

ESSEX COUNTY
IMPROVEMENT AUTHORITY
ESSEX COUNTY, NEW JERSEY

REGULAR BOARD MEETING : TRANSCRIPT OF RECORDED
: PROCEEDINGS
:
:

27 Wright Way
Fairfield, New Jersey

May 20, 2014
Commencing at 5:00 p.m.

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

COMMISSIONER RONALD J. BROWN
COMMISSIONER GERARD M. SPIESBACH, (Via telephone)
COMMISSIONER CYNTHIA D. TORO
COMMISSIONER STEVEN C. ROTHER, Chairman

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

COMMISSIONER STEVEN H. KLINGHOFFER
COMMISSIONER ELEONORE KESSLER COHEN,
Vice Chairperson

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

JAMES R. PAGANELLI, Executive Director
NIA H. GILL, ESQ., General Counsel,
(Arrived at 5:02 p.m., via telephone)
LUCY SAPINSKI, Director of Operations
THOMAS GOMEZ, Airport Manager
JOSEPH CALI, Airport Accounts Receivables

I N D E X

	<u>PAGE</u>
1	
2	
3	SUNSHINE NOTICE 4
4	ROLL CALL 4
5	PUBLIC COMMENTS 4
6	ACCEPTANCE OF MINUTES
7	Resolution 14-16 5
8	EXECUTIVE SESSION 5
9	<u>RESOLUTIONS</u>
10	Resolution 14-104 6
11	Resolution 14-105 7
12	Resolution 14-106 8
13	Resolution 14-107 8
14	Resolution 14-108 8
15	Resolution 14-109 9
16	Resolution 14-110 9
17	Resolution 14-111 9
18	Resolution 14-112 9
19	Resolution 14-113 10
20	Resolution 14-114 10
21	Resolution 14-115 11
22	Resolution 14-116 11
23	Resolution 14-117 12
24	Resolution 14-118 15
25	Resolution 14-119 15

I N D E X

1		
2		<u>PAGE</u>
3	Resolution 14-120	16
4	Resolution 14-121	17
5	ADDITIONAL INFORMATION	18
6	Motion to adjourn meeting	
7	Resolution 14-17	19
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		

1 CHAIRMAN ROTHER: Okay.

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

11 Roll call please.

12 MS. SAPINSKI: Commissioner Brown?

13 COMMISSIONER BROWN: Here.

14 MS. SAPINSKI: Commissioner Spiesbach?

15 COMMISSIONER SPIESBACH: Here.

16 MS. SAPINSKI: Commissioner Toro?

17 COMMISSIONER TORO: Here.

18 MS. SAPINSKI: Chairman Rother?

19 CHAIRMAN ROTHER: Yes.

20 Okay, any comments from the public?

21 Seeing none.

22

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

25 **ACCEPTANCE OF MINUTES**

1 **RESOLUTION NO. 14-16 -**

2 **1. REGULAR BOARD MEETING 4-29-14;**

3 **2. EXECUTIVE SESSION I - BOARD MEETING**

4 4-29-14; and

5 **3. EXECUTIVE SESSION II - BOARD MEETING**

6 4-29-14.)

7

8 CHAIRMAN ROTHER: We continue on to
9 Acceptance of the Minutes.

10 The Regular Board Meeting of April 29, 2014
11 and the Executive Session, Sessions I and II, of
12 the April 29, 2014 meeting.

13 Can I have a motion on --

14 COMMISSIONER BROWN: I'll move it.

15 COMMISSIONER SPIESBACH: Second.

16 CHAIRMAN ROTHER: Thank you.

17 MS. SAPINSKI: Commissioner Brown?

18 COMMISSIONER BROWN: Yes.

19 MS. SAPINSKI: Commissioner Spiesbach?

20 COMMISSIONER SPIESBACH: Yes.

21 MS. SAPINSKI: Commissioner Toro?

22 COMMISSIONER TORO: Yes.

23 MS. SAPINSKI: Chairman Rother?

24 CHAIRMAN ROTHER: Yes.

25 And you want to go into Executive Session

1 for any reason today?

