

ESSEX COUNTY
IMPROVEMENT AUTHORITY
ESSEX COUNTY, NEW JERSEY

REGULAR BOARD MEETING : TRANSCRIPT OF RECORDED
and : PROCEEDINGS
ANNUAL RE-ORGANIZATION :
_____ :

27 Wright Way
Fairfield, New Jersey

Tuesday, February 23, 2016
Commencing at 5:00 p.m.

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

COMMISSIONER MARK S. DUNEC
COMMISSIONER CLIFFORD ROSS
COMMISSIONER GERARD M. SPIESBACH
COMMISSIONER CARLA A. STANZIALE
COMMISSIONER RONALD J. BROWN, Vice Chairman

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

COMMISSIONER STEVEN H. KLINGHOFFER, Chairman

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

STEVEN C. ROTHER, Executive Director
NIA H. GILL, ESQ., General Counsel
LUCY SAPINSKI, Director of Operations
THOMAS GOMEZ, Airport Manager
BETSY WILLIAMSON, Administrative Assistant
JOSEPH CALI, Senior Project Manager/Accounts Receivables
JOHN J. SCALLY, JR. ESQ., Bond Counsel
NOREEN WHITE, ACACIA

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1 VICE CHAIRMAN BROWN: Start the meeting.
2 I'll start with the Sunshine Notice.
3 Notice was duly given by regular mail and
4 facsimile to the Essex County Executive, the
5 Essex County Clerk, the Clerk of the Board of
6 Chosen Freeholders, Freeholder Timberlake, the
7 News Edition (sic) of The Herald News, the News
8 Edition (sic) of The Star-Ledger, and notice was
9 posted on the bulletin board in the Office of
10 Essex County Improvement Authority stating the
11 time, date and location of the Regular Board and
12 Annual Meeting.

13

14 **ROLL CALL:**

15

16 MS. SAPINSKI: Vice Chairman Brown?

17 VICE CHAIRMAN BROWN: Here.

18 MS. SAPINSKI: Commissioner Dunec?

19 COMMISSIONER DUNEC: Here.

20 MS. SAPINSKI: Commissioner Spiesbach?

21 COMMISSIONER SPIESBACH: Here.

22 MS. SAPINSKI: Commissioner Stanziale?

23 COMMISSIONER STANZIALE: Here.

24 MS. SAPINSKI: Commissioner Ross?

25 COMMISSIONER ROSS: Present.

1 MR. ROTHER: We would like to, VICE

2 CHAIRMAN BROWN, go -- go through the -- the --

3 VICE CHAIRMAN BROWN: Re-Organization --

4 MR. ROTHER: -- Re-Organization --

5 VICE CHAIRMAN BROWN: -- first.

6 MR. ROTHER: -- aspect of this.

7 And then we would like to skip to the end
8 because we have professional guests here who are
9 addressing the -- the bond matter and we'd like
10 them to make a presentation so we can let them go
11 -- go early.

12 VICE CHAIRMAN BROWN: Okay.

13

14 (Whereupon, the Board discussed and took
15 action on the following item:

16 **RE-ORGANIZATION**

17 **A.** NOMINATION AND ELECTION OF 2016-2017

18 OFFICERS

19 STEVEN H. KLINGHOFFER - CHAIRMAN

20 RONALD J. BROWN - VICE CHAIRMAN

21 CARLA A. STANZIALE - SECRETARY

22 GERARD M. SPIESBACH - TREASURER.)

23

24 VICE CHAIRMAN BROWN: I'm going to move the
25 Re-Organization meeting -- the Re-Organization.

1 Can I have a motion please --

2 COMMISSIONER DUNEC: Motion.

3 VICE CHAIRMAN BROWN: -- on the Re-
4 Organization?

5 COMMISSIONER DUNEC: I make a motion.

6 COMMISSIONER STANZIALE: Second.

7 VICE CHAIRMAN BROWN: Okay. Roll call,
8 Lucy.

9 MS. SAPINSKI: VICE CHAIRMAN BROWN?

10 VICE CHAIRMAN BROWN: Yes.

11 MS. SAPINSKI: Commissioner Dunec?

12 COMMISSIONER DUNEC: Yes.

13 MS. SAPINSKI: Commissioner Spiesbach?

14 COMMISSIONER SPIESBACH: Yes.

15 MS. SAPINSKI: Commissioner Stanziale?

16 COMMISSIONER STANZIALE: Yes.

17 MS. SAPINSKI: Commissioner Ross?

18 COMMISSIONER ROSS: Yes.

19

20 (Whereupon, the Board discussed and took
21 action on the following item:

22 **RE-ORGANIZATION**

23 **B.** ADOPTION OF 2016-2017 MEETING SCHEDULE.)

24

25 VICE CHAIRMAN BROWN: Okay.

1 Can I get a motion on the Adoption of the
2 '16-'17 Meeting Schedule please?

3 COMMISSIONER STANZIALE: I'll move it.

4 COMMISSIONER ROSS: Second.

5 VICE CHAIRMAN BROWN: Second.

6 Lucy.

7 MS. SAPINSKI: VICE CHAIRMAN BROWN?

8 VICE CHAIRMAN BROWN: Yes.

9 MS. SAPINSKI: Commissioner Dunec?

10 COMMISSIONER DUNEC: Yes.

11 MS. SAPINSKI: Commissioner Spiesbach?

12 COMMISSIONER SPIESBACH: Yes.

13 MS. SAPINSKI: Commissioner Stanziale?

14 COMMISSIONER STANZIALE: Yes.

15 MS. SAPINSKI: Commissioner Ross?

16 COMMISSIONER ROSS: Yes.

17

18 (Whereupon, the Board discussed the

19 following item:

20 **FINANCE**

21 **22.** RESOLUTION NO. 16-057 - SUPPLEMENTAL BOND
22 RESOLUTION OF THE ESSEX COUNTY IMPROVEMENT
23 AUTHORITY AUTHORIZING THE ISSUANCE OF ITS NOT TO
24 EXCEED \$8,250,000 PROJECT CONSOLIDATION REVENUE
25 REFUNDING BONDS, SERIES 2016.)

1
2 MR. ROTHER: Okay, and if we can now skip
3 to matter 22, the -- the Supplemental Bond
4 Resolution.

5 And ask that our guests, Scally and Noreen
6 White step up and introduce yourself for the
7 record.

8 MS. WHITE: Sure. I'm Noreen White. I'm
9 the co-President ACACIA Financial Group, the
10 Financial Advisor to the Authority for this bond
11 transaction.

12 MR. SCALLY: And I'm John Scally. I'm a
13 member of Chiesa, Shahinian and Giantomasi. And
14 we are Bond Counsel for this transaction.

15 MR. ROTHER: Noreen, could you perhaps take
16 the lead and tell the Board what this
17 transaction's all about.

18 MS. WHITE: Sure.

19 So we're always looking for ways to save
20 the County money and we identified some bonds
21 that are outstanding -- the Series 2005 bonds --
22 that we can refinance for savings.

23 The savings are approximately \$875,000.00,
24 which equates to 11.3 percent on a present value
25 basis.

1 Normal rule of thumb is that you look for
2 savings that are at least three percent on a
3 present value basis before you do a refunding.

4 The total cash flow savings are about
5 \$967,000.00. So the County will -- and the
6 Improvement Authority will essentially be saving
7 80 to \$85,000.00 a year with this refinancing.

8 We're going to be doing the sale on a
9 competitive basis, so we'll be -- we'll be
10 publishing a notice of sale and then official
11 statement and be taking bids. We're targeting
12 March 31st.

13 We have submitted an application to Local
14 Finance Board that was favorably acted upon,
15 which Mr. Scally will give the details of the
16 legal stuff that needs to be done next.

17 But it's a great deal for the County and
18 the Improvement Authority. It's not often that
19 we can save you money and so we're very happy
20 that we were able to identify this opportunity
21 and the County CFO's very excited, as is the
22 County Exec.

23 And, with that, if there's any questions
24 about the transaction I'll answer them. If not,
25 I'll let Mr. Scally go through the legal hoops

1 you have to jump through to finish this up.

2 MR. SCALLY: Anybody?

3 Thank you.

4 Before you is a Supplemental Resolution,
5 which has supplemented so many deals in the past
6 that this is a part of; a Jail deal back in the
7 nineties; the Parking at the County Courthouse.

8 So we are now supplementing this original
9 Bond Resolution to incorporate the new
10 transaction. And this authorizes the issuance of
11 the 2016 refunding bonds.

12 The provisions of the -- of the, you know,
13 the redemptions, things like that, are covered in
14 here generally.

15 What we do in this document -- and I've
16 been doing for many years as Executive
17 Director --

18 Rother knows in his years as Commissioner.

19 -- we delegate to the Executive Director
20 the ability to actually finalize the details of
21 the transaction.

22 As Noreen said these bonds will be sold
23 competitively. Which -- which means we're not
24 negotiating with an underwriter. There's --
25 there's actually -- the bonds are advertised for

1 sale. The bids now come in electronically. And
2 years ago people used to walk -- drive here,
3 they'd be on the phones calling --

4 Nobody would find this place anyway now.
5 So it's good we're being done electronically.

6 And that day will be set -- we will receive
7 the bids here. We'll be here. And your
8 Executive Director will actually give -- be given
9 the authority in this Bond Resolution, within
10 parameters.

11 The size can't be a certain greater than.
12 The interest rate can't be greater than, in this
13 case, six percent; we get these numbers from your
14 financial advisor. And the maturity can't go
15 beyond 2027.

16 So we're assuming the bids are all going to
17 come in under those parameters and Executive
18 Director will sign a certificate that day
19 awarding the bonds to the winning purchaser that
20 gives the Authority the best deal, the lowest
21 interest rate, to you.

22 And that's what all of this does. There's
23 -- there are amendments to outstanding the 11th
24 amendment to the lease agreement, which the
25 Authority has with the County. The 11th amendment

1 to the jail agreement. So you can see how many
2 times these over the years have been refunded and
3 combined.

4 We authorize what's called an official
5 statement which is the disclosure document for
6 the transaction. And that's being worked on as
7 we speak.

8 There -- the notice of sale is an exhibit
9 to this document and that will continue to be
10 worked on. And that's really the four corners of
11 it.

12 After the bond sale we'll have a closing a
13 few weeks later. The proceeds will be put in an
14 escrow agreement held by a bank. And then that
15 money will be used to pay off the bonds.

16 And it's all backed by the general
17 obligation of -- of the County --

18 MR. ROTHER: County.

19 MR. SCALLY: -- of Essex.

20 MR. ROTHER: Yeah. Yeah.

21 It was interesting, you -- you mention how
22 -- how we're going to be receiving bids and how
23 that has changed.

24 MR. SCALLY: Yeah.

25 MR. ROTHER: I -- I remember the days when

1 we had definitive bonds, --

2 MR. SCALLY: Right.

3 MR. ROTHER: -- real pieces of paper.

4 Everything's electronic now. And we used to have
5 to go to the Signature Company and --

6 MR. SCALLY: Remember that?

7 MR. ROTHER: -- and sign --

8 The first deals I did.

9 -- and sign the bonds where you had -- you
10 wrote your signature and there was a machine that
11 copied your signature on literally scores of
12 bonds. And you just went through bond after bond
13 like that.

14 So, --

15 MR. SCALLY: So --

16 MR. ROTHER: -- the world has changed and
17 much for the better.

18 MR. SCALLY: Excuse me this story, but this
19 is my 40th year practicing and I started in New
20 York and the Signature Company was where we all
21 went. So I'm a young associate, like first week
22 on the job, and they say you got to go to where
23 they sign these bonds, it's at the Signature
24 Company. And I -- okay. All right. So what's
25 the name of the company?

