

ESSEX COUNTY
IMPROVEMENT AUTHORITY
ESSEX COUNTY, NEW JERSEY

REGULAR BOARD MEETING : TRANSCRIPT OF RECORDED
: PROCEEDINGS
:
:

27 Wright Way
Fairfield, New Jersey

Wednesday, July 26, 2017
Commencing at 5:01 p.m.

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

COMMISSIONER MARK S. DUNEC
COMMISSIONER GERARD M. SPIESBACH
COMMISSIONER CARLA A. STANZIALE
COMMISSIONER STEVEN H. KLINGHOFFER, Chairman

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

COMMISSIONER CLIFFORD ROSS
COMMISSIONER JACQUELINE YUSTEIN
COMMISSIONER RONALD J. BROWN, Vice Chairman

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

STEVEN C. ROTHER, Executive Director,
(Via telephone)
NIA H. GILL, ESQ., General Counsel,
(Arrived via telephone at 5:06 p.m.)
LUCY SAPINSKI, Director of Operations
CLYDE L. OTIS, III, ESQ., Director of Development/
Assistant General Counsel
THOMAS GOMEZ, Airport Manager
BETSY WILLIAMSON, Administrative Assistant
JOSEPH CALI, Senior Project Manager/Accounts Receivables

	<u>I N D E X</u>	
		<u>PAGE</u>
1		
2		
3	SUNSHINE NOTICE	4
4	ROLL CALL	4
5	PUBLIC COMMENTS	5
6	ACCEPTANCE OF MINUTES	
7	Resolution No. 17-30	5
8	EXECUTIVE SESSION	
9	Resolution No. 17-165	7
10	Return to Open Session	
11	Resolution No. 17-31	7
12	<u>RESOLUTIONS</u>	
13	Resolution No. 17-152	8
14	Resolution No. 17-153	8
15	Resolution No. 17-154	8
16	Resolution No. 17-155	9
17	Resolution No. 17-156	10
18	Resolution No. 17-157	10
19	Resolution No. 17-158	11
20	Resolution No. 17-159	12
21	Resolution No. 17-160	15
22	Resolution No. 17-161	12
23	Resolution No. 17-162	15
24	Resolution No. 17-163	15
25	Resolution No. 17-164	17

I N D E X

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

PAGE

Motion to adjourn meeting

Resolution No. 17-31

19

1 MS. DILLON: Okay.

2 CHAIRMAN KLINGHOFFER: Okay.

3 MS. DILLON: On the record.

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

14

15 **ROLL CALL:**

16

17 CHAIRMAN KLINGHOFFER: Roll call, please.

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: Chairman Klinghoffer?

25 CHAIRMAN KLINGHOFFER: Here.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

PUBLIC COMMENTS:

CHAIRMAN KLINGHOFFER: Any members of the public that would like to make comment?

Seeing none.

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

ACCEPTANCE OF MINUTES

RESOLUTION NO. 17-30

1. REGULAR BOARD MEETING AND EXECUTIVE SESSION 6-27-17.)

CHAIRMAN KLINGHOFFER: Move to Acceptance of Minutes.

COMMISSIONER DUNEC: Motion.

COMMISSIONER STANZIALE: Second.

MS. SAPINSKI: Commissioner Dunec?

COMMISSIONER DUNEC: Yes.

MS. SAPINSKI: Commissioner Spiesbach?

COMMISSIONER SPIESBACH: Yes.

MS. SAPINSKI: Commissioner Stanziale?

COMMISSIONER STANZIALE: Yes.

MS. SAPINSKI: Chairman Klinghoffer?

1 CHAIRMAN KLINGHOFFER: Yes.

2 Mr. Rother, do you have a need for
3 Executive Session --

4 MR. ROTHER: Yes.

5 CHAIRMAN KLINGHOFFER: -- this afternoon?

6 MR. ROTHER: On two items. We -- we need
7 to talk in terms of the litigation exception for
8 Mountain Ridge and the contract negotiation for
9 the Dunkin Donuts matter.

