RENDERED IN THE MONTH OF MARCH 2014.)

8

9 CHAIRMAN ROTHER: The Newark Riverfront
10 Project.

11 Resolution number 7.

12 COMMISSIONER SPIESBACH: Move item 7.

13 COMMISSIONER BROWN: I'll second it.

14 MS. SAPINSKI: Commissioner Brown?

15 COMMISSIONER BROWN: Yes.

16 MS. SAPINSKI: Commissioner Cohen?

17 COMMISSIONER COHEN: Is it coming to an
18 end, Jim?

19 MR. PAGANELLI: No.

20 CHAIRMAN ROTHER: No. Never.

21 COMMISSIONER COHEN: No? Never?

22 MR. PAGANELLI: Well, --

23 COMMISSIONER COHEN: Okay, it's always with
24 us.

25 MR. PAGANELLI: -- not soon.

1 COMMISSIONER COHEN: I say yes.

2 MS. SAPINSKI: Commissioner Klinghoffer?

3 COMMISSIONER KLINGHOFFER: Yes.

4 MS. SAPINSKI: Commissioner Spiesbach?

5 COMMISSIONER SPIESBACH: Yes.

6 MS. SAPINSKI: Chairman Rother?

7 CHAIRMAN ROTHER: Yes.

8

9 (Whereupon, the Board discussed the
10 following items:

11 **AIRPORT**

12 **9.** RESOLUTION NO. 14-086 - RESOLUTION
13 AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE
14 SETTLEMENT AGREEMENT WITH MOUNTAIN RIDGE COUNTRY
15 CLUB IN CONNECTION WITH OBSTRUCTION REMOVAL;

16 **10.** RESOLUTION NO. 14-087 - RESOLUTION
17 AUTHORIZING THE AUTHORITY TO ACQUIRE AN AVIGATION
18 EASEMENT ON PROPERTY (MOUNTAIN RIDGE COUNTRY
19 CLUB) SURROUNDING THE AIRPORT TO REMEDY SAFETY
20 HAZARDS THEREON; and

21 **11.** RESOLUTION NO. 14-088 - RESOLUTION
22 ACCEPTING PROPOSAL FROM HENDRICKS APPRAISAL
23 COMPANY, LLC IN THE AMOUNT OF \$7,500.00 FOR
24 APPRAISAL SERVICES IN CONNECTION WITH ACQUIRING
25 AN AVIATION EASEMENT (MOUNTAIN RIDGE COUNTRY

1 CLUB) .)

2

3 (Whereupon, the Board discussed and took
4 action on the following items:

5 **AIRPORT**

6 **8.** RESOLUTION NO. 14-085 - RESOLUTION
7 AUTHORIZING PAYMENT TO FLORIO, PERRUCCI,
8 STEINHARDT & FADER, LLC IN THE AMOUNT OF
9 \$3,105.00 FOR THE MONTH OF MARCH FOR LEGAL
10 SERVICES IN CONNECTION WITH AIRPORT RSA PROJECT;

11 **12.** RESOLUTION NO. 14-089 - RESOLUTION
12 AUTHORIZING PAYMENT OF \$749.50 TO AIR POWER, INC.
13 FOR ELECTRIC REPAIRS;

14 **13.** RESOLUTION NO. 14-090 - RESOLUTION
15 AUTHORIZING PAYMENT OF \$945.20 TO EQUIPMENT &
16 MAINTENANCE FOR ANNUAL CALIBRATION TESTING OF THE
17 FUEL FARM;

18 **14.** RESOLUTION NO. 14-091 - RESOLUTION
19 AUTHORIZING PAYMENT OF \$5,000.00 TO ESSEX COUNTY
20 PARKS FOR PROMOTIONAL ACTIVITIES (SPONSORSHIP
21 ZAMBONIS) AT THE SOUTH MOUNTAIN RECREATION
22 COMPLEX; and

23 **15.** RESOLUTION NO. 14-092 - RESOLUTION
24 AUTHORIZING CHANGE ORDER #3 & FINAL TO THE
25 CONTRACT WITH TOMCO CONSTRUCTION INC., IN THE

1 CREDIT AMOUNT OF (\$43,344.60) IN CONNECTION WITH
2 OBSTRUCTION REMOVAL PHASE VI.)

3

4 CHAIRMAN ROTHER: Airport.
5 Resolutions, 8 through 15.

6 MR. PAGANELLI: You know really I shouldn't
7 say this but we should -- we may want to go into
8 Executive on 9, 10 and 11.