2 MR. PAGANELLI: I don't think so tonight.

3 CHAIRMAN ROTHER: Okay. Good.

4 All right, --

5 Oh, and I have to apologize; I was going to
6 call you and I did not. And we're going to take
7 some time to talk about how to do an Executive --
8 a Consent Agenda, excuse me, after this and
9 I'll --

10 MS. GILL: Nia.

11 CHAIRMAN ROTHER: -- get something
12 circulated.

13 CHAIRMAN ROTHER: Hello?

14 MS. GILL: This is Nia.

15 CHAIRMAN ROTHER: Hi, Nia.

16 MS. GILL: Hi.

17

18 (Whereupon, Ms. Gill arrived at 5:02 p.m.,
19 via telephone.)

20

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

23 **ADMINISTRATIVE**

24 1. RESOLUTION NO. 14-104 - RESOLUTION

25 AUTHORIZING PAYMENT TO AUDIO-DIGITAL

1 TRANSCRIPTION SERVICES, LLC FOR TRANSCRIPTION OF
2 BOARD MEETING ON 4-29-14; and

3 **2.** RESOLUTION NO. 14-105 - RESOLUTION
4 RATIFYING PAYMENT OF RECURRING BILLS (BILL
5 LIST)).

6

7 CHAIRMAN ROTHER: Okay, Administrative
8 Resolutions items -- Resolutions 1 and 2.

9 Can we have a motion on those?

10 COMMISSIONER TORO: I'll move.

11 CHAIRMAN ROTHER: Thank you.

12 COMMISSIONER BROWN: I'll second.

13 CHAIRMAN ROTHER: Thank you.

14 MS. SAPINSKI: Commissioner Brown?

15 COMMISSIONER BROWN: Yes.

16 MS. SAPINSKI: Commissioner Spiesbach?

17 COMMISSIONER SPIESBACH: Yes.

18 MS. SAPINSKI: Commissioner Toro?

19 COMMISSIONER TORO: Yes.

20 MS. SAPINSKI: Chairman Rother?

21 CHAIRMAN ROTHER: Yes.

22

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

25 **CORRECTIONAL FACILITY/CELANESE LITIGATION**

1 **3.** RESOLUTION NO. 14-106 - RESOLUTION
2 AUTHORIZING AN AMENDMENT #1 TO THE AGREEMENT WITH
3 BUCHANAN INGERSOLL & ROONEY, PC IN THE AMOUNT OF
4 \$140,000.00 FOR ADDITIONAL LEGAL SERVICES;

5 **4.** RESOLUTION NO. 14-107 - RESOLUTION
6 AUTHORIZING PAYMENT IN THE AMOUNT OF \$40,217.20
7 TO BUCHANAN, INGERSOLL & ROONEY, PC FOR LEGAL
8 SERVICES RENDERED IN THE MONTH OF APRIL 2014; and

9 **5.** RESOLUTION NO. 14-108 - RESOLUTION
10 AUTHORIZING PAYMENT IN THE AMOUNT OF \$2,352.00 TO
11 SMART DEVINE FOR ACCOUNTING REVIEW/ANALYSIS
12 SERVICES RENDERED IN THE MONTH OF APRIL 2014.)

13

14 CHAIRMAN ROTHER: Correction
15 Facility/Celanese Litigation.

16 Resolutions 3 through 5.

17 Any questions, comments on anything here?

18 If none, can I have a motion?

19 COMMISSIONER BROWN: I'll move it.

20 COMMISSIONER TORO: I'll second.

21 MS. SAPINSKI: Commissioner Brown?

22 COMMISSIONER BROWN: Yes.

23 MS. SAPINSKI: Commissioner Spiesbach?

24 COMMISSIONER SPIESBACH: Yes.

25 MS. SAPINSKI: Commissioner Toro?

1 Commissioner Toro?

2 COMMISSIONER TORO: Yes.

3 MS. SAPINSKI: Chairman Rother?

4 CHAIRMAN ROTHER: Yes.

5

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

8 **AIRPORT**

9 6. RESOLUTION NO. 14-109 - RESOLUTION
10 AUTHORIZING PAYMENT TO FLORIO, PERRUCCI,
11 STEINHARDT & FADER, LLC IN THE AMOUNT OF
12 \$3,069.46 FOR THE MONTH OF APRIL FOR LEGAL
13 SERVICES IN CONNECTION WITH AIRPORT RSA PROJECT;

14 7. RESOLUTION NO. 14-110 - RESOLUTION
15 AUTHORIZING A PURCHASE OF KUBOTA MOWER WITH 48"
16 PRO-COMMERCIAL CUTTING DECK FROM WILFRED
17 MacDONALD, INC. IN THE AMOUNT OF \$7,872.00;