10 CHAIRMAN KLINGHOFFER: Okay. Do you want
11 to do that now or --

12 MR. ROTHER: And if --

13 CHAIRMAN KLINGHOFFER: It's up to --

14 MR. ROTHER: Well, is Clyde there? Because
15 he may have something.

16 MR. OTIS: I can provide a brief update on
17 Marina Bay. But we -- we -- that -- that would
18 be about it, obviously.

19 CHAIRMAN KLINGHOFFER: Okay.

20 MR. ROTHER: Okay.

21 CHAIRMAN KLINGHOFFER: Okay, someone move
22 for us to move into Executive Session.

23 COMMISSIONER DUNEC: I'll move it.

24 COMMISSIONER STANZIALE: Second.

25 MS. SAPINSKI: Commissioner Dunec?

1 COMMISSIONER DUNEC: Yes.

2 MS. SAPINSKI: Commissioner Spiesbach?

3 COMMISSIONER SPIESBACH: Yes.

4 MS. SAPINSKI: Commissioner Stanziale?

5 COMMISSIONER STANZIALE: Yes.

6 MS. SAPINSKI: Chairman Klinghoffer?

7 CHAIRMAN KLINGHOFFER: Yes.

8 MS. DILLON: Just one moment.

9

10 (Whereupon, the Board moved to Executive
11 Session at 5:03 p.m., Resolution No. 17-165.)

12

13 (Whereupon, Nia Gill, Esquire arrived, via
14 telephone, at 5:06 p.m.)

15

16 (Whereupon, the Board returned to Open
17 Session at 5:48 p.m., Resolution No. 17-31.)

18

19 MS. DILLON: Okay.

20 On the record.

21 CHAIRMAN KLINGHOFFER: Okay.

22

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

25 **ADMINISTRATIVE**

- 1 **1.** RESOLUTION NO. 17-152 - RESOLUTION
2 AUTHORIZING PAYMENT TO AUDIO-DIGITAL
3 TRANSCRIPTION SERVICES, LLC FOR TRANSCRIPTION OF
4 BOARD MEETING ON 6-27-17;
- 5 **2.** RESOLUTION NO. 17-153 - RESOLUTION
6 RATIFYING PAYMENT OF RECURRING BILLS (BILL LIST);
7 and
- 8 **3.** RESOLUTION NO. 17-154 - RESOLUTION
9 AUTHORIZING AN AGREEMENT WITH SAMUEL KLEIN AND
10 COMPANY FOR AUDITING SERVICES FOR THE YEAR ENDING
11 DECEMBER 31, 2017.)

12

13 CHAIRMAN KLINGHOFFER: We have
14 Administrative Resolutions 1, 2 and 3.

15 Would someone like to move them?

16 COMMISSIONER DUNEC: Move it.

17 COMMISSIONER STANZIALE: Second.

18 MS. SAPINSKI: Commissioner Dunec?

19 COMMISSIONER DUNEC: Yes.

20 MS. SAPINSKI: Commissioner Spiesbach?

21 COMMISSIONER SPIESBACH: Yes.

22 MS. SAPINSKI: Commissioner Stanziale?

23 COMMISSIONER STANZIALE: Yes.

24 MS. SAPINSKI: Chairman Klinghoffer?

25 CHAIRMAN KLINGHOFFER: Yes.

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

4 **NEWARK RIVERFRONT PROJECT/LITIGATION**

5 4. RESOLUTION NO. 17-155 - RESOLUTION
6 AUTHORIZING PAYMENT IN THE AMOUNT OF \$2,793.35 TO
7 DE COTIIS, FITZPATRICK, COLE & GIBLIN, LLP FOR
8 LEGAL SERVICES RENDERED IN THE MONTH OF JUNE
9 2017.)

10
11 CHAIRMAN KLINGHOFFER: Newark Riverfront
12 Project/Litigation.