1 And it was like an Abbott and Costello.
2 It's the Signature Company.

3 MR. ROTHER: The Signature Company.

4 MR. SCALLY: I'm like what -- where --
5 where's that? We're going back and forth.

6 But -- but they actually would do that
7 and --

8 MR. ROTHER: Well the only thing that they
9 didn't improve on the old days, we used to have
10 closing dinners after that, --

11 MR. SCALLY: Right.

12 MR. ROTHER: -- you know.

13 MR. SCALLY: Right.

14 MR. ROTHER: We don't do that anymore
15 but --

16 MR. SCALLY: But we won't bore you --

17 MR. ROTHER: Okay. Okay.

18 MR. SCALLY: -- with all these old stories.

19 But that -- that's it. If anyone has any
20 questions, I'd be happy to answer them.

21 MR. ROTHER: Okay.

22 MR. SCALLY: Appreciate it.

23 MR. ROTHER: Thank you both. Thank you
24 both.

25 MR. SCALLY: Thank you.

1 MR. ROTHER: Any -- any questions, anybody?

2 COMMISSIONER DUNEC: Thank you.

3 VICE CHAIRMAN BROWN: Gerry, I'm good.

4 You?

5 Okay.

6 MR. SCALLY: Thanks.

7 Enjoyed meeting you; --

8 COMMISSIONER STANZIALE: Likewise.

9 MR. SCALLY: -- those of you who I don't
10 know.

11 COMMISSIONER STANZIALE: Yes, --

12 MR. ROTHER: Okay.

13 MS. WHITE: Very happy to be of service to
14 the Authority and the County.

15 MR. SCALLY: Yeah. It's great.

16 COMMISSIONER STANZIALE: Thank you.

17 MR. ROTHER: Thank you.

18 MR. SCALLY: And, as usual, Lucy gets it
19 all done for us so -- makes life easy.

20 MR. ROTHER: I -- I have really only one
21 matter that we might want to discuss in Executive
22 Session.

23 And -- and that's in the event any of you
24 have questions on the Stadium transaction. I
25 would prefer to do that in Executive Session

1 | until such time as the contract is actually out
2 | there in the public.

3 | MS. WHITE: Thank you.

4 | MR. SCALLY: Thank you very much.

5 | COMMISSIONER STANZIALE: Thank you.

6 | COMMISSIONER DUNEC: Bye-bye.

7 | MR. ROTHER: Thank you.

8 | COMMISSIONER STANZIALE: Bye.

9 | MR. DUNEC: Thank you.

10 | VICE CHAIRMAN BROWN: Do you want to go --

11 | MR. ROTHER: Well, I -- I don't know how --
12 | however you want to handle it.

13 | VICE CHAIRMAN BROWN: Well, --

14 | MR. ROTHER: If you want to wait till we
15 | get to that --

16 | VICE CHAIRMAN BROWN: Well, I can do this
17 | --

18 | Well, we did the roll call, so we'll just
19 | do -- go for the public.

20 | And then we'll see --

21 | MR. ROTHER: Okay.

22 | VICE CHAIRMAN BROWN: -- if you want to go
23 | through --

24 | MR. ROTHER: Okay.

25 | VICE CHAIRMAN BROWN: -- through the

1 complete --

2 MR. ROTHER: Okay.

3 VICE CHAIRMAN BROWN: -- agenda --

4 MR. ROTHER: Okay.

5 VICE CHAIRMAN BROWN: -- and then do
6 Executive Session.

7 MR. ROTHER: Okay. Fine.

8 VICE CHAIRMAN BROWN: It's really up to you
9 guys how you want to do it.

10 COMMISSIONER SPIESBACH: Perfect.

11 COMMISSIONER STANZIALE: That's fine.

12 VICE CHAIRMAN BROWN: Okay.

13 COMMISSIONER DUNEC: You're the boss today.

14 VICE CHAIRMAN BROWN: So we can go through
15 the --

16 Huh?

17 COMMISSIONER DUNEC: You're the boss today.

18 VICE CHAIRMAN BROWN: That comes with a
19 cost.

20

21 **PUBLIC COMMENT:**

22

23 VICE CHAIRMAN BROWN: All right, is anyone
24 here for Public Comment?

25 MS. SAPINSKI: No.

1 VICE CHAIRMAN BROWN: Seeing no public
2 comment.

3

4 (Whereupon, the Board discussed and took
5 action on the following item:

6 **ACCEPTANCE OF MINUTES**

7 **RESOLUTION NO. 16-07**

8 1. SPECIAL BOARD MEETING 1-22-16;

9 2. REGULAR BOARD MEETING 1-26-16 and EXECUTIVE
10 SESSION.)

11

12 VICE CHAIRMAN BROWN: We'll move on to
13 Acceptance of the Minutes for the Board Meeting
14 1/22/16.

15 MR. DILLON: We did that already,
16 Commissioner.

17 VICE CHAIRMAN BROWN: We did both of --
18 I'm sorry.

19 MR. DILLON: Yes.

20 VICE CHAIRMAN BROWN: No we --

21 MS. SAPINSKI: No we didn't do it.

22 VICE CHAIRMAN BROWN: No we didn't. We
23 didn't do those.

24 MS. SAPINSKI: No, Kevin.

25 COMMISSIONER SPIESBACH: We did the meeting

1 | schedules.

2 | MS. SAPINSKI: We did the meeting
3 | schedules.

4 | MR. DILLON: Oh, you did the meeting --
5 | I'm sorry.

6 | VICE CHAIRMAN BROWN: We -- we accepted the
7 | meeting schedule.

8 | I'm saying I -- I'm not -- not getting
9 | senile here.

10 | So I want to do Acceptance of the Minutes
11 | of --

12 | Now, can I do both of those together, Lucy?

13 | COMMISSIONER SPIESBACH: Yes, you can.

14 | VICE CHAIRMAN BROWN: Okay; 1/16/26 (sic)
15 | and the Executive Session 1/6 -- 1/26/16.

16 | COMMISSIONER SPIESBACH: Move to accept.

17 | COMMISSIONER STANZIALE: Second.

18 | VICE CHAIRMAN BROWN: Roll call, Lucy.

19 | MS. SAPINSKI: VICE CHAIRMAN BROWN?

20 | VICE CHAIRMAN BROWN: Yes.

21 | MS. SAPINSKI: Commissioner Dunec?

22 | COMMISSIONER DUNEC: Yes.

23 | MS. SAPINSKI: Commissioner Spiesbach?

24 | COMMISSIONER SPIESBACH: Yes.

25 | MS. SAPINSKI: Commissioner Stanziale?

1 COMMISSIONER STANZIALE: Yes.

2 MS. SAPINSKI: Commissioner Ross?

3 COMMISSIONER ROSS: Yes.

4

5 (Whereupon, the Board discussed and took
6 action on the following items:

7 **ADMINISTRATIVE**

- 8 1. RESOLUTION NO. 16-036 - RESOLUTION
9 AUTHORIZING PAYMENT TO AUDIO-DIGITAL
10 TRANSCRIPTION SERVICES, LLC FOR TRANSCRIPTION OF
11 BOARD MEETING ON 1-22-16 (SPECIAL MEETING) AND
12 1-26-16;
- 13 2. RESOLUTION NO. 16-037 - RESOLUTION
14 RATIFYING PAYMENT OF RECURRING BILLS (BILL LIST);
- 15 3. RESOLUTION NO. 16-038 - RESOLUTION
16 AUTHORIZING PAYMENT TO D. TORLUCCIO IN THE AMOUNT
17 OF \$19,085.00 FOR SNOW/ICE REMOVAL (BID AWARD
18 CONTRACT, RESOLUTION # 14-293); and
- 19 4. RESOLUTION NO. 16-039 - RESOLUTION
20 AUTHORIZING PURCHASE OF ECIA INSURANCE POLICIES
21 FOR WORKER'S COMPENSATION, AND UNDERGROUND TANKS
22 FOR THE PERIOD 3-1-16 TO 3-1-17.)

23

24 VICE CHAIRMAN BROWN: Okay, moving on to
25 Administrative.

1 Any questions?

2 Can I have a motion to accept?

3 COMMISSIONER STANZIALE: I'll make a
4 motion.

5 COMMISSIONER DUNEC: Second.

6 VICE CHAIRMAN BROWN: Okay, Lucy?

7 MS. SAPINSKI: VICE CHAIRMAN BROWN?

8 VICE CHAIRMAN BROWN: Yes.

9 MS. SAPINSKI: Commissioner Dunec?

10 COMMISSIONER DUNEC: Yes.

11 MS. SAPINSKI: Commissioner Spiesbach?

12 COMMISSIONER SPIESBACH: Yes.

13 MS. SAPINSKI: Commissioner Stanziale?

14 COMMISSIONER STANZIALE: Yes.

15 MS. SAPINSKI: Commissioner Ross?

16 COMMISSIONER ROSS: Yes.

17

18 (Whereupon, the Board discussed and took
19 action on the following item:

20 **NEWARK RIVERFRONT PROJECT/LITIGATION**

21 5. RESOLUTION NO. 16-040 - RESOLUTION
22 AUTHORIZING PAYMENT OF \$351.34 TO DE COTIIS,
23 FITZPATRICK & COLE, LLP FOR LEGAL SERVICES
24 RENDERED IN THE MONTH OF JANUARY 2016.)

25

1 VICE CHAIRMAN BROWN: Moving on to Newark
2 Riverfront Project Litigation.

3 Can I --

4 COMMISSIONER STANZIALE: I make a motion.

5 VICE CHAIRMAN BROWN: -- is there any
6 questions?

7 Can I make a motion?

8 You make a motion?

9 COMMISSIONER STANZIALE: Yes, I'll make the
10 motion.

11 VICE CHAIRMAN BROWN: Can I get a second
12 please?

13 COMMISSIONER DUNEC: Second.

14 VICE CHAIRMAN BROWN: Okay.

15 MS. SAPINSKI: VICE CHAIRMAN BROWN?

16 VICE CHAIRMAN BROWN: Yes.

17 MS. SAPINSKI: Commissioner Dunec?

18 COMMISSIONER DUNEC: Yes.

19 MS. SAPINSKI: Commissioner Spiesbach?

20 COMMISSIONER SPIESBACH: Yes.

21 MS. SAPINSKI: Commissioner Stanziale?

22 COMMISSIONER STANZIALE: Yes.

23 MS. SAPINSKI: Commissioner Ross?

24 COMMISSIONER ROSS: Aye.

25 VICE CHAIRMAN BROWN: Okay.

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

4 **CORRECTIONAL FACILITY/CELANESE LITIGATION**

5 ***ALL EXPENSES PAID FROM ECIA GENERAL/OPERATING**
6 **ACCOUNT**

7 6. RESOLUTION NO. 16-041 - RESOLUTION
8 AUTHORIZING PAYMENT IN THE AMOUNT OF \$35,527.98
9 TO BUCHANAN, INGERSOLL & ROONEY, PC FOR LEGAL
10 SERVICES RENDERED IN THE MONTH OF JANUARY 2016.)

11

12 VICE CHAIRMAN BROWN: Moving on to
13 Correctional Facility/Celanese Litigation, 6 --
14 number 6.

15 COMMISSIONER STANZIALE: I just have a
16 quick question on that.

17 VICE CHAIRMAN BROWN: Sure.

18 COMMISSIONER STANZIALE: Are we going to be
19 getting an update from Buchanan anytime soon?

20 Or --

21 I know he came in --

22 MR. ROTHER: Are we getting an update? Yes
23 we are getting an update.

24 And, as a matter of fact, I am supposed to
25 -- I was supposed to get one yesterday; only

1 | because of all of the activity that took place
2 | around the Stadium I couldn't get the call.