18 8. RESOLUTION NO. 14-111 - RESOLUTION
19 AUTHORIZING AMENDMENT #1 TO THE AGREEMENT WITH
20 C&S ENGINEERS IN THE AMOUNT OF \$9,455.30 FOR
21 ADDITIONAL DESIGN SERVICES IN CONNECTION WITH RSA
22 - PHASE VII;

23 9. RESOLUTION NO. 14-112 - RESOLUTION
24 RATIFYING ACCEPTANCE OF PROPOSAL FROM AIR POWER
25 INC. IN THE AMOUNT OF \$29,000.00 TO REPLACE HVAC

1 SYSTEM AT TERMINAL BUILDING (HANGAR M) -
2 EMERGENCY CONTRACT;

3 **10.** RESOLUTION NO. 14-113 - RESOLUTION
4 AUTHORIZING PAYMENT TO H2M ASSOCIATES INC., IN
5 THE AMOUNT OF \$5,104.00 FOR ENVIRONMENTAL
6 CONSULTING SERVICES IN CONNECTION WITH THE SITE
7 REMEDIATION AT AIRPORT - HANGAR 1 AREA; and

8 **11.** RESOLUTION NO. 14-114 - RESOLUTION
9 AUTHORIZING PAYMENT TO H2M ASSOCIATES INC., IN
10 THE AMOUNT OF \$3,402.00 FOR ENVIRONMENTAL
11 CONSULTING SERVICES IN CONNECTION WITH THE SITE
12 REMEDIATION AT AIRPORT - HANGAR 3 AREA.)

13

14 CHAIRMAN ROTHER: Okay, Airport
15 Resolutions, 6 through 11.

16 Any questions, comments?

17 If not, --

18 COMMISSIONER TORO: I'll move.

19 COMMISSIONER BROWN: I'll second.

20 CHAIRMAN ROTHER: Thank you.

21 MS. SAPINSKI: Commissioner Brown?

22 COMMISSIONER BROWN: Yes.

23 MS. SAPINSKI: Commissioner Toro?

24 COMMISSIONER TORO: Yes.

25 MS. SAPINSKI: Commissioner Spiesbach?

1 COMMISSIONER SPIESBACH: Yes.

2 MS. SAPINSKI: Chairman Rother?

3 CHAIRMAN ROTHER: Yes indeed.

4

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

7 **FINANCE**

8 **12.** RESOLUTION NO. 14-115 - RESOLUTION OF THE
9 ECIA GRANTING PRELIMINARY APPROVAL TO THE
10 ISSUANCE OF NOT TO EXCEED \$68,000,000 PROJECT
11 CONSOLIDATION REVENUE REFUNDING BONDS, SERIES
12 2014 AND NOT TO EXCEED \$2,000,000 AIRPORT
13 REFUNDING REVENUE BONDS, SERIES 2014 AND
14 REQUESTING THE CONSENT OF THE COUNTY OF ESSEX,
15 NEW JERSEY TO ENTER INTO AGREEMENTS, PURSUANT TO
16 THE PROVISIONS OF N.J.S.A. 40:37A-56, FOR
17 PURPOSES OF ISSUING THE REFUNDING BONDS;

18 **13.** RESOLUTION NO. 14-116 - RESOLUTION OF THE
19 ECIA APPROVING THE SUBMISSION OF AN APPLICATION
20 TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A.
21 40A:5A-6 AND N.J.S.A. 40A:37A-80 IN CONNECTION
22 WITH THE AUTHORITY'S NOT TO EXCEED \$68,000,000
23 PROJECT CONSOLIDATION REVENUE REFUNDING BONDS,
24 SERIES 2014 AND NOT TO EXCEED \$2,000,000 AIRPORT
25 REFUNDING REVENUE BONDS, SERIES 2014, RELATING TO

1 THE REFUNDING OF CERTAIN OUTSTANDING PROJECT
2 CONSOLIDATION REVENUE BONDS SERIES 2004
3 (REFUNDING PROJECT) (COUNTY GUARANTEED) AND
4 AIRPORT REFUNDING REVENUE BONDS, SERIES 2004
5 (AMT) COUNTY GUARANTEED); and