13 Number 4.

14 COMMISSIONER DUNEC: I'll move that.

15 COMMISSIONER STANZIALE: Second.

16 MS. SAPINSKI: Commissioner Dunec?

17 COMMISSIONER DUNEC: Yes.

18 MS. SAPINSKI: Commissioner Spiesbach?

19 COMMISSIONER SPIESBACH: Yes.

20 MS. SAPINSKI: Commissioner Stanziale?

21 COMMISSIONER STANZIALE: Yes.

22 MS. SAPINSKI: Chairman Klinghoffer?

23 CHAIRMAN KLINGHOFFER: Yes.

24

25 (Whereupon, the Board discussed and took

1 action on the following items:

2 **NEWARK PROPERTY ACQUISITION PROJECT**

3 5. RESOLUTION NO. 17-156 - RESOLUTION
4 AUTHORIZING PAYMENT IN THE AMOUNT OF \$883.90 TO
5 CHIESA, SHAHINIAN & GIANTOMASI, PC FOR LEGAL
6 SERVICES RENDERED IN THE MONTH OF MAY 2017; and

7 6. RESOLUTION NO. 17-157 - RESOLUTION
8 RATIFYING PAYMENT IN THE AMOUNT OF \$2,800.00 FOR
9 APPRAISAL SERVICES RENDERED BY APPRAISAL
10 CONSULTANTS CORP.)

11

12 CHAIRMAN KLINGHOFFER: The Newark Property
13 Acquisition Project.

14 Numbers 5 and 6.

15 COMMISSIONER STANZIALE: Motion.

16 COMMISSIONER DUNEC: Second.

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: Chairman Klinghoffer?

24 CHAIRMAN KLINGHOFFER: Yes.

25

1 (Whereupon, the Board discussed the
2 following item:

3 **CORRECTIONAL FACILITY/CELANESE/ENVIRONMENTAL**
4 **EXPOSURE**

5 **ALL EXPENSES PAID FROM ECIA OPERATIONS ACCOUNT**

6 7. RESOLUTION NO. 17-158 - RESOLUTION
7 AUTHORIZING PAYMENT IN THE AMOUNT OF \$40,381.50
8 TO BUCHANAN, INGERSOLL & ROONEY, PC FOR LEGAL
9 SERVICES RENDERED IN THE MONTH OF JUNE 2017.)

10

11 CHAIRMAN KLINGHOFFER: Number 7.

12 Our monthly legal bill on the Celanese
13 litigation.

14 COMMISSIONER DUNEC: Move it.

15 COMMISSIONER STANZIALE: Second.

16 MS. SAPINSKI: Commissioner Dunec?

17 COMMISSIONER DUNEC: Yes.

18 MS. SAPINSKI: Commissioner Spiesbach?

19 COMMISSIONER SPIESBACH: Yes.

20 MS. SAPINSKI: Commissioner Stanziale?

21 COMMISSIONER STANZIALE: Yes.

22 MS. SAPINSKI: Chairman Klinghoffer?

23 CHAIRMAN KLINGHOFFER: Yes.

24

25 (Whereupon, the Board discussed and took

1 action on the following item:

2 **SPORTSPLEX COMPLEX**

3 8. RESOLUTION NO. 17-159 - RESOLUTION
4 AUTHORIZING PAYMENT IN THE AMOUNT OF \$562.50 TO
5 PRECISION TECHNOLOGY SOLUTIONS FOR GATE REPAIRS
6 AT THE PARKING GARAGE.)

7

8 CHAIRMAN KLINGHOFFER: Number 8 on the
9 Sports Complex.

10 COMMISSIONER DUNEC: I'll move it.

11 COMMISSIONER STANZIALE: Second.

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: Chairman Klinghoffer?