9 COMMISSIONER COHEN: On 9, 10, yeah.

10 COMMISSIONER BROWN: That's the one we were
11 talking about.

12 CHAIRMAN ROTHER: Nine, 10 and 11 you want
13 to --

14 MR. PAGANELLI: Yeah.

15 CHAIRMAN ROTHER: -- go into Executive?
16 You want to hold those?

17 MR. PAGANELLI: Yes, if we can.

18 CHAIRMAN ROTHER: And we'll go into
19 Executive Session.

20 MR. PAGANELLI: Yeah.

21 CHAIRMAN ROTHER: Okay, so we're going to
22 do Airport Resolutions 9 (sic) and 12 through 15;
23 holding 9, 10 and 11.

24 COMMISSIONER COHEN: I'll move it.

25 MR. PAGANELLI: Well, hold on a second.

1 Let's do -- let's do 8, -- 8 and 12 through
2 15.

3 We're going to hold 9, 10 and 11. Maybe I
4 didn't hear it right.

5 CHAIRMAN ROTHER: No, 8, --

6 MR. PAGANELLI: Okay.

7 CHAIRMAN ROTHER: -- 8 and then 12 through
8 15, --

9 MR. PAGANELLI: Got it.

10 CHAIRMAN ROTHER: -- holding 9, 10 and 11.

11 MR. PAGANELLI: Got it.

12 CHAIRMAN ROTHER: That's what I said.

13 MR. PAGANELLI: Sorry.

14 CHAIRMAN ROTHER: Okay.

15 COMMISSIONER SPIESBACH: Second.

16 MS. SAPINSKI: Commissioner Brown?

17 COMMISSIONER BROWN: Yes.

18 MS. SAPINSKI: Commissioner Cohen?

19 COMMISSIONER COHEN: Yes.

20 MS. SAPINSKI: Commissioner Klinghoffer?

21 COMMISSIONER KLINGHOFFER: Yes.

22 MS. SAPINSKI: Commissioner Spiesbach?

23 COMMISSIONER SPIESBACH: Yes.

24 MS. SAPINSKI: Chairman Rother?

25 CHAIRMAN ROTHER: Yes.

1
2 (Whereupon, the Board discussed and took
3 action on the following items:

4 **PARKING FACILITY**

5 **JUROR**

6 **16.** RESOLUTION NO. 14-093 - RESOLUTION
7 ACCEPTING A PROPOSAL FROM PRECISION TECHNOLOGY
8 SOLUTIONS IN THE AMOUNT OF \$6,100.00 FOR
9 EQUIPMENT SOFTWARE UPDATE (CREDIT CARD MACHINES);
10 and

11 **17.** RESOLUTION NO. 14-094 -RESOLUTION
12 AUTHORIZING PAYMENT TO SOUTHLAND PRINTING COMPANY
13 IN THE AMOUNT OF \$2,675.22 FOR 100,000 MAGNETIC
14 STRIPS PARKING TICKETS.)