6 **14.** RESOLUTION NO. 14-117 - RESOLUTION
7 AUTHORIZING PAYMENT OF CHARGES AND EXPENSES OF
8 THE AUTHORITY'S \$150,000,000 POOLED GOVERNMENT
9 LOAN PROGRAM (SERIES 1986)

10 PAYMENTS DUE OTHERS FOR PGLP SERVICES

11 PHILIP A. LANZET, FINANCIAL CONSULTANT, MAY
12 2014 - \$2,500.00.)

13

14 CHAIRMAN ROTHER: Finance Resolutions 12,
15 13 and 14.

16 MR. PAGANELLI: Just, Mr. Chairman, on
17 that, this is a refunding.

18 CHAIRMAN ROTHER: Yes.

19 MR. PAGANELLI: It is a partial Airport
20 refunding, as well as refunding on some of the
21 County debt that the Improvement Authority has
22 been kind of a financier for.

23 The present value savings to the County is
24 about \$9.4 million. For us it's about
25 \$212,000.00. So the County is quite excited for

1 us to do this project.

2 The Board should know that the law firm on
3 this, bond counsel, is the Wilentz firm out of
4 Woodbridge. It's the first time we're using them
5 but so far everything's worked well with them.
6 After kind of reviewing our list I think that was
7 the best recommendation we could make.

8 And I should, although I've been told not
9 to, disclose to the Board that in -- from 1986 to
10 1989 I worked at that firm as a paralegal. So I
11 just want to make sure that that's disclosed on
12 the record. If the Board ever feels I have a
13 conflict or --

14 CHAIRMAN ROTHER: No, --

15 MR. PAGANELLI: -- something like that, --

16 CHAIRMAN ROTHER: -- my gosh, no.

17 MR. PAGANELLI: -- I'll be glad to step out
18 so.

19 CHAIRMAN ROTHER: Not at all.

20 And has the Local Finance Board passed on
21 this yet?

22 MR. PAGANELLI: Not yet but we're heading
23 that way I think for the end of this month.

24 CHAIRMAN ROTHER: Okay.

25 MR. PAGANELLI: It's all good.

1 CHAIRMAN ROTHER: But there's enough of a
2 savings here so that there's no issue at all
3 with --

4 MR. PAGANELLI: Well over 3 percent, --

5 CHAIRMAN ROTHER: Yeah.

6 MR. PAGANELLI: -- which is their --

7 CHAIRMAN ROTHER: Their threshold.

8 MR. PAGANELLI: Yup.

9 CHAIRMAN ROTHER: Yup. Okay.

10 Well, with that good news, can we have a
11 motion?

12 COMMISSIONER TORO: I'll move.

13 CHAIRMAN ROTHER: Thank you.

14 COMMISSIONER BROWN: I'll second.

15 CHAIRMAN ROTHER: Very good.

16 MS. SAPINSKI: Commissioner Brown?

17 COMMISSIONER BROWN: Yes.

18 MS. SAPINSKI: Commissioner Spiesbach?

19 COMMISSIONER SPIESBACH: Yes.

20 MS. SAPINSKI: Commissioner Toro?

21 COMMISSIONER TORO: Yes.

22 MS. SAPINSKI: Chairman Rother?

23 CHAIRMAN ROTHER: Yes.

24

25 (Whereupon, the Board discussed and took

1 action on the following items:

2 **NEWARK RIVERFRONT PROJECT**

3 **15.** RESOLUTION NO. 14-118 - RESOLUTION
4 AUTHORIZING PAYMENT IN THE AMOUNT OF \$10,186.65
5 TO DeCOTIIS, FITZPATRICK & COLE, LLP FOR LEGAL
6 SERVICES RENDERED IN THE MONTH OF APRIL 2014; and

7 **16.** RESOLUTION NO. 14-119 - RESOLUTION
8 AUTHORIZING PAYMENT IN THE AMOUNT OF \$1,400.00 TO
9 APPRAISAL CONSULTANTS CORP. FOR SERVICES RENDERED
10 (DEPOSITION OF DEFENSE EXPERT, PART OF
11 DISCOVERY).)