19 CHAIRMAN KLINGHOFFER: Yes.

20

21 (Whereupon, the Board discussed and took

22 action on the following item:

23 **AIRPORT**

24 10. RESOLUTION NO. 17-161 - RESOLUTION
25 AUTHORIZING DISPOSITION OF BIDS FOR CONSTRUCTION

1 OF RUNWAY 10-28 CRACK REPAIR & SEALCOAT - AWARD
2 OF A CONTRACT TO JJ CUNNINGHAM IN THE AMOUNT OF
3 \$365,008.28.)

4

5 CHAIRMAN KLINGHOFFER: Let's do the Airport
6 separately because you've got the --

7 I don't know what extent you want to go
8 into -- to the -- the bid but.

9 Let's do 9 separately.

10 Well, let -- let me --

11 Let's take 10 out -- out of order. Okay?

12 MS. SAPINSKI: Okay.

13 CHAIRMAN KLINGHOFFER: Let's take 10 out of
14 order, --

15 MS. SAPINSKI: Okay.

16 CHAIRMAN KLINGHOFFER: -- which is the
17 Resolution Authorizing Disposition of Bids for
18 the Construction of Runway.

19 And low bid has been submitted by JJ
20 Cunningham, substantially below the -- the
21 engineering's -- engineering cost approximation
22 and much lower than the other bid.

23 MS. SAPINSKI: That's correct.

24 CHAIRMAN KLINGHOFFER: And the
25 recommendation of management is to accept it.

1 Correct?

2 MS. SAPINSKI: Yes.

3 CHAIRMAN KLINGHOFFER: Okay.

4 MS. SAPINSKI: That's correct.

5 MR. ROTHER: Yup.

6 CHAIRMAN KLINGHOFFER: Okay, number --

7 Anybody want to see the paperwork on the

8 bid? It's -- big difference. It's --

9 COMMISSIONER SPIESBACH: No, I took a look

10 at it. It's in the package.

11 CHAIRMAN KLINGHOFFER: Okay. Oh, it's in

12 the --

13 MR. ROTHER: Our -- our engineers have

14 experience with them and -- and it was -- it was

15 good.

16 CHAIRMAN KLINGHOFFER: For 60 cents on the

17 dollar, it's great. The --

18 MR. ROTHER: Yup.

19 CHAIRMAN KLINGHOFFER: Okay.

20 Would someone move number 10 please?

21 COMMISSIONER DUNEC: I'll move it.

22 COMMISSIONER STANZIALE: Second.

23 MS. SAPINSKI: Commissioner Dunec?

24 COMMISSIONER DUNEC: Yes.

25 MS. SAPINSKI: Commissioner Spiesbach?

1 COMMISSIONER SPIESBACH: Yes.

2 MS. SAPINSKI: Commissioner Stanziale?

3 COMMISSIONER STANZIALE: Yes.

4 MS. SAPINSKI: Commissioner Kling--

5 Chairman Klinghoffer?

6 CHAIRMAN KLINGHOFFER: Yes.

7

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

10 **AIRPORT**

11 9. RESOLUTION NO. 17-160 - RESOLUTION
12 AUTHORIZING THE PURCHASE OF THE AIRPORT GENERAL
13 LIABILITY INSURANCE POLICY IN THE AMOUNT OF
14 \$21,110.91;

15 **OBSTRUCTION REMOVAL PROJECT**

16 **Project Funded:**

17 **ECIA/AIRPORT 100%**

18 11. RESOLUTION NO. 17-162 - RESOLUTION
19 AUTHORIZING PAYMENT TO JOHN J. CURLEY, LLC IN THE
20 AMOUNT OF \$200.00 FOR LEGAL SERVICES RENDERED IN
21 THE MONTH OF MAY 2017 (GOLF COURSE); and

22 12. RESOLUTION NO. 17-163 - RESOLUTION
23 AUTHORIZING PAYMENT TO JOHN J. CURLEY, LLC IN THE
24 AMOUNT OF \$4,529.35 FOR LEGAL SERVICES RENDERED
25 IN THE MONTH OF JUNE 2017 (GOLF COURSE).)