3 | But we have -- we have been getting
4 | periodic oral --

5 | COMMISSIONER STANZIALE: Um-hum.

6 | MR. ROTHER: -- updates and periodically
7 | written updates.

8 | There's one out there right now that I got
9 | a day or two ago on the status of the settlement,
10 | which I can forward to you all.

11 | COMMISSIONER STANZIALE: Please.

12 | MR. ROTHER: And if you have questions
13 | please, you know, --

14 | COMMISSIONER STANZIALE: That would be
15 | great.

16 | MR. ROTHER: -- let us -- let us know what
17 | -- the questions you have.

18 | COMMISSIONER STANZIALE: Okay, great.

19 | Thank you.

20 | VICE CHAIRMAN BROWN: Thank you.

21 | Any more questions please?

22 | Can I get a motion on that?

23 | COMMISSIONER SPIESBACH: I'll move it.

24 | COMMISSIONER ROSS: Second.

25 | VICE CHAIRMAN BROWN: Roll call, Lucy,

1 please.

2 MS. SAPINSKI: VICE CHAIRMAN BROWN?

3 VICE CHAIRMAN BROWN: Yes.

4 MS. SAPINSKI: Commissioner Dunec?

5 COMMISSIONER DUNEC: Yes.

6 MS. SAPINSKI: Commissioner Spiesbach?

7 COMMISSIONER SPIESBACH: Yes.

8 MS. SAPINSKI: Commissioner Stanziale?

9 COMMISSIONER STANZIALE: Yes.

10 MS. SAPINSKI: Commissioner Ross?

11 COMMISSIONER ROSS: Yes.

12

13 (Whereupon, the Board discussed and took
14 action on the following items:

15 **NEWARK PROPERTY ACQUISITION PROJECT**

16 7. RESOLUTION NO. 16-042 - RESOLUTION
17 RATIFYING PAYMENT IN THE AMOUNT OF \$8,700.00 TO
18 GC STEWART ASSOC. FOR PROPERTIES BOUNDARY
19 SURVEYS; and

20 8. RESOLUTION NO. 16-043 - RESOLUTION
21 ACCEPTING A PROPOSAL FROM GC STEWART FOR
22 SURVEYING SERVICES IN THE AMOUNT OF \$6,500.00 FOR
23 ADDITIONAL 5 PROPERTIES.)

24

25 VICE CHAIRMAN BROWN: Moving on to Newark

1 Property Acquisition Product (sic), 7 and 8.

2 Any questions?

3 You look -- do you have a question?

4 COMMISSIONER STANZIALE: Nope.

5 VICE CHAIRMAN BROWN: Okay.

6 Can I get a motion please?

7 COMMISSIONER ROSS: Motion.

8 COMMISSIONER DUNEC: Second.

9 VICE CHAIRMAN BROWN: Roll call, Lucy,
10 please.

11 MS. SAPINSKI: VICE CHAIRMAN BROWN?

12 VICE CHAIRMAN BROWN: Yes.

13 MS. SAPINSKI: Commissioner Dunec?

14 COMMISSIONER DUNEC: Yes.

15 MS. SAPINSKI: Commissioner Spiesbach?

16 COMMISSIONER SPIESBACH: Yes.

17 MS. SAPINSKI: Commissioner Stanziale?

18 COMMISSIONER STANZIALE: Yes.

19 MS. SAPINSKI: Commissioner Ross?

20 COMMISSIONER ROSS: Yes.

21

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

24 **CEDAR GROVE PARK PROJECT**

25 **9. RESOLUTION NO. 16-044 - RESOLUTION**

1 AUTHORIZING A PAYMENT OF \$23,428.25 TO CME
2 ASSOCIATES FOR ENGINEERING SERVICES IN CONNECTION
3 WITH THE COUNTY DEVELOPMENT OF A NEW PARK IN
4 CEDAR GROVE.)

5

6 VICE CHAIRMAN BROWN: Moving on to the
7 Cedar Grove Project.

8 Number 9.

9 Any questions?

10 Just a quick question, where are we with
11 it?

12 MR. ROTHER: They're designing it right
13 now.

14 VICE CHAIRMAN BROWN: They're still --
15 Okay.

16 MR. ROTHER: Those of you that were at
17 the --

18 I -- I couldn't make it.

19 -- the County Executive's State of the
20 County Report, he -- he reported on that --

21 VICE CHAIRMAN BROWN: Last night.

22 MR. ROTHER: -- on that project. That was
23 one of his very, very successful achievements, as
24 he thought it was -- or so my wife told me after
25 she came back from that -- from that session.

1 VICE CHAIRMAN BROWN: All right.

2 Seeing no more questions, can I get a
3 motion please?

4 COMMISSIONER STANZIALE: I'll make a
5 motion.

6 COMMISSIONER ROSS: Second.

7 VICE CHAIRMAN BROWN: Okay, roll call,
8 Lucy, please.

9 MS. SAPINSKI: VICE CHAIRMAN BROWN?

10 VICE CHAIRMAN BROWN: Yes.

11 MS. SAPINSKI: Commissioner Dunec?

12 COMMISSIONER DUNEC: Yes.

13 MS. SAPINSKI: Commissioner Spiesbach?

14 COMMISSIONER SPIESBACH: Yes.

15 MS. SAPINSKI: Commissioner Stanziale?

16 COMMISSIONER STANZIALE: Yes.

17 MS. SAPINSKI: Commissioner Ross?

18 COMMISSIONER ROSS: Yes.

19

20 (Whereupon, the Board discussed and took
21 action on the following item:

22 **PARKING**

23 **10.** RESOLUTION NO. 16-045 - RESOLUTION

24 AUTHORIZING PAYMENT TO HAYS SAFE AND LOCK CO., IN

25 THE AMOUNT OF \$648.00 FOR LOCK REPLACEMENT AT THE

1 | TICKET BOOTH.)

2 |

3 | VICE CHAIRMAN BROWN: Moving to Parking,
4 | number 10.

5 | Questions?

6 | Motion please?

7 | COMMISSIONER STANZIALE: I make a motion.

8 | COMMISSIONER ROSS: Second.

9 | VICE CHAIRMAN BROWN: Lucy?

10 | MS. SAPINSKI: VICE CHAIRMAN BROWN?

11 | VICE CHAIRMAN BROWN: Yes.

12 | MS. SAPINSKI: Commissioner Dunec?

13 | COMMISSIONER DUNEC: Yes.

14 | MS. SAPINSKI: Commissioner Spiesbach?

15 | COMMISSIONER SPIESBACH: Yes.

16 | MS. SAPINSKI: Commissioner Stanziale?

17 | COMMISSIONER STANZIALE: Yes.

18 | MS. SAPINSKI: Commissioner Ross?

19 | COMMISSIONER ROSS: Yes.

20 |

21 | (Whereupon, the Board discussed the
22 | following item:

23 | **13. RESOLUTION NO. 16-048 - WITHDRAWN -**

24 | RESOLUTION AUTHORIZING PURCHASE OF ECIA

25 | SPORTSPLEX INSURANCE POLICIES: COMMERCIAL

1 PROPERTY, GENERAL LIABILITY AND UMBRELLA FOR THE
2 PERIOD 3-1-16 TO 3-1-17.)

3

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

6 **SPORTSPLEX COMPLEX**

7 11. RESOLUTION NO. 16-046 - RESOLUTION
8 AUTHORIZING PAYMENT TO AROCHO SERVICES, LLC IN
9 THE AMOUNT OF \$14,615.00 FOR SNOW/ICE REMOVAL;
10 and

11 12. RESOLUTION NO. 16-047 - RESOLUTION
12 RATIFYING PAYMENT OF \$8,395.00 FOR ENVIRONMENTAL
13 CONSULTING ENGINEERING SERVICES RENDERED BY PS&S
14 IN CONNECTION WITH ENVIRONMENTAL ISSUES FOR THE
15 PERIOD THROUGH 12-31-15.)

16

17 VICE CHAIRMAN BROWN: Moving on to
18 Sportsplex --

19 MR. ROTHER: Yeah, we're going to have to
20 withdraw item number 13. Number 16-048, we're
21 going to withdraw. Because we haven't received
22 the quote yet.

23 But you can move the -- the other two
24 items.

25 VICE CHAIRMAN BROWN: We're going to --

1 we're going to try to move 11 and 12 out of
2 Sportsplex; 13 has been withdrawn.

3 Can I get a motion please?

4 COMMISSIONER SPIESBACH: I'll move those.

5 COMMISSIONER STANZIALE: Second.

6 VICE CHAIRMAN BROWN: Okay. Roll call,
7 Lucy, please.

8 MS. SAPINSKI: VICE CHAIRMAN BROWN?

9 VICE CHAIRMAN BROWN: Yes.

10 MS. SAPINSKI: Commissioner Dunec?

11 COMMISSIONER DUNEC: Yes.

12 MS. SAPINSKI: Commissioner Spiesbach?

13 COMMISSIONER SPIESBACH: Yes.

14 MS. SAPINSKI: Commissioner Stanziale?

15 COMMISSIONER STANZIALE: Yes.

16 MS. SAPINSKI: Commissioner Ross?

17 COMMISSIONER ROSS: Yes.

18

19 (Whereupon, the Board discussed and took
20 action on the following items:

21 **AIRPORT**

22 **14.** RESOLUTION NO. 16-049 - RESOLUTION

23 AUTHORIZING THE DISPOSITION OF BIDS FOR

24 CONSTRUCTION OF PRE-FABRICATED MODULAR AIRPORT

25 OPERATIONS BUILDING (REJECTION OF ALL BIDS);

1 **15.** RESOLUTION NO. 16-050 - RESOLUTION
2 AUTHORIZING PAYMENT IN THE AMOUNT OF \$2,851.12 TO
3 TRANE FOR HVAC SYSTEM REPAIRS AT BUILDING/HANGAR
4 M;

5 **16.** RESOLUTION NO. 16-051 - RESOLUTION
6 AUTHORIZING PAYMENT TO JAMES ISABEL IN THE AMOUNT
7 OF \$1,150.00 FOR WELDING SERVICES; and

8 **17.** RESOLUTION NO. 16-052 - RESOLUTION
9 AUTHORIZING PAYMENT TO SHERWIN INDUSTRIES INC. IN
10 THE AMOUNT OF \$3,999.00 FOR AIRFIELD FRICTION
11 METER.)

12

13 VICE CHAIRMAN BROWN: Moving on to Airport,
14 14 through 17.

15 Questions?

16 MR. ROTHER: Yeah. I'd like to make a
17 comment on -- on number 14 before you move on --
18 on that.

19 That -- that was a -- a series of bids
20 where we had a number of them, which was very
21 encouraging but all of the bids came out
22 substantially higher than the engineer's
23 estimate.

24 And as I understand it we subsequently
25 found out that one of the bid contracting

1 services online --

2 What was the name of that service?

3 MR. CALI: No, it was Construction (sic)

4 Data --

5 MR. ROTHER: Yeah. Went and published an
6 amount that was exceedingly high and labeled it
7 as our budget amount. And the -- the amount that
8 all these parties bid was pretty much close to
9 that amount that had been published online. And
10 so that has forced us to reject all of the bids
11 and take some pretty severe corrective reaction
12 -- action, rather, going forward to make sure
13 that any new bids don't fall into that pit.