15

16 CHAIRMAN ROTHER: Parking Facility; the
17 Juror Parking, 16 and 17.

18 COMMISSIONER BROWN: I'll move it.

19 COMMISSIONER COHEN: Move it.

20 COMMISSIONER BROWN: Second.

21 MS. SAPINSKI: Commissioner Brown?

22 COMMISSIONER BROWN: Yes.

23 MS. SAPINSKI: Commissioner Cohen?

24 COMMISSIONER COHEN: Yes.

25 MS. SAPINSKI: Commissioner Klinghoffer?

1 COMMISSIONER KLINGHOFFER: Yes.

2 MS. SAPINSKI: Commissioner Spiesbach?

3 COMMISSIONER SPIESBACH: Yes.

4 MS. SAPINSKI: Chairman Rother?

5 CHAIRMAN ROTHER: Yes.

6

7 (Whereupon, the Board discussed and took
8 action on the following item:

9 **SPORTSPLEX**

10 **18.** RESOLUTION NO. 14-095 - RESOLUTION
11 AUTHORIZING PAYMENT OF \$1,191.00 FOR
12 ENVIRONMENTAL CONSULTING ENGINEERING SERVICES
13 RENDERED BY PS&S IN CONNECTION WITH ENVIRONMENTAL
14 ISSUES FOR THE PERIOD ENDING 3-31-14.)

15

16 CHAIRMAN ROTHER: Sportsplex.

17 Number 18.

18 COMMISSIONER KLINGHOFFER: I'll move that.

19 COMMISSIONER SPIESBACH: Second.

20 COMMISSIONER COHEN: Second.

21 MS. SAPINSKI: Commissioner Brown?

22 COMMISSIONER BROWN: Yes.

23 MS. SAPINSKI: Commissioner Cohen?

24 COMMISSIONER COHEN: Yes.

25 MS. SAPINSKI: Commissioner Klinghoffer?

1 COMMISSIONER KLINGHOFFER: Yes.

2 MS. SAPINSKI: Commissioner Spiesbach?

3 COMMISSIONER SPIESBACH: Yes.

4 MS. SAPINSKI: Chairman Rother?

5 CHAIRMAN ROTHER: Yes.

6

7 (Whereupon, the Board discussed and took
8 action on the following items:

9 **SPORTSPLEX STADIUM**

10 **19.** RESOLUTION NO. 14-096 - RESOLUTION
11 AUTHORIZING PAYMENT TO THE FREDCO GROUP IN THE
12 AMOUNT OF \$8,700.00 FOR NEW NETTING; and

13 **20.** RESOLUTION NO. 14-097 - RESOLUTION
14 RATIFYING THE EXECUTIVE DIRECTOR'S EXECUTION OF A
15 DISSOLUTION, ASSIGNMENT & RELEASE AGREEMENT WITH
16 BEARS BASEBALL, LLC.)

17

18 CHAIRMAN ROTHER: And Sportsplex Stadium,
19 19 and 20.

20 COMMISSIONER BROWN: I'll move it.

21 COMMISSIONER SPIESBACH: Second.

22 MS. SAPINSKI: Commissioner Brown?

23 COMMISSIONER BROWN: Yes.

24 MS. SAPINSKI: Commissioner Cohen?

25 COMMISSIONER COHEN: Yes.

1 MS. SAPINSKI: Commissioner Klinghoffer?

2 COMMISSIONER KLINGHOFFER: Yes.

3 MS. SAPINSKI: Commissioner Spiesbach?

4 COMMISSIONER SPIESBACH: Yes.

5 MS. SAPINSKI: Chairman Rother?

6 CHAIRMAN ROTHER: Yes.

7

8 (Whereupon, the Board discussed and took
9 action on the following items:

10 **FINANCE**

11 **21.** RESOLUTION NO. 14-098 - RESOLUTION
12 AUTHORIZING THE PURCHASE OF NOT EXCEEDING
13 \$3,500,000.00 GENERAL IMPROVEMENT BONDS OF THE
14 COUNTY OF ESSEX, NEW JERSEY, FROM THE RECYCLING
15 PROCEEDS OF THE AUTHORITY'S POOLED GOVERNMENT
16 LOAN PROGRAM, SERIES 1986 (CONSTRUCTION OF
17 PARKING);