1

2 CHAIRMAN KLINGHOFFER: And on -- the
3 remaining Airport Resolutions are 9, 11 and 12.

4 COMMISSIONER DUNEC: I'll move it.

5 COMMISSIONER STANZIALE: Yes.

6 CHAIRMAN KLINGHOFFER: Second?

7 COMMISSIONER STANZIALE: Yes. Second.

8 CHAIRMAN KLINGHOFFER: Okay.

9 MS. SAPINSKI: Commissioner Dunec?

10 COMMISSIONER STANZIALE: I'm sorry.

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: Chairman Klinghoffer?

17 CHAIRMAN KLINGHOFFER: On number 13 on the

18 --

19 MS. DILLON: You didn't vote, Chairman.

20 CHAIRMAN KLINGHOFFER: Oh, I'm sorry.

21 Yes.

22 Thank you, Debbie.

23

24 (Whereupon, the Board discussed and took

25 action on the following item:

1 **FINANCE**

2 **13.** RESOLUTION NO. 17-164 - RESOLUTION
3 AUTHORIZING PAYMENT OF CHARGES AND EXPENSES OF
4 THE AUTHORITY'S \$150,000,000.00 POOLED
5 GOVERNMENTAL LOAN PROGRAM, SERIES 1986

6 **PAYMENTS DUE OTHERS FOR PGLP SERVICES**

7 1. GALLEROS-KOH, LLP - FINANCIAL
8 CONSULTANT - JULY 2017 - \$2,000.00;

9 2. BANK OF NEW YORK MELLON - TRUSTEE FEE -
10 7/1/17 - 9/30/17 - \$4,000.00; and

11 3. WELLS FARGO - REMARKETING FEE - 4/1/17
12 TO 6/30/17 - \$4,347.78.)

13

14 COMMISSIONER SPIESBACH: I'll move it.

15 CHAIRMAN KLINGHOFFER: Okay, we're on 13
16 now. I lost my --

17 MS. SAPINSKI: Yeah.

18 COMMISSIONER SPIESBACH: Yeah, I know.

19 CHAIRMAN KLINGHOFFER: Okay.

20 MS. SAPINSKI: Yes.

21 COMMISSIONER SPIESBACH: Thirteen.

22 CHAIRMAN KLINGHOFFER: Thirteen.

23 COMMISSIONER DUNEC: Second.

24 COMMISSIONER SPIESBACH: Move 13.

25 CHAIRMAN KLINGHOFFER: Okay.

1 MS. SAPINSKI: Commissioner Dunec?

2 COMMISSIONER DUNEC: Yes.

3 MS. SAPINSKI: Commissioner Spiesbach?

4 COMMISSIONER SPIESBACH: Yes.

5 MS. SAPINSKI: Commissioner Stanziale?

6 COMMISSIONER STANZIALE: Yes.

7 MS. SAPINSKI: Chairman Klinghoffer?

8 CHAIRMAN KLINGHOFFER: Yes.

9 You have anything else?

10 MS. SAPINSKI: No.

11 CHAIRMAN KLINGHOFFER: No?

12 MS. SAPINSKI: Steve?

13 Anything else?

14 MR. ROTHER: Nope.

15

16 **ADJOURNMENT:**

17

18 CHAIRMAN KLINGHOFFER: Is there a motion to
19 adjourn?

20 COMMISSIONER DUNEC: Motion.

21 COMMISSIONER STANZIALE: Second.

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: Chairman Klinghoffer?

4 CHAIRMAN KLINGHOFFER: Yes.

5 COMMISSIONER SPIESBACH: Okay.

6 MR. ROTHER: Okay.

7 Thanks --

8

9 (Whereupon, the proceedings were concluded

10 at 5:51 p.m., Resolution No. 17-31.)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

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 Wednesday, July 26, 2017 and digitally
10 recorded.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25 Monitored and Proofread by: Deborah Dillon