14 COMMISSIONER SPIESBACH: How'd they get
15 that information?

16 MR. ROTHER: The -- the -- we don't know.

17 COMMISSIONER SPIESBACH: Because if it's
18 budgetary it was an internal --

19 MR. ROTHER: No --

20 COMMISSIONER SPIESBACH: -- budget we
21 created.

22 MR. ROTHER: No. No. They -- they called
23 it our -- our -- they called it our budget
24 amount.

25 Was that not the case, Joe?

1 MR. CALI: Yes. They -- they called it the
2 budgeted amount for the project. We -- I have a
3 suspicion that they had an engineer in -- on
4 their team putting together a quote that came up
5 with that number and -- and published that as our
6 budget.

7 COMMISSIONER SPIESBACH: Did we have --

8 MR. ROTHER: Obvious --

9 COMMISSIONER SPIESBACH: Did we have an
10 internal budget?

11 Did we budget --

12 MR. CALI: No, we were just going off the
13 engineer's estimate, which was substantially
14 lower.

15 MR. ROTHER: Less.

16 COMMISSIONER DUNEC: Will those firms that
17 were rejected be able to bid again?

18 MR. ROTHER: Yeah, sure.

19 COMMISSIONER DUNEC: Yes?

20 MR. ROTHER: Yeah. We can't -- we can't
21 keep them out. No -- no basis for us to keep
22 them out.

23 But I -- I can just imagine those firms
24 were cruising online and saw -- and saw this bid
25 and said that's the budget. You know? Bid a few

1 | dollars less or maybe a few dollars more; they
2 | thought they'd be in the ballpark.

3 | VICE CHAIRMAN BROWN: That's crazy.

4 | MR. ROTHER: And they were way out of the
5 | ballpark.

6 | COMMISSIONER SPIESBACH: Is that the first
7 | time something like that has happened --

8 | MR. CALI: Yes.

9 | COMMISSIONER SPIESBACH: -- with any of our
10 | bids?

11 | MS. SAPINSKI: Yes.

12 | MR. CALI: Yes.

13 | MS. SAPINSKI: Yes.

14 | COMMISSIONER SPIESBACH: And has this
15 | service, whatever it is -- Construction what?

16 | What was the firm that --

17 | MR. CALI: I --

18 | MS. WILLIAMSON: Dodge Data.

19 | COMMISSIONER SPIESBACH: -- that published
20 | this?

21 | MR. CALI: It was Dodge Data. That -- that
22 | was my -- I'm corrected.

23 | COMMISSIONER SPIESBACH: Dodge Data?

24 | MS. WILLIAMSON: Yeah.

25 | COMMISSIONER SPIESBACH: Have they --

1 MR. CALI: I know --

2 COMMISSIONER SPIESBACH: -- listed other --

3 MR. CALI: They've picked up our bids
4 before --

5 COMMISSIONER SPIESBACH: Right.

6 MR. CALI: -- and published them on their
7 site. This is the first time that --

8 COMMISSIONER SPIESBACH: They've picked up
9 the -- the bids that we received, --

10 MR. CALI: Yeah.

11 COMMISSIONER SPIESBACH: -- not the --

12 MR. ROTHER: No, no, the bid --

13 COMMISSIONER SPIESBACH: -- estimate --

14 MR. ROTHER: No, the bid documents.

15 COMMISSIONER SPIESBACH: The bid documents.

16 MR. ROTHER: The bid documents.

17 COMMISSIONER SPIESBACH: Okay.

18 MR. ROTHER: Because that's what --

19 COMMISSIONER SPIESBACH: Okay.

20 MR. ROTHER: -- they -- they advertise.

21 COMMISSIONER SPIESBACH: Interesting.

22 MR. ROTHER: Yeah, no we -- we looked at

23 the -- the issue of whether they could be --

24 could be sued for -- for the extraordinary costs

25 that this might --

1 COMMISSIONER STANZIALE: Exactly.

2 MR. ROTHER: -- incur for doing that.
3 Because there's -- there's no basis for them
4 publishing a number like that.

5 COMMISSIONER STANZIALE: Um-hum.

6 Well they'll certainly have to be
7 scrutinized extremely carefully --

8 MR. ROTHER: Yeah.

9 COMMISSIONER STANZIALE: -- on the second
10 round given the --

11 COMMISSIONER SPIESBACH: And the engineer
12 for us --

13 COMMISSIONER STANZIALE: -- you know what
14 --

15 COMMISSIONER SPIESBACH: I'm sorry, Carla.

16 COMMISSIONER STANZIALE: That's okay.

17 COMMISSIONER SPIESBACH: I didn't know you
18 were --

19 The engineer for us was -- our normal
20 Airport engineers did the bid document?

21 MR. CALI: No this was PS and S.

22 COMMISSIONER SPIESBACH: Really? Okay.
23 You can see my confusion?

24 I mean as an airport operations building, I
25 would have figured that's right down the sweet

1 spot of -- who is it C and S is our normal
2 engineers?

3 MR. ROTHER: Yeah.

4 Yeah, I'm not sure. That -- that selection
5 was made before I -- I became --

6 MR. CALI: Yeah, --

7 MR. ROTHER: -- Executive.

8 What -- what was the reason we selected
9 them?

10 MR. CALI: We -- we had put out an RFP to
11 design the building.

12 MR. ROTHER: Yeah.

13 MR. CALI: We received I believe it was
14 three or four responses. And we interviewed the
15 firms that had put in their submission and that
16 was our choice.

17 COMMISSIONER SPIESBACH: Um-hum.

18 Okay.

19 MR. ROTHER: And obviously the Board had
20 selected that -- that firm at some point.

21 COMMISSIONER STANZIALE: Um-hum.

22 VICE CHAIRMAN BROWN: Okay.

23 You had a question --

24 COMMISSIONER ROSS: Yeah. Did we skip over
25 number 12, Resolution 16-047?

1 COMMISSIONER STANZIALE: I think we did 11
2 and 12 --

3 COMMISSIONER SPIESBACH: I think we
4 moved --

5 COMMISSIONER STANZIALE: -- together.

6 COMMISSIONER ROSS: We did that together?

7 COMMISSIONER SPIESBACH: -- 11 and 12.

8 COMMISSIONER ROSS: Okay.

9 I'm sorry.

10 COMMISSIONER SPIESBACH: We removed --
11 Well, I thought I was moving 11 and 12.

12 COMMISSIONER ROSS: Okay.

13 COMMISSIONER DUNEC: Yes.

14 COMMISSIONER ROSS: All right.

15 COMMISSIONER SPIESBACH: That's what was
16 moved.

17 COMMISSIONER ROSS: Thank you.

18 VICE CHAIRMAN BROWN: Okay, we're pulling
19 -- on the Airport we're pulling number 14.

20 Right?

21 MR. ROTHER: No. Nope.

22 VICE CHAIRMAN BROWN: No?

23 MR. ROTHER: Number 14 rejects all the
24 bids.

25 VICE CHAIRMAN BROWN: Reject -- oh, we're

1 rejecting it. Okay.

2 MR. ROTHER: All the bids.

3 VICE CHAIRMAN BROWN: Okay, so we're moving
4 14, 15, 16 and 17.

5 Can I have a motion please?

6 COMMISSIONER ROSS: Motion.

7 COMMISSIONER SPIESBACH: Second.

8 VICE CHAIRMAN BROWN: Lucy?

9 MS. SAPINSKI: VICE CHAIRMAN BROWN?

10 VICE CHAIRMAN BROWN: Yes.

11 MS. SAPINSKI: Commissioner Dunec?

12 COMMISSIONER DUNEC: Yes.

13 MS. SAPINSKI: Commissioner Spiesbach?

14 COMMISSIONER SPIESBACH: Yes.

15 MS. SAPINSKI: Commissioner Stanziale?

16 COMMISSIONER STANZIALE: Yes.

17 MS. SAPINSKI: Commissioner Ross?

18 COMMISSIONER ROSS: Yes.

19

20 (Whereupon, the Board discussed and took
21 action on the following item:

22 **AIRPORT**

23 **REJUVENATION & RUNWAY 10-28 THRESHOLD LIGHTING**

24 **PROJECT (DESIGN)**

25 **Project Funded:**

1 **FAA GRANT #38-15 (90%)**

2 **NJDOT GRANT #6107308 (5%)**

3 **AIRPORT BOND (5%)**

4 **18.** RESOLUTION NO. 16-053 - RESOLUTION

5 AUTHORIZING PAYMENT TO C&S ENGINEERS, INC., IN
6 THE AMOUNT OF \$1,333.73 FOR DESIGN ENGINEERING
7 SERVICES.)

8

9 VICE CHAIRMAN BROWN: Move on to Renovation
10 (sic) and Runway.

11 Number 18.

12 Can I get a motion please?

13 COMMISSIONER STANZIALE: I'll make a
14 motion.

15 COMMISSIONER SPIESBACH: Second.

16 VICE CHAIRMAN BROWN: Lucy.

17 MS. SAPINSKI: VICE CHAIRMAN BROWN?

18 VICE CHAIRMAN BROWN: Yes.

19 MS. SAPINSKI: Commissioner Dunec?

20 COMMISSIONER DUNEC: Yes.

21 MS. SAPINSKI: Commissioner Spiesbach?

22 COMMISSIONER SPIESBACH: Yes.

23 MS. SAPINSKI: Commissioner Stanziale?

24 COMMISSIONER STANZIALE: Yes.

25 MS. SAPINSKI: Commissioner Ross?

1 COMMISSIONER ROSS: Yes.

2

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

5 **AIRPORT**

6 **OBSTRUCTION REMOVAL PROJECT - CONDEMNATION**

7 **Project Funded:**

8 **AIRPORT 100%**

9 **19.** RESOLUTION NO. 16-054 - RESOLUTION
10 RATIFYING PAYMENT TO JOHN J. CURLEY, LLC IN THE
11 AMOUNT OF \$920.00 FOR LEGAL SERVICES RENDERED IN
12 THE MONTH OF JANUARY 2016.)

13

14 VICE CHAIRMAN BROWN: Move on to
15 Obstruction Removal Project.

16 Number 19.

17 COMMISSIONER ROSS: Motion.

18 VICE CHAIRMAN BROWN: Second?

19 COMMISSIONER STANZIALE: Second.

20 VICE CHAIRMAN BROWN: Thank you.

21 Lucy?

22 MS. SAPINSKI: VICE CHAIRMAN BROWN?

23 VICE CHAIRMAN BROWN: Yes.

24 MS. SAPINSKI: Commissioner Dunec?

25 COMMISSIONER DUNEC: Yes.

1 MS. SAPINSKI: Commissioner Spiesbach?

2 COMMISSIONER SPIESBACH: Yes.

3 VICE CHAIRMAN BROWN: Oh. Okay, --

4 MS. SAPINSKI: Commissioner Stanziale?

5 COMMISSIONER STANZIALE: Yes.

6 VICE CHAIRMAN BROWN: -- Airport.

7 MS. SAPINSKI: Commissioner Ross?

8 COMMISSIONER ROSS: Yes.

9

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

12 **AIRPORT**

13 **ENVIRONMENTAL PROJECTS - HANGAR 1 AND HANGAR 3**

14 **Project Funded:**

15 **AIRPORT BOND-100%**

16 **20.** RESOLUTION NO. 16-055 - RESOLUTION
17 AUTHORIZING AMENDMENT #5 TO H2M ASSOCIATES INC.,
18 IN THE AMOUNT OF \$321,250.00 FOR ENGINEERING
19 SERVICES, SITE REMEDIATION AT HANGAR 1 AREA; and

20 **21.** RESOLUTION NO. 16-056 - RESOLUTION
21 AUTHORIZING AMENDMENT #3 TO H2M ASSOCIATES INC.,
22 IN THE AMOUNT OF \$27,500.00 FOR ENGINEERING
23 SERVICES, SITE REMEDIATION AT HANGAR 3 AREA.)