18 **22.** RESOLUTION NO. 14-099 - RESOLUTION
19 AUTHORIZING AN EXTENSION OF ONE YEAR TO THE
20 LETTER OF CREDIT PROVIDED BY WELLS FARGO BANK, NA
21 IN CONNECTION WITH THE AUTHORITY'S \$150,000,00
22 POOLED GOVERNMENT LOAN PROGRAM (SERIES 1986); and

23 **23.** RESOLUTION NO. 14-100 - RESOLUTION
24 AUTHORIZING PAYMENT OF CHARGES AND EXPENSES OF
25 THE AUTHORITY'S \$150,000,000 POOLED GOVERNMENT

1 LOAN PROGRAM (SERIES 1986)

2 PAYMENTS DUE OTHERS FOR PGLP SERVICES

3 PHILIP A. LANZET, FINANCIAL CONSULTANT,

4 APRIL 2014 - \$2,500.00;

5 WELLS FARGO BANK, NA - RE-MARKETING -

6 1-1-14 TO 3-31-14 - \$4,300.00.)

7

8 CHAIRMAN ROTHER: And finally Finance.

9 Resolutions 21 through 23.

10 COMMISSIONER COHEN: I have a question on

11 21.

12 MR. PAGANELLI: Yes?

13 COMMISSIONER COHEN: So will we make any
14 money on this?

15 MR. PAGANELLI: That's the Pooled
16 Government Loan Program, as the County's looking
17 to develop a \$11 million parking garage at the
18 Zoo and this is our -- you know, this is our
19 Pooled Government Loan, so they've taken loans
20 out of it before; yeah, we make money.

21 COMMISSIONER COHEN: Okay.

22 COMMISSIONER KLINGHOFFER: Where's the new
23 garage going?

24 MR. PAGANELLI: In the back of the Arena.

25 COMMISSIONER KLINGHOFFER: That's amazing.

1 MR. PAGANELLI: Yeah.

2 COMMISSIONER COHEN: And how much does it
3 cost us for the Letter of Credit?

4 MS. SAPINSKI: Eighteen thousand?

5 MR. PAGANELLI: I don't know.

6 We'll get you that answer, Commissioner.
7 I'm not certain.

8 COMMISSIONER COHEN: Okay.

9 CHAIRMAN ROTHER: Do we have to put up
10 compensating funds for that?

11 MR. PAGANELLI: For?

12 CHAIRMAN ROTHER: Letter of Credit?

13 MR. PAGANELLI: It's funded out of the
14 program.

15 CHAIRMAN ROTHER: Out of --

16 Okay. Okay.

17 COMMISSIONER SPIESBACH: Move items 21, 22
18 and 23.

19 COMMISSIONER KLINGHOFFER: Second.

20 MS. SAPINSKI: Commissioner Brown?

21 COMMISSIONER BROWN: Yes.

22 MS. SAPINSKI: Commissioner Cohen?

23 COMMISSIONER COHEN: Yes.

24 MS. SAPINSKI: Commissioner Klinghoffer?

25 COMMISSIONER KLINGHOFFER: Yes.

1 MS. SAPINSKI: Commissioner Spiesbach?

2 COMMISSIONER SPIESBACH: Yes.

3 MS. SAPINSKI: Chairman Rother?

4 CHAIRMAN ROTHER: Yes.

5

6 (Whereupon, the Board discussed and took
7 action on the following Late Starter item:

8 **LATE STARTER**

9 **AIRPORT**

10 1. RESOLUTION NO. 14-101 - RESOLUTION
11 AUTHORIZING THE DISPOSITION OF BIDS FOR AVIATION
12 FUELS (REJECTION OF ALL BIDS).)

13

14 CHAIRMAN ROTHER: And of course we have the
15 Late Starter also that you sent around.

16 Resolution Authorizing the Disposition of
17 Bids for Delivery of Aviation Fuel to the Essex
18 County Airport.

19 Do we have any questions on the Late
20 Starter?

21 COMMISSIONER COHEN: I'll move that.

22 COMMISSIONER SPIESBACH: We're rejecting
23 all the bids?

24 MR. PAGANELLI: Yes.

25 COMMISSIONER SPIESBACH: Is it permissible

1 to ask why?