12

13 CHAIRMAN ROTHER: Newark Riverfront
14 Project.

15 Resolutions 15 and 16.

16 Any questions?

17 COMMISSIONER BROWN: I'll move it.

18 CHAIRMAN ROTHER: Thank you.

19 COMMISSIONER TORO: I'll second.

20 MS. SAPINSKI: Commissioner Brown?

21 COMMISSIONER BROWN: Yes.

22 MS. SAPINSKI: Commissioner Spiesbach?

23 COMMISSIONER SPIESBACH: Yes.

24 MS. SAPINSKI: Commissioner Toro?

25 COMMISSIONER TORO: Yes.

1 MS. SAPINSKI: Chairman Rother?

2 CHAIRMAN ROTHER: Yes.

3

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

6 **JUROR PARKING FACILITY**

7 17. RESOLUTION NO. 14-120 - RESOLUTION
8 AUTHORIZING PAYMENT IN THE AMOUNT OF \$550.00 TO
9 PRECISION TECHNOLOGY FOR EQUIPMENT REPAIRS (NOT
10 COVER BY MAINTENANCE AGREEMENT).)

11

12 CHAIRMAN ROTHER: Juror Parking Facility,
13 Resolution 17.

14 COMMISSIONER TORO: I'll move.

15 COMMISSIONER BROWN: I'll second.

16 MS. SAPINSKI: Commissioner Brown?

17 COMMISSIONER BROWN: Yes.

18 MS. SAPINSKI: Commissioner Spiesbach?

19 COMMISSIONER SPIESBACH: Yes.

20 MS. SAPINSKI: Commissioner Toro?

21 COMMISSIONER TORO: Yes.

22 MS. SAPINSKI: Chairman Rother?

23 CHAIRMAN ROTHER: Yes.

24

25 (Whereupon, the Board discussed and took

1 action on the following item:

2 **SPORTSPLEX STADIUM**

3 **18.** RESOLUTION NO. 14-121 - RESOLUTION
4 RATIFYING THE EXECUTIVE DIRECTOR'S EXECUTION OF
5 AN AMENDMENT TO DISSOLUTION, ASSIGNMENT & RELEASE
6 AGREEMENT WITH BEARS BASEBALL, LLC.)

7

8 CHAIRMAN ROTHER: And finally the
9 Sportsplex Stadium.

10 Resolution 18.

11 COMMISSIONER BROWN: I'll move it.

12 COMMISSIONER TORO: I'll second.

13 MS. SAPINSKI: Commissioner Brown?

14 COMMISSIONER BROWN: Yes.

15 MS. SAPINSKI: Commissioner Spiesbach?

16 COMMISSIONER SPIESBACH: Yes.

17 MS. SAPINSKI: Commissioner Toro?

18 COMMISSIONER TORO: Yes.

19 MS. SAPINSKI: Chairman Rother?

20 CHAIRMAN ROTHER: Yes.

21 Couldn't have any faster if we did have a
22 consent agenda.

23 MR. PAGANELLI: I was just thinking that.

24

25 (Whereupon, the Board discussed the

1 following item:

2 **ADDITIONAL INFORMATION**

3 **A.** REPORT OF PGLP ADMINISTRATOR.)

4

5 CHAIRMAN ROTHER: Okay.

6 And any comments on Additional Information?

7 MR. PAGANELLI: No, sir.

8 CHAIRMAN ROTHER: Anything you want to
9 share with us?

10 MR. PAGANELLI: No.

11 CHAIRMAN ROTHER: No?

12 Okay. Very good.

13

14 **ADJOURNMENT**

15

16 CHAIRMAN ROTHER: Motion to adjourn?

17 COMMISSIONER BROWN: Motion to adjourn.

18 COMMISSIONER TORO: Second.

19 MS. SAPINSKI: Commissioner Brown?

20 COMMISSIONER BROWN: Yes.

21 MS. SAPINSKI: Commissioner Spiesbach?

22 COMMISSIONER SPIESBACH: Yes.

23 MS. SAPINSKI: Commissioner Toro?

24 COMMISSIONER TORO: Yes.

25 MS. SAPINSKI: Chairman Rother?

1 CHAIRMAN ROTHER: Yes.

2 MS. SAPINSKI: Thank you, Commissioner
3 Spiesbach.

4 COMMISSIONER SPIESBACH: Okay, no problem.

5

6 (Whereupon, the proceedings were concluded
7 at 5:07 p.m., Resolution No. 14-17.)

8

9

10

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 Tuesday, May 20, 2014 and digitally recorded.

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25 Monitored and Proofread by: Deborah Dillon