24

25 VICE CHAIRMAN BROWN: Okay, with the

1 Airport, Environmental Project, Hangar 1 and
2 Hangar 3.

3 Twenty and 21.

4 Any questions?

5 Motion?

6 COMMISSIONER STANZIALE: Can we just talk a
7 little bit about the \$321,000.00 increase?

8 MR. ROTHER: Yeah. Well, we -- we have the
9 numbers here.

10 And -- and, Joe, you want to walk that
11 through?

12 MR. CALI: Sure.

13 This --

14 Joe Cali, Project Manager.

15 There's two different sites that the DEP
16 has established here at the site.

17 And the -- the first one being Hangar 1,
18 which I can show you on the Airport map, is this
19 side of the property; and Hangar 3 being this
20 side of the property.

21 The original contract from H2M was
22 \$399,000.00. That was -- at that time there were
23 77 areas of concern in that section. They had
24 done some investigation work. During that
25 investigation work, you can see here, amendment

1 number 1, they had -- they had found a tank
2 during soil boring testing that they had to be
3 removed. So this 68,000 here shows that.

4 While they do the soil boring test and well
5 installations they generate this liquid that's
6 put into drums and to -- in order to remove those
7 drums they have to take them offsite. There were
8 additional drums than what they had originally
9 accounted for. Amendment number 2 of \$8,000.00
10 was the additional drums that had to be removed
11 from the site.

12 You can see here, amendment number 3, which
13 is additional investigation work of 177,000.

14 Amendment number 4 being the oil/water
15 separator work, which we're currently doing at
16 the Hangar 1 site, our aircraft wash rack, and
17 maintenance garage. We are removing and
18 installing new water/oil separators because the
19 old ones were at the end of their suggested life
20 and they needed to be upgraded.

21 And this amendment number 5, while they
22 were doing some investigation work down at the
23 Hangar 1 site they were doing the boring test and
24 they hit a water pipe and needed to be fixed. So
25 that's that \$7,000.00.

1 And this you see down here is amendment
2 number 6, which is the current amendment, 321,000
3 for investigation work.

4 And that takes us to the remedial
5 investigation report, which is -- the deadline
6 being May 7th. And \$100,000.00 of this proposal
7 here is actually remedial action, --

8 MR. ROTHER: Action.

9 MR. CALI: -- which takes us past the
10 report. And --

11 COMMISSIONER SPIESBACH: What kind of
12 remedial action?

13 MR. CALI: There is soil remediation being
14 done in one of the spots.

15 MR. ROTHER: It's -- it's a leach pit --
16 it's a leach pit, if I'm not mistaken, that --

17 MR. CALI: Correct.

18 MR. ROTHER: -- that is being removed.

19 And one of the -- one of the reasons
20 they're doing that is they're -- they're going to
21 remedial action because they can avoid a second
22 localization if they did investigation first and
23 then action. So they're combining the two. And
24 that's the additional hundred thousand dollars.

25 COMMISSIONER STANZIALE: Okay.

1 MR. ROTHER: And that -- and that gets us
2 to the May deadline on that Hangar 1 project.

3 COMMISSIONER SPIESBACH: The May deadline
4 means what?

5 That they have to conclude the
6 investigation --

7 MR. ROTHER: Yes.

8 COMMISSIONER SPIESBACH: -- by May 1st?

9 MR. CALI: Yes.

10 MR. ROTHER: Yes.

11 COMMISSIONER SPIESBACH: So they're going
12 to spend 321,000 between now and then?

13 MR. ROTHER: Including a hundred
14 thousand --

15 COMMISSIONER SPIESBACH: Including the
16 report.

17 MR. ROTHER: -- in action -- in action.

18 COMMISSIONER SPIESBACH: Including --

19 MR. ROTHER: Yeah.

20 COMMISSIONER SPIESBACH: -- generating the
21 report.

22 MR. ROTHER: Yeah.

23 MR. CALI: Correct.

24 COMMISSIONER SPIESBACH: And that will be
25 the remedial investigation piece?

1 MR. CALI: Correct.

2 MR. ROTHER: And -- and action to the
3 extent of that --

4 COMMISSIONER SPIESBACH: Well to the one
5 action --

6 MR. ROTHER: -- that leach pit. That leach
7 pit.

8 COMMISSIONER SPIESBACH: -- but not
9 necessarily --

10 MR. ROTHER: That's right.

11 COMMISSIONER SPIESBACH: -- what the
12 overall action.

13 MR. ROTHER: Yeah.

14 The -- and the reason they told us that
15 they -- they want to do that is because that is
16 reasonably well-defined and they can do it.

17 They know where it is. They've -- they've
18 marked the extent of the activity. They know
19 where the source is. They can go right in and
20 take it out. Rather than just doing a study of
21 it and then later coming back and taking out.
22 They can do it all at once now and save us money
23 by doing that.

24 COMMISSIONER DUNEC: Just a quick question.

25 The original contract was 400,000. Now the

1 total is close to 700,000?

2 MR. ROTHER: Yeah there's a lot of money
3 there.

4 And then --

5 COMMISSIONER SPIESBACH: Yeah.

6 MR. ROTHER: -- just so that you -- you all
7 know --

8 COMMISSIONER SPIESBACH: This will bring us
9 over a million.

10 COMMISSIONER DUNEC: Okay.

11 MR. ROTHER: -- Commissioner Spiesbach and
12 I've had a -- have had a number of conversations
13 about this and it's something that I brought up
14 with them when -- when I met with them here to go
15 over these numbers.

16 What, last week it was?

17 MS. SAPINSKI: Um-hum.

18 MR. ROTHER: Yeah.

19 We raised the issue, too, that we do not
20 want to be going around this Airport looking for
21 trouble. We don't want to be punching holes
22 here, there, everywhere looking for trouble
23 because this isn't a residential site. We don't
24 have to make this to, you know, residential
25 standards, et cetera. Their LSRP who was here --

1 The LSRP, that's the licensed professional
2 that acts now for DEP on these -- on these
3 matters.

4 -- he used to be in their employ. He's now
5 employed elsewhere. He was there as well. He
6 continues to be the LSRP for the site.

7 He -- he agreed with me in -- in principle
8 that, you know, they don't want to do that. And
9 to the extent that they're talking about the kind
10 of fill that they would find that would be
11 acceptable anywhere else and -- and similar kinds
12 of contaminants that can be tolerated, they're --
13 they're ready to -- to leave them alone.

14 But to a great extent they said that their
15 predecessors here, the -- the prior environmental
16 firm that was here -- started certain activities
17 that they've inherited and they can't -- and they
18 can't leave it alone now. They -- it's been
19 found; they've got to act on it. And to a great
20 extent that's their justification for the work
21 that they're doing right now.

22 Commissioner Spiesbach and I agree that we
23 should have a third party look over their
24 shoulders to be sure that that's -- that they're
25 not looking for trouble simply to continue to,

1 | you know, charge us fees for investigation and
2 | remediation.

3 | Commissioner Spiesbach has looked for a
4 | professional to do that and -- and it's not --

5 | COMMISSIONER SPIESBACH: Still a work in
6 | progress.

7 | MR. ROTHER: Yeah.

8 | And it's -- it's not easy to do because one
9 | professional doesn't want to be doing that to
10 | another.

11 | I have someone if -- if Commissioner
12 | Spiesbach can't find an engineer. I would prefer
13 | to have an engineer doing this. I have someone
14 | who is an attorney that was formerly a Deputy AG
15 | to DEP that has done this kind of work for us in
16 | other situations and would come in. He's not as
17 | good as an engineer would be but has the kind of
18 | experience that could tell us if indeed these
19 | folks are simply looking for more work to do
20 | that's not justified.

21 | COMMISSIONER STANZIALE: Have you advised
22 | them that that's an option you're considering?

23 | MR. ROTHER: No. I -- I have not told them
24 | that yet. But, you know, if we find somebody we
25 | certainly will.

1 COMMISSIONER STANZIALE: Of course. But
2 just so they --

3 MR. ROTHER: Yeah.

4 COMMISSIONER STANZIALE: -- so they know.

5 MR. ROTHER: Yeah.

6 COMMISSIONER DUNEC: For future -- I just
7 --

8 Quick question.

9 For future letter of engagements is it
10 possible to put in, you know, not to exceed?

11 MR. ROTHER: Well we do that.

12 COMMISSIONER STANZIALE: They all have
13 that.

14 COMMISSIONER DUNEC: Oh, they all have --

15 COMMISSIONER SPIESBACH: Yeah.

16 MR. ROTHER: They all have it.

17 COMMISSIONER DUNEC: -- anyways.

18 COMMISSIONER STANZIALE: They all have it.

19 MR. ROTHER: Yes, they all --

20 COMMISSIONER STANZIALE: Yes, they all have
21 it.

22 MR. ROTHER: We -- we have to do that by --
23 by law.

24 COMMISSIONER DUNEC: We're still exceeding.

25 COMMISSIONER STANZIALE: Yes.

1 MR. ROTHER: Yeah.

2 COMMISSIONER SPIESBACH: Yeah.

3 MR. ROTHER: But -- but, yeah, they come
4 back and there's more work and then you -- you do
5 a second --

6 COMMISSIONER DUNEC: And then you have to
7 sign --

8 MR. ROTHER: -- the second amendment where
9 you do another not to exceed.

10 COMMISSIONER STANZIALE: Is it unusual to
11 go to a different contractor?

12 I mean to --

13 MR. ROTHER: Well, it's very -- you can't
14 forum shop this environmental stuff. I mean it
15 -- you -- if you -- if you do that you're --
16 you're going to get yourself I think in a bit of
17 trouble with -- with DEP.

18 COMMISSIONER DUNEC: (Indiscernible) --
19 done this, too.

20 MR. ROTHER: But -- but I -- I think having
21 an independent party --

22 COMMISSIONER STANZIALE: Um-hum.

23 MR. ROTHER: -- look over their shoulder
24 and -- and advise us is the right thing to do.
25 If we can find --

1 COMMISSIONER SPIESBACH: Um-hum.

2 MR. ROTHER: -- a reputable person with the
3 right credentials.

4 COMMISSIONER SPIESBACH: A quick question
5 for you also, Joe.

6 Pre-H2M, what was our investment here in
7 Hangar 1 from previous consultants?

8 MR. CALI: I would have to look that up. I
9 can --

10 COMMISSIONER SPIESBACH: It was a lot.

11 MR. CALI: -- I can get it.

12 COMMISSIONER SPIESBACH: It was a lot.

13 MR. ROTHER: Oh, yeah. No, no. We've
14 spent -- we've spent probably millions on -- on
15 this.

16 COMMISSIONER SPIESBACH: Well, I'm just
17 trying to put it in the right context --

18 MR. ROTHER: Oh, sure.

19 COMMISSIONER SPIESBACH: -- because --

20 MR. ROTHER: No, no.

21 COMMISSIONER SPIESBACH: -- we spent a
22 lot --

23 MR. ROTHER: Yeah.

24 COMMISSIONER SPIESBACH: -- with the
25 previous consultant --

1 MR. ROTHER: Um-hum.

2 COMMISSIONER SPIESBACH: -- who basically
3 was looking under every rock they could find and
4 saying ooh there's another area of concern --

5 MR. ROTHER: Um-hum.

6 COMMISSIONER SPIESBACH: -- and we'll
7 investigate.

8 MR. ROTHER: Yeah.

9 COMMISSIONER SPIESBACH: But I think it's
10 important to look at this in the context of we
11 have spent a tremendous amount of investigatory
12 money on a municipal airport. I mean that's
13 really what we're talking about here.