2 MR. PAGANELLI: Yeah.

3 We're going to substantially alter how we
4 put the bid out and we also think -- we don't
5 think, I think that the way I drafted it was a
6 little bit confusing to the bidders. So we're
7 going to redo the process.

8 COMMISSIONER SPIESBACH: Okay. Wonderful.

9 CHAIRMAN ROTHER: Okay?

10 COMMISSIONER SPIESBACH: Okay.

11 And I would move Late Starter item Airport
12 number 1.

13 COMMISSIONER KLINGHOFFER: Second.

14 MS. SAPINSKI: Commissioner Brown?

15 COMMISSIONER BROWN: Yes.

16 MS. SAPINSKI: Commissioner Cohen?

17 COMMISSIONER COHEN: Yes.

18 MS. SAPINSKI: Commissioner Klinghoffer?

19 COMMISSIONER KLINGHOFFER: Yes.

20 MS. SAPINSKI: Commissioner Spiesbach?

21 COMMISSIONER SPIESBACH: Yes.

22 MS. SAPINSKI: Chairman Rother?

23 CHAIRMAN ROTHER: Yes.

24 And now we're going to go into Executive
25 Session.

1
2 (Whereupon, the Board discussed the
3 following items:

4 **ADDITIONAL INFORMATION**

5 **A.** REPORT OF PGLP ADMINISTRATOR

6 **B.** NOTICE OF REDEMPTION - "2002 MT. CARMEL AND
7 BALLANTYNE BONDS"; and

8 **C.** 2014 FAA AIRPORTS CONFERENCE SUMMARY.)
9

10 COMMISSIONER COHEN: Can I just ask a
11 question on an informational item?

12 MR. PAGANELLI: Yes.

13 COMMISSIONER COHEN: On the Series 2002 on
14 the Mount Carmel Bonds, do they then refinance
15 them once their called this way?

16 MR. PAGANELLI: Yes, they're going out --
17 they're taking us out and refinancing.

18 COMMISSIONER COHEN: Okay.

19 MR. PAGANELLI: I would also -- since you
20 pointed to Additional Information, Commissioner,
21 point you also to the memorandum at the back. If
22 you have some time you may want to take a look at
23 it.

24 Joe Cali went to --

25 COMMISSIONER COHEN: Yes.

1 MR. PAGANELLI: -- Hershey for a
2 conference. And Joe's been a tremendous addition
3 to our team, always trying to find new
4 information and new perspectives on the Airport.
5 And it's an interesting memo that he put
6 together. So, for everybody's reading pleasure,
7 Joe does a great job. But the memo was well
8 done, so may want to take a look.

9 CHAIRMAN ROTHER: Okay, going into
10 Executive Session.

11 And the specific reasons that we have are?

12 MR. PAGANELLI: Potential litigation --

13 CHAIRMAN ROTHER: Potential litigation.

14 MR. PAGANELLI: -- and negotiations --

15 CHAIRMAN ROTHER: Okay.

16 MR. PAGANELLI: -- on item 9, 10 and 11.

17 CHAIRMAN ROTHER: Okay.

18 COMMISSIONER SPIESBACH: Move to go into
19 Executive to discuss items 9, 10 and 11.

20 COMMISSIONER BROWN: Second.

21 MS. SAPINSKI: Commissioner Brown?

22 COMMISSIONER BROWN: Yes.

23 MS. SAPINSKI: Commissioner Cohen?

24 COMMISSIONER COHEN: Yes.

25 MS. SAPINSKI: Commissioner Klinghoffer?

1 COMMISSIONER KLINGHOFFER: Yes.

2 MS. SAPINSKI: Commissioner Spiesbach?

3 COMMISSIONER SPIESBACH: Yes.

4 MS. SAPINSKI: Chairman Rother?

5 CHAIRMAN ROTHER: Yes.

6

7 (Whereupon, the Board moved to Executive
8 Session II at 5:59 p.m., Resolution 14-103.)