14 We're not generating; we're not an
15 industrial concern; we're not dumping stuff out
16 into the -- into the weeds, et cetera and so
17 forth. So that's where --

18 MR. ROTHER: But there are --

19 COMMISSIONER SPIESBACH: -- my -- my
20 concern is.

21 MR. ROTHER: -- there are contaminants,
22 even though we are an airport, that we have to
23 address. Even though --

24 COMMISSIONER SPIESBACH: No understandable.

25 MR. ROTHER: -- even though we're not --

1 | even though we're not residential.

2 | COMMISSIONER SPIESBACH: Precisely.

3 | MR. ROTHER: But the -- the real question
4 | is are you -- are you looking too hard is -- is
5 | really the question. And -- and I think that
6 | that's where we need -- we need some guidance --

7 | COMMISSIONER SPIESBACH: Yeah.

8 | MR. ROTHER: -- so that we can just reign
9 | them in.

10 | But -- but, too, in -- in their defense
11 | they're claiming that a good part of the work
12 | that they're doing now is in furtherance of work
13 | that was already started by their predecessors --

14 | COMMISSIONER SPIESBACH: Well, that's
15 | exactly true --

16 | MR. ROTHER: -- that put in --

17 | COMMISSIONER SPIESBACH: -- and I could
18 | understand that.

19 | MR. ROTHER: -- put in place.

20 | COMMISSIONER SPIESBACH: But by the same
21 | token, not every LSRP is going to take the same
22 | action as another LSRP.

23 | The LSRP, for all intents and purposes, is
24 | sitting in the place of the case manager. DEP
25 | would have cooperative case managers, difficult

1 case managers.

2 The LSRP program now is such where --

3 And just to wax philosophical, we're doing
4 an investigation now based on a cost recovery
5 action in Jersey City that -- where the former
6 owner is saying my LSRP says you're done. Our
7 LSRP says we're not quite.

8 So at what point are you willing to say
9 enough's enough already?

10 The -- so that's one of the issues that --
11 that certainly is there. And I personally think
12 that they may have been able to question the
13 validity of some of these areas of concerns once
14 they did some of their preliminary investigation
15 but that's --

16 MR. ROTHER: By the way they --

17 COMMISSIONER SPIESBACH: -- it's a
18 professional judgment --

19 MR. ROTHER: Yeah.

20 COMMISSIONER SPIESBACH: -- that I really
21 have no desire to get, you know, in the middle
22 of.

23 My point that I'm driving at is you do
24 investigations to determine what the -- the
25 substance is or the -- the concerns would be and

1 | then alleviate those concerns.

2 | You can reach a point where you know I have
3 | an entire concern over the entire property,
4 | what's my remedy?

5 | Is it a deed notice? Is it an
6 | institutional? Is it -- is it paving a certain
7 | area and being done?

8 | What I'm trying to say is we should be
9 | driving this thing towards what is the remedy
10 | that you are going to recommend, and at what
11 | point do you have sufficient information to
12 | already assume that's a viable remedy, and it's
13 | an LSRP, --

14 | MR. ROTHER: Yeah.

15 | COMMISSIONER SPIESBACH: -- it's in
16 | accordance with the tech regs, we can be
17 | finished.

18 | MR. ROTHER: Yeah.

19 | The -- the issue though, I think Gerry,
20 | from what I've gathered in my conversations with
21 | them is that there is no single one or even two
22 | or even six areas of concern that come up with a
23 | single remedy.

24 | COMMISSIONER SPIESBACH: No, agreed.

25 | MR. ROTHER: There are multiple -- there

1 are multiple remedies and -- and remediations and
2 -- and that's the issue.

3 Now they have offered to come back and
4 address these issues because, you know, I -- I
5 made this point in a pretty strong way. They're
6 willing to come back and address these issues
7 with one or more Board members. As many as you
8 want.

9 So, if -- if you would like to do that, we
10 can do it. I would like to think that we could
11 do a working session -- a noticed working session
12 to have as many as want to come so that we don't
13 run into the Open Public Meeting Act problem --
14 and have someone here hopefully that we would
15 retain to look over their shoulder. So that we
16 could have, in -- in essence, a three-way
17 conversation; an independent party, Board
18 members, and -- and our LSRP environmental
19 engineer.

20 So that we can drill down on all of these
21 questions and -- and, you know, set aside three,
22 four hours -- as much time as it takes to really
23 drill down on all of these things and -- and get
24 -- and get a comfort level. You know I'm -- I'm
25 more than happy to do that and believe we should.

1 But in the meantime we're facing this May
2 deadline, which is a statutory deadline. It's
3 not an administrative one. DEP can't give
4 waivers to it. And -- and we're a bit at the
5 mercy not only of H2M but the law at this point.

6 Okay, do you want to talk a little bit
7 about --

8 MR. CALI: Sure. I could --

9 MR. ROTHER: -- Hangar 3?

10 MR. CALI: Hangar 3, the original contract
11 is 127. Amendment number 1 was additional
12 investigation of 88,700.

13 And during some of the work they had --
14 they did a ground penetrating radar in one of the
15 areas of concern and anomalies had popped up.
16 They had found two diesel tanks with diesel fuel
17 in them that had to be removed. And that is
18 amendment number 2.

19 COMMISSIONER SPIESBACH: Why didn't we
20 catch that on the -- from the previous consultant
21 when he similarly did a ground -- did a radar --

22 MR. ROTHER: Yeah, well --

23 COMMISSIONER SPIESBACH: -- survey?

24 MR. ROTHER: I -- you know, we can -- we
25 can ask those questions of previous contractors

1 and I -- you know, I don't know where it's going
2 to get us.

3 COMMISSIONER SPIESBACH: But that wasn't
4 identified --

5 MR. ROTHER: But -- yeah, --

6 COMMISSIONER SPIESBACH: -- in the paper
7 that they were looking at --

8 MR. ROTHER: Yeah. Yeah.

9 COMMISSIONER SPIESBACH: -- that basically
10 said --

11 MR. ROTHER: Yeah. Yeah.

12 COMMISSIONER SPIESBACH: -- there's an
13 anomaly here, we have to go and do a -- a whole
14 ground penetrating --

15 MR. ROTHER: Yeah. Yeah.

16 COMMISSIONER SPIESBACH: -- radar.

17 MR. ROTHER: In some -- in some instances
18 though, Gerry, this -- this is to our benefit to
19 -- to identify a -- a container with a substance
20 in it before it leaks and get it out, rather than
21 have to deal with it after it leaks.

22 So, you know, in -- in some respects these
23 kinds of investigations, although they're
24 expensive, can avoid an even more expensive
25 remediation down the road.

1 COMMISSIONER SPIESBACH: Okay.

2 Just one final question from me and then
3 you can continue with your analysis.

4 In the conversation you had on Friday --

5 And I apologize for not being able to
6 attend but I -- I just couldn't do it, Steve.

7 MR. ROTHER: Yeah.

8 COMMISSIONER SPIESBACH: You and I
9 talked --

10 MR. ROTHER: Yeah.

11 COMMISSIONER SPIESBACH: -- and I just
12 didn't have the -- I wouldn't have gotten here
13 until four.

14 But it turns out you were probably here for
15 another hour and a half --

16 MR. ROTHER: Well, we were here quite a --

17 COMMISSIONER SPIESBACH: -- and I probably
18 should have been here anyway.

19 MR. ROTHER: -- we were here quite a while.
20 Yes.

21 COMMISSIONER SPIESBACH: It probably would
22 have been another three hours had I been here.
23 But be that as it may.

24 Was the conversation -- were they giving
25 any indication as to how soon they thought they

1 | could conclude their investigation --

2 | MR. ROTHER: Oh, no, they -- they --

3 | COMMISSIONER SPIESBACH: -- and drive this
4 | to investigation?

5 | MR. ROTHER: No, they --

6 | COMMISSIONER SPIESBACH: I mean and drive
7 | this to --

8 | MR. ROTHER: And -- and I think they
9 | were --

10 | COMMISSIONER SPIESBACH: -- how long before
11 | we need to --

12 | MR. ROTHER: -- I think they were being
13 | sincere. They -- they said that they -- that
14 | that was their goal.

15 | Their goal is to have an end date for us.

16 | COMMISSIONER SPIESBACH: Um-hum.

17 | MR. ROTHER: That -- you know, we -- we
18 | talked about that. And that -- that's their
19 | goal.

20 | I mean if you listen to the LSRP speak he
21 | had the -- he -- he was saying all the right
22 | words. You know, we don't want to be here
23 | forever and a day. We -- we want to find an end
24 | to this.

25 | COMMISSIONER SPIESBACH: Um-hum.

1 MR. ROTHER: You know, whether -- whether
2 their actions are consistent with those words, I
3 don't know and that's why we need some
4 independent advice perhaps.

5 COMMISSIONER SPIESBACH: Yeah.

6 Because when I met with the same LSRP about
7 a year and a half or more ago he -- I said the
8 same thing and he said, no I think we're getting
9 close.

10 MR. ROTHER: Um-hum.

11 COMMISSIONER SPIESBACH: That was over a
12 year and a half --

13 MR. CALI: Well, --

14 COMMISSIONER SPIESBACH: -- ago and --

15 MR. CALI: -- to -- to put it into numbers,
16 when we started with H2M they were at a hundred
17 and seventeen areas of concern. Right now
18 they're at 13. So, we're getting -- we're
19 getting --

20 COMMISSIONER SPIESBACH: Okay.

21 MR. ROTHER: It's being rid of --

22 COMMISSIONER SPIESBACH: Who was the
23 previous --

24 COMMISSIONER SPIESBACH: How many were --
25 when we were at three asking for how many was 117

1 | what then?

2 | MR. CALI: I -- I just have the number -- I
3 | can -- I can definitely find that out.

4 | COMMISSIONER SPIESBACH: No I understand
5 | what you're saying, Joe. But if you're going to
6 | say -- you know, then fill in the blanks for me.
7 | Because from 117 to 13 is great; that means we
8 | got rid of a hundred. But not all AOCs are
9 | created equal; some of them are very marginal.

10 | I remember some of the original AOCs were
11 | we're going to investigate the -- the floor
12 | drain. Very few people investigate floor drains.
13 | I mean really.

14 | MR. ROTHER: Well, it depends what you're
15 | pouring down the floor drains.

16 | COMMISSIONER SPIESBACH: Well, --

17 | MR. ROTHER: If you're pouring --

18 | COMMISSIONER SPIESBACH: Yeah.

19 | MR. ROTHER: -- pretty toxic stuff down
20 | there you better know the floor drains are -- are
21 | intact --

22 | COMMISSIONER SPIESBACH: You're right.

23 | MR. ROTHER: -- so that you're not --

24 | COMMISSIONER SPIESBACH: You're right.

25 | MR. ROTHER: -- putting the toxic stuff

1 | in --

2 | COMMISSIONER SPIESBACH: I shouldn't be
3 | using specific examples.

4 | MR. ROTHER: -- the ground.

5 | Yeah.

6 | COMMISSIONER STANZIALE: Who was the
7 | previous contractor?

8 | MR. ROTHER: Who -- who was our --

9 | COMMISSIONER SPIESBACH: Birdsall.

10 | MR. CALI: Birdsall.

11 | MR. ROTHER: Birdsall. That's right.

12 | Birdsall.

13 | COMMISSIONER STANZIALE: And what were the
14 | circumstances for the switch?