9

10 (Whereupon, the Board returned to Open
11 Session at 6:08 p.m.)

12

13 (Whereupon, there was a pause in the
14 proceedings.)

15

16 (Whereupon, the Board discussed and took
17 action the following items:

18 **AIRPORT**

19 **9.** RESOLUTION NO. 14-086 - RESOLUTION

20 AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE

21 SETTLEMENT AGREEMENT WITH MOUNTAIN RIDGE COUNTRY

22 CLUB IN CONNECTION WITH OBSTRUCTION REMOVAL;

23 **10.** RESOLUTION NO. 14-087 - RESOLUTION

24 AUTHORIZING THE AUTHORITY TO ACQUIRE AN AVIGATION

25 EASEMENT ON PROPERTY (MOUNTAIN RIDGE COUNTRY

1 CLUB) SURROUNDING THE AIRPORT TO REMEDY SAFETY
2 HAZARDS THEREON; and
3 **11.** RESOLUTION NO. 14-088 - RESOLUTION
4 ACCEPTING PROPOSAL FROM HENDRICKS APPRAISAL
5 COMPANY, LLC IN THE AMOUNT OF \$7,500.00 FOR
6 APPRAISAL SERVICES IN CONNECTION WITH ACQUIRING
7 AN AVIATION EASEMENT (MOUNTAIN RIDGE COUNTRY
8 CLUB) .)

9
10 CHAIRMAN ROTHER: Okay.

11 And now can we have a motion on Resolutions
12 9, 10 and 11 please?

13 COMMISSIONER BROWN: Move it.

14 CHAIRMAN ROTHER: Can I have a second?

15 COMMISSIONER SPIESBACH: Second.

16 MS. SAPINSKI: Commissioner Brown?

17 COMMISSIONER BROWN: Yes.

18 MS. SAPINSKI: Commissioner Cohen?

19 COMMISSIONER COHEN: Yes.

20 MS. SAPINSKI: Commissioner Klinghoffer?

21 COMMISSIONER KLINGHOFFER: Yes.

22 MS. SAPINSKI: Commissioner Spiesbach?

23 COMMISSIONER SPIESBACH: Yes.

24 MS. SAPINSKI: Chairman Rother?

25 CHAIRMAN ROTHER: Yes.

1 Before we end this session, I'd like to
2 chat just a little bit about doing a consent
3 agenda going forward. And this --

4 COMMISSIONER COHEN: That makes sense.

5 CHAIRMAN ROTHER: -- this is a shortened
6 way of dealing with --

7 COMMISSIONER SPIESBACH: Um-hum.

8 CHAIRMAN ROTHER: -- with an agenda.

9 And what I would like to suggest, if it
10 meets with your approval, that you all get these
11 resolutions well in advance; as Lucy does every
12 month. And what I'd like to do is to have any of
13 you who have questions --

14 COMMISSIONER SPIESBACH: Um-hum.

15 CHAIRMAN ROTHER: -- to assemble those in
16 advance of the meeting and you might even want to
17 email them to Jim in advance -- Jim and Lucy.
18 And then we can come in here and simply deal with
19 the questions on specific resolutions and then
20 move a consent agenda so that we don't have to
21 piecemeal go through the agenda.

22 COMMISSIONER BROWN: Okay.

23 CHAIRMAN ROTHER: And that way everybody
24 gets a chance in advance to look at each
25 resolution, come up with questions. And I think

1 | it's going to be more productive if you shoot the
2 | questions out to Jim and Lucy in advance because
3 | they can have the answers for you then --

4 | COMMISSIONER BROWN: Um-hum.

5 | CHAIRMAN ROTHER: -- right on the spot and
6 | we can discuss it here and it will be a -- I
7 | think a very meaningful way --

8 | COMMISSIONER SPIESBACH: Um-hum.

9 | CHAIRMAN ROTHER: -- and we're going to
10 | spend the time in a meaningful way and not --

11 | COMMISSIONER SPIESBACH: Sure.

12 | CHAIRMAN ROTHER: -- go through the motions
13 | of reading numbers and --

14 | COMMISSIONER COHEN: More efficient.

15 | CHAIRMAN ROTHER: I think so.

16 | And a lot of municipalities, other
17 | governments, handle their agendas in that
18 | fashion.

19 | COMMISSIONER COHEN: That's how we did it
20 | in Livingston.

21 | CHAIRMAN ROTHER: Yup.

22 | COMMISSIONER SPIESBACH: Yeah.

23 | And it's always possible, even at the
24 | meeting that moment if we want to hold one item
25 | for special voting --

1 CHAIRMAN ROTHER: Absolutely.

2 COMMISSIONER SPIESBACH: -- we could always
3 do that.

4 CHAIRMAN ROTHER: And that --

5 COMMISSIONER SPIESBACH: So the consent
6 agenda makes sense to me.

7 CHAIRMAN ROTHER: Yeah.

8 And then perhaps what we should do is just
9 draft a little procedure.

10 You know what I'll do? I'll draft
11 something and give it to Jim --

12 MR. PAGANELLI: Okay.

13 CHAIRMAN ROTHER: -- and Jim and Lucy can
14 mark it up and we'll circulate it for comment and
15 then --

16 COMMISSIONER SPIESBACH: Do we have to
17 integrate this into the by-laws then?

18 No?

19 CHAIRMAN ROTHER: I don't think so.

20 MR. PAGANELLI: I wouldn't think so.

21 COMMISSIONER SPIESBACH: Okay. That's
22 fine. We're just making a procedural change.

23 MR. PAGANELLI: Um-hum.

24 CHAIRMAN ROTHER: Yeah.

25 COMMISSIONER SPIESBACH: Fine.

1 COMMISSIONER BROWN: You don't have to make
2 a motion, anything, just --

3 CHAIRMAN ROTHER: No.

4 COMMISSIONER BROWN: -- just where we're at
5 with it.

6 Okay.

7 COMMISSIONER SPIESBACH: I think it's a
8 good idea.

9 CHAIRMAN ROTHER: Okay. Good.

10

11 **ADJOURNMENT**

12

13 CHAIRMAN ROTHER: Okay, now, unless
14 somebody has other questions, comments?

15 Can I have a motion to adjourn?

16 COMMISSIONER COHEN: So moved.

17 COMMISSIONER KLINGHOFFER: Second.

18 MS. SAPINSKI: Commissioner Cohen?

19 COMMISSIONER COHEN: Yes.

20 MS. SAPINSKI: Commissioner Brown?

21 COMMISSIONER BROWN: Yes.

22 MS. SAPINSKI: Commissioner Klinghoffer?

23 COMMISSIONER KLINGHOFFER: Yes.

24 MS. SAPINSKI: Commissioner Spiesbach?

25 COMMISSIONER SPIESBACH: Yes.

1 MS. SAPINSKI: Chairman Rother?

2 CHAIRMAN ROTHER: Yes.

3 COMMISSIONER SPIESBACH: Thank you.

4 CHAIRMAN ROTHER: Okay.

5 Thank you.

6 COMMISSIONER SPIESBACH: Thank you, Lucy,
7 for all your hard work.

8 MS. SAPINSKI: You're welcome.

9 CHAIRMAN ROTHER: Yes, thank you much.

10

11 (Whereupon, the proceedings were concluded
12 at 6:12 p.m., Resolution No. 14-15.)

13

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25

1 STATE OF NEW JERSEY :

2 :

3 COUNTY OF ESSEX :

4

5 I, Karen A. Marino, assigned transcriber,
6 do hereby affirm that the foregoing is a true and
7 accurate transcript of the REGULAR BOARD MEETING
8 of the ESSEX COUNTY IMPROVEMENT AUTHORITY heard
9 on Tuesday, April 29, 2014 and digitally
10 recorded.

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25 Monitored and Proofread by: Deborah Dillon