15 | MR. ROTHER: I don't know. I don't know
16 | why --

17 | COMMISSIONER SPIESBACH: Birdsall went
18 | defunct.

19 | MS. SAPINSKI: Went to --

20 | COMMISSIONER STANZIALE: Oh. Okay.

21 | MR. ROTHER: But -- yeah but they -- they
22 | were -- they were -- Birdsall's -- the folks
23 | survived. They -- they went in a number of
24 | different directions.

25 | COMMISSIONER SPIESBACH: Well they went to

1 other companies --

2 MR. ROTHER: Yeah, that we could have --
3 Yeah.

4 COMMISSIONER SPIESBACH: -- but Birdsall
5 the company --

6 MR. ROTHER: Yeah.

7 COMMISSIONER SPIESBACH: -- was --

8 MR. ROTHER: Yeah.

9 VICE CHAIRMAN BROWN: Gone.

10 MR. ROTHER: Yeah.

11 COMMISSIONER SPIESBACH: -- eliminated.

12 MR. ROTHER: Yeah.

13 VICE CHAIRMAN BROWN: It's gone. Gone.

14 MR. ROTHER: Did -- did we, to any extent,
15 inherit any of the same staff? Are -- these
16 people, are they -- are they at all --

17 MR. CALI: Birdsall was before I was here,
18 so --

19 MR. ROTHER: Okay.

20 MR. CALI: -- there's nobody that I --

21 MR. ROTHER: Tom? Do you --

22 MR. GOMEZ: Yes, sir?

23 MR. ROTHER: -- do you know?

24 Are -- are any of the folks that are now on
25 -- on the job here for H2M old Birdsall people?

1 MR. GOMEZ: I believe is -- on H2M I
2 believe is --

3 What is the -- the engineer that was
4 with --

5 Oh, no, he -- he's in a different --

6 No, from Birdsall --

7 He's in a different engineering company
8 now. Not on this environmental --

9 MR. ROTHER: Okay. Okay.

10 VICE CHAIRMAN BROWN: Okay.

11 MR. GOMEZ: -- company.

12 MR. ROTHER: All right.

13 Anything else on -- on this that you can
14 share, Joe?

15 If not, --

16 COMMISSIONER STANZIALE: Thank you.

17 COMMISSIONER DUNEC: Thank you.

18 MR. ROTHER: All right?

19 VICE CHAIRMAN BROWN: Okay.

20 Going back. We were at Airport 20 and 21.

21 Could I get a motion please?

22 COMMISSIONER STANZIALE: I'll make a
23 motion.

24 COMMISSIONER DUNEC: I'll second.

25 VICE CHAIRMAN BROWN: Lucy.

1 MS. SAPINSKI: VICE CHAIRMAN BROWN?

2 VICE CHAIRMAN BROWN: Yes.

3 MS. SAPINSKI: Commissioner Dunec?

4 COMMISSIONER DUNEC: Yes.

5 MS. SAPINSKI: Commissioner Spiesbach?

6 COMMISSIONER SPIESBACH: Yes.

7 MS. SAPINSKI: Commissioner Stanziale?

8 COMMISSIONER STANZIALE: Yes.

9 MS. SAPINSKI: Commissioner Ross?

10 COMMISSIONER ROSS: Yes.

11

12 (Whereupon, the Board discussed and took
13 action on the following items:

14 **FINANCE**

15 **22.** RESOLUTION NO. 16-057 - SUPPLEMENTAL BOND
16 RESOLUTION OF THE ESSEX COUNTY IMPROVEMENT
17 AUTHORITY AUTHORIZING THE ISSUANCE OF ITS NOT TO
18 EXCEED \$8,250,000 PROJECT CONSOLIDATION REVENUE
19 REFUNDING BONDS, SERIES 2016; and

20 **23.** RESOLUTION NO. 16-058 - RESOLUTION
21 RATIFYING PAYMENT OF CHARGES AND EXPENSES OF THE
22 AUTHORITY'S \$150,000,000 POOLED GOVERNMENT LOAN
23 PROGRAM SERIES 1986

24 PAYMENTS DUE OTHERS FOR PGLP SERVICES

25 GALLEROS KOH, LLP, FINANCIAL CONSULTANT -

1 FEBRUARY 2016 - \$2,000.00.)

2

3 VICE CHAIRMAN BROWN: Okay, moving on to
4 Finance.

5 Any questions?

6 Can I get a motion please?

7 COMMISSIONER STANZIALE: I make a motion.

8 COMMISSIONER ROSS: Second.

9 MS. SAPINSKI: VICE CHAIRMAN BROWN?

10 VICE CHAIRMAN BROWN: Yes.

11 MS. SAPINSKI: Commissioner Dunec?

12 COMMISSIONER DUNEC: Yes.

13 MS. SAPINSKI: Commissioner Spiesbach?

14 COMMISSIONER SPIESBACH: Yes.

15 MS. SAPINSKI: Commissioner Stanziale?

16 COMMISSIONER STANZIALE: Yes.

17 MS. SAPINSKI: Commissioner Ross?

18 COMMISSIONER ROSS: Yes.

19 VICE CHAIRMAN BROWN: Do we have to go in
20 Executive Session?

21 MR. ROTHER: If there are questions
22 regarding the -- the Stadium, I would like to do
23 that in Executive Session.

24 I -- I also have some reports that -- not
25 in Executive Session -- that I'd like to give on

1 -- on some of the projects that are -- that are
2 ongoing.

3 COMMISSIONER STANZIALE: I just have two
4 quick questions on the Sports -- on the lease on
5 the -- Stadium.

6 VICE CHAIRMAN BROWN: Well then you want to
7 go in Executive Session so we don't have a
8 problem?

9 COMMISSIONER STANZIALE: If you don't mind,
10 yeah.

11 MR. ROTHER: Okay.

12 COMMISSIONER STANZIALE: Um-hum.

13 VICE CHAIRMAN BROWN: Could I get a motion
14 to go in Executive Session please?

15 COMMISSIONER SPIESBACH: Move to Executive.

16 COMMISSIONER STANZIALE: Second.

17 MS. SAPINSKI: VICE CHAIRMAN BROWN?

18 VICE CHAIRMAN BROWN: Yes.

19 MS. SAPINSKI: Commissioner Dunec?

20 COMMISSIONER DUNEC: Yes.

21 MS. SAPINSKI: Commissioner Spiesbach?

22 COMMISSIONER SPIESBACH: Yes.

23 MS. SAPINSKI: Commissioner Stanziale?

24 COMMISSIONER STANZIALE: Yes.

25 MS. SAPINSKI: Commissioner Ross?

1 COMMISSIONER ROSS: Yes.

2 VICE CHAIRMAN BROWN: Thank you.

3

4 (Whereupon, the Board moved to Executive
5 Session at 5:38 p.m., Resolution 16-061.)

6

7 (Whereupon, the Board returned to Open
8 Session at 5:50 p.m., Resolution 16-08.)

9

10 VICE CHAIRMAN BROWN: Can I get a motion to
11 deal with Stadium, our Late Starter.

12 MR. DILLON: Excuse me?

13 You got to take a motion to go back into
14 session.

15 VICE CHAIRMAN BROWN: We did a motion.

16 MR. ROTHER: We did.

17 MR. DILLON: Oh you did it off the record?

18 MR. ROTHER: Yup, --

19 MR. DILLON: Okay.

20 MR. ROTHER: -- we did.

21 MR. DILLON: Okay.

22 Thank you.

23 VICE CHAIRMAN BROWN: You want to do it on
24 the record?

25 MR. DILLON: Yeah, that seems better.

1 VICE CHAIRMAN BROWN: Okay.

2 Can I get a motion to go back into Open
3 Public?

4 COMMISSIONER SPIESBACH: I moved it before,
5 I'll move it again.

6 VICE CHAIRMAN BROWN: Can I get a second
7 again?

8 COMMISSIONER STANZIALE: Second.

9 MR. DILLON: Thank you.

10 VICE CHAIRMAN BROWN: Okay, Lucy, roll call
11 please.

12 MS. SAPINSKI: Vice Chairman Brown?

13 VICE CHAIRMAN BROWN: Yes.

14 MS. SAPINSKI: Commissioner Dunec?

15 COMMISSIONER DUNEC: Yes.

16 MS. SAPINSKI: Commissioner Spiesbach?

17 COMMISSIONER SPIESBACH: Yes.

18 MS. SAPINSKI: Commissioner Stanziale?

19 COMMISSIONER STANZIALE: Yes.

20 MS. SAPINSKI: Commissioner Ross?

21 COMMISSIONER ROSS: Yes.

22

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

25 **LATE STARTERS**

1 **STADIUM**

2 **1.** RESOLUTION NO. 16-059 - RESOLUTION
3 AUTHORIZING AN AGREEMENT WITH CONNELL FOLEY FOR
4 LEGAL SERVICES IN CONNECTION WITH THE SALE OF THE
5 BEARS AND EAGLES RIVERFRONT STADIUM IN THE AMOUNT
6 OF \$40,000.00; and

7 **2.** RESOLUTION NO. 16-060 - RESOLUTION
8 APPROVING THE SALE OF BEARS AND EAGLES RIVERFRONT
9 STADIUM AND AUTHORIZING THE EXECUTIVE DIRECTOR TO
10 EXECUTE A PURCHASE AND SALE AGREEMENT THEREFOR.)
11

12 VICE CHAIRMAN BROWN: Now I want to get a
13 motion on Late Starter for February 23rd, on the
14 Stadium 1 and 2 please.

15 COMMISSIONER STANZIALE: I'll make a
16 motion.

17 COMMISSIONER DUNEC: Second.

18 VICE CHAIRMAN BROWN: Roll call, Lucy,
19 please?

20 MS. SAPINSKI: VICE CHAIRMAN BROWN?

21 VICE CHAIRMAN BROWN: Yes.

22 MS. SAPINSKI: Commissioner Dunec?

23 COMMISSIONER DUNEC: Yes.

24 MS. SAPINSKI: Commissioner Spiesbach?

25 COMMISSIONER SPIESBACH: Yes.

1 MS. SAPINSKI: Commissioner Stanziale?

2 COMMISSIONER STANZIALE: Yes.

3 MS. SAPINSKI: Commissioner Ross?

4 COMMISSIONER ROSS: Yes.

5

6 **UPDATES:**

7

8 MR. ROTHER: Okay, I'd like to give just a
9 couple of quick updates.

10 There are, in addition to the -- the
11 Stadium, there are three other projects that
12 we're involved in right now that will at some
13 point come before you.

14 The -- the golf complex in Roseland on
15 Eagle Rock Avenue that's owned by the County.
16 The operator there would like to build a
17 restaurant with a liquor license. And it's a --
18 it's a pretty good deal for them because they can
19 -- they can get what they call a concessionaires
20 liquor license because the government owns the
21 property. They don't have to go out and buy a
22 liquor license; they can simply go to State ABC
23 and buy an annual license for a pretty nominal
24 amount.

25 So, it's a pretty -- pretty good deal and

1 | it can be a pretty good deal for the County as
2 | well because we can get a percentage lease there,
3 | as is the case over in -- in Turtle Back, and --
4 | and make a -- a fair amount of money.

5 | Currently the lease is with the County.
6 | And it's interesting because although the
7 | Freeholders adopted a Resolution, they never
8 | entered into a formal lease agreement. They're
9 | doing that right now. And that lease will then
10 | be assigned to the ECIA.

11 | The reason it's being done is because the
12 | initial RFP specifically prohibited the selling
13 | of alcohol on that property. And if the County
14 | was to amend that lease they would have to go
15 | through a whole new RFP process.

16 | If that lease is assigned to us we're free
17 | to negotiate anything we would like to do there.
18 | We're free to sit down with the current operator.

19 | We're -- we're obviously going to have to
20 | negotiate and we're in the process of looking at
21 | that right now about how -- how we fold in this
22 | -- this use and extend the lease an appropriate
23 | term.

24 | And we'll report to you periodically what
25 | that negotiation looks like and at some point it

1 will come back here for your approval.

2 I would expect, before we get to that point
3 however, we're going to accept the assignment
4 from -- from the County. That will -- will come
5 to you first.

6 VICE CHAIRMAN BROWN: Excuse me?

7 Would this be income?

8 MR. ROTHER: Yeah. Well, sure.

9 VICE CHAIRMAN BROWN: For us?

10 MR. ROTHER: Yup.

11 VICE CHAIRMAN BROWN: Okay.

12 MR. ROTHER: The --

13 VICE CHAIRMAN BROWN: What -- what part
14 will the County play in terms of them getting any
15 revenue out of that?

16 MR. ROTHER: That -- that always is -- is a
17 matter of negotiation and -- and as those of you
18 are here for a while will -- will know that what
19 the County gives it can ultimately take. You
20 know. We -- we fund a lot of the County's
21 projects, so -- so it's really, --

22 VICE CHAIRMAN BROWN: I understand.

23 MR. ROTHER: -- you know, an illusion
24 sometimes.

25 VICE CHAIRMAN BROWN: Yes, I understand.

1 MR. ROTHER: Okay?

2 The -- the other thing that we're working
3 on is a coffee shop in the garage down at the
4 County Complex.

5 We're -- we're taking a piece of the ground
6 floor in the garage and we're advertising it for,
7 you know, a Starbucks, a Dunkin' Donuts. You
8 have a --

9 What we're offering to do is to build
10 demising walls at that location; stubbing in the
11 utilities -- sewer, water, gas, electric.
12 Whoever the -- the winning proposer is is going
13 to finish off the inside. And then on a long
14 term lease rent -- rent that space.

15 VICE CHAIRMAN BROWN: No, go ahead.
16 Finish. I have a question.

17 But go ahead.

18 MR. ROTHER: Yeah. We -- the arrangement
19 with the County is that we're going to get all of
20 the revenue.

21 We're -- we're going to -- we're going to
22 finance only the demising walls and the stubbing.
23 County's going to bring in those utilities. But
24 all of the rent -- rental income will be the
25 Authority's income.

1 We have done the RFP and a notice and the
2 notice was given --

3 How much -- how much did we pay? Four
4 hundred dollars was it?

5 MS. SAPINSKI: Four hundred.

6 MR. ROTHER: We paid \$400.00 to the New
7 Jersey Restaurant Association, which did a very,
8 very nice email blast to 1800 members of the New
9 Jersey Restaurant Association advising them of
10 the availability of this RFP. And so hopefully
11 we're going to -- going to get a good response
12 for that project.

13 You had a question?

14 VICE CHAIRMAN BROWN: My -- my question is
15 we already have the cafeteria there in that
16 building. Isn't that someone of a conflict?

17 Because if they're upstairs, -- I think
18 that's the 4th floor or 3rd floor, 3rd floor I
19 think -- and they have the cafeteria facility,
20 what's going to be the attraction to come
21 downstairs?

22 MR. ROTHER: Yeah. That -- well, you have
23 -- you have to talk to the County Exec to get --
24 get his thought -- thought on that. But -- but I
25 am told by County Counsel that --

1 Because one of the concerns I had was that
2 there might have been convenience in the -- in
3 that arrangement that would have prohibited
4 this --

5 VICE CHAIRMAN BROWN: If someone else --

6 MR. ROTHER: -- and there are none and --
7 and that particular arrangement is expiring this
8 summer.

9 So, how -- how the County intends to manage
10 that -- that continued use, given this use, and
11 that expiring arrangement, I -- I don't know. I
12 can imagine we might be called in to do that one
13 as well.

14 VICE CHAIRMAN BROWN: Now when you say
15 called in to do that one, you mean --

16 MR. ROTHER: In the same --

17 VICE CHAIRMAN BROWN: -- go upstairs and --

18 MR. ROTHER: -- in the same fashion that
19 we're doing the golf deal or --

20 VICE CHAIRMAN BROWN: Okay.

21 MR. ROTHER: -- or the -- the concession at
22 Turtle Back Zoo. Or you name it --

23 VICE CHAIRMAN BROWN: Okay.

24 MR. ROTHER: -- we could -- we could end up
25 being in there as well.

1 VICE CHAIRMAN BROWN: What is the estimated
2 square footage of this new building we're talking
3 about?

4 MR. ROTHER: This -- we carved out a much
5 larger space but we told proposers that they
6 should only count on having 2500 square feet.

7 But we gave them the option -- we didn't
8 want to tell them how to configure it. We gave
9 them a fairly large space and said you -- you
10 tell us how you want to position that 2500 square
11 feet there.

12 VICE CHAIRMAN BROWN: Is that down to the
13 north end of the building?

14 MR. ROTHER: No. It's -- it's at -- well,
15 at the northeast corner, right --

16 VICE CHAIRMAN BROWN: Yeah.

17 MR. ROTHER: -- where the main entrance is.

18 VICE CHAIRMAN BROWN: Yeah. Right there.

19 MR. ROTHER: Right where the elevator bank
20 is.

21 VICE CHAIRMAN BROWN: Yeah, the north end,
22 yeah.

23 MR. ROTHER: Yeah.

24 VICE CHAIRMAN BROWN: It's going to be
25 interesting.

1 MR. ROTHER: Thirteenth Ave -- 13th Ave
2 should have -- the nice thing is 13th Ave, that
3 used to run right -- right through there, has all
4 the water, sewer, electric, and all the other
5 utilities --

6 VICE CHAIRMAN BROWN: Right there.

7 MR. ROTHER: -- still in the bed of the
8 street. So, it's -- it's very easy to -- to
9 supply it to that spot.

10 VICE CHAIRMAN BROWN: Hey, Joe's about
11 making money, so there.

12 MR. ROTHER: Yup.

13 The next thing is the -- the roller rink in
14 Branch Brook Park.

15 VICE CHAIRMAN BROWN: Right.

16 COMMISSIONER STANZIALE: Oh, I thought it
17 was skating; not roller rink.

18 MR. ROTHER: Oh, it's a roller rink.

19 COMMISSIONER STANZIALE: Okay.

20 MR. ROTHER: Years ago it was skating.

21 COMMISSIONER STANZIALE: That's when I
22 went.

23 MR. ROTHER: Yeah.

24 And --

25 COMMISSIONER STANZIALE: Haven't been in a

1 while.

2 MR. ROTHER: -- and the -- the lease is up
3 and we -- we had a negotiation with the current
4 operator. The County is -- wasn't at all happy
5 with --

6 And Joe made it very clear that he thought
7 that the -- the rent that they were paying was,
8 you know, far too little.

9 And we -- we had put out a -- a request for
10 proposals and they were the only ones that
11 responded and they didn't respond with a
12 financial proposal.

13 When we met with them we insisted on
14 getting it in a few days and they -- I guess
15 Friday they gave us the --

16 MS. SAPINSKI: Friday.

17 MR. ROTHER: -- their financial proposal.

18 And they have dramatically increased the
19 rent. This will be a lease that will be run
20 through this Authority as well.

21 The only issue that we have with them, it
22 was a 20 year proposal and the County didn't
23 express any problems with -- with 20 years but
24 they had only proposed some -- I forgot what the
25 number was but a very nominal amount for capital

1 improvements.

2 And we thought that given the -- the length
3 of time, 20 years, that they should be committing
4 to pretty substantial capital improvements.

5 So we're going to go -- be going back to
6 them for, you know, some increase in their
7 commitment to make capital repairs.

8 And that's it on projects.

9 The only other thing is we are joining
10 forces with the McManimon firm and going to the
11 New Jersey Mortgage and Housing Finance Agency to
12 make a pitch to have them give us an allocation
13 of low income housing tax credits.

14 So far the -- the Agency is the only source
15 for those low income housing tax credits. We
16 would like to be able to dispense those and
17 attract some affordable housing here in Essex
18 County.

19 We could have used it, we believe, in
20 connection with the two projects that we did in
21 East Orange recently and -- and would have made
22 them much more viable than -- than they were.

23 And we are shortly going to be meeting with
24 the Agency's Director. And hopefully I can
25 report to you that we're going to have some

1 success in that regard so that we can do more of
2 those projects here in Essex County.

3 And that's all I -- I have on --

4 COMMISSIONER STANZIALE: That's a lot.

5 MR. ROTHER: -- new -- new projects.

6 Yeah, there's a lot going on.

7 VICE CHAIRMAN BROWN: Just an afterthought,
8 we have other issues facing us long term as we
9 know. How's this new source of revenue streams
10 that we're getting in affecting those things that
11 going down long term that we may have to deal
12 with?

13 MR. ROTHER: Yeah. Well, it's going to
14 give us -- it's going to give us the resources to
15 continue to fight that -- that battle.

16 And I think you're talking about the
17 Celanese thing --

18 VICE CHAIRMAN BROWN: Exactly.

19 MR. ROTHER: -- primarily.

20 And, you know, as -- as long as we have a
21 burn rate of you know 20, \$30,000.00 a month for
22 -- for counsel, you -- you better have a revenue
23 source to -- to support that.

24 And -- and by doing all these good things
25 we -- we continue.

1 VICE CHAIRMAN BROWN: Okay.

2 MR. ROTHER: Now one of the things we can
3 do is -- at the next meeting I'll give you, in
4 Executive Session, a report on the -- the
5 strategy that I have been discussing with our --
6 our counsel; how we can bring it in to that --
7 that issue.

8 We're talking about bringing it in to the
9 environmental remediation matters. We -- we do
10 have a game plan there and we can share some of
11 that with you when we meet in the next Executive
12 Session.

13 COMMISSIONER STANZIALE: Okay.

14 VICE CHAIRMAN BROWN: Okay, that's good to
15 know.

16 Anymore questions?

17 Concerns?

18

19 **ADJOURNMENT:**

20

21 VICE CHAIRMAN BROWN: Lucy, are we ready to
22 get -- have a motion to -- to end the meeting?

23 MS. SAPINSKI: Yes.

24 VICE CHAIRMAN BROWN: Can I get a motion to
25 end the meeting?

1 COMMISSIONER STANZIALE: I'll make a
2 motion.

3 COMMISSIONER DUNEC: Second.

4 COMMISSIONER ROSS: Second.

5 VICE CHAIRMAN BROWN: All right.

6 Everyone --

7 MS. SAPINSKI: VICE CHAIRMAN BROWN?

8 VICE CHAIRMAN BROWN: Yes.

9 MS. SAPINSKI: Commissioner Dunec?

10 COMMISSIONER DUNEC: Yes.

11 MS. SAPINSKI: Commissioner Spiesbach?

12 COMMISSIONER SPIESBACH: Yes.

13 MS. SAPINSKI: Commissioner Stanziale?

14 COMMISSIONER STANZIALE: Yes.

15 MS. SAPINSKI: Commissioner Ross?

16 COMMISSIONER ROSS: Yes.

17

18 (Whereupon, the proceedings were concluded

19 at 6:04 p.m., Resolution No. 16-09.)

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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 AND ANNUAL RE-ORGANIZATION of the ESSEX COUNTY
9 IMPROVEMENT AUTHORITY heard on Tuesday, February
10 23, 2016 and recorded on tape.

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24 Monitored by: Kevin Dillon

25 Proofread by: Deborah Dillon