

ESSEX COUNTY
IMPROVEMENT AUTHORITY
ESSEX COUNTY, NEW JERSEY

REGULAR BOARD MEETING :
:
:
:
_____ :

27 Wright Way
Fairfield, New Jersey

December 18, 2012
Commencing at 5:00 p.m.

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

COMMISSIONER STEVEN C. ROTHER, Chairman
COMMISSIONER ELEONORE KESSLER COHEN,
Vice Chairperson, (Via telephone)
COMMISSIONER STEVEN H. KLINGHOFFER
COMMISSIONER GERARD M. SPIESBACH,
(Via telephone)
COMMISSIONER CYNTHIA D. TORO

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

RONALD J. BROWN

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

JAMES R. PAGANELLI, Executive Director
NIA H. GILL, ESQ., General Counsel
LUCY SAPINSKI, Director of Operations
SHARIFA R. SALAAM, ESQ., Deputy
Freeholder Counsel
THOMAS GOMEZ, Airport Manager

AUDIO-DIGITAL TRANSCRIPTION SERVICE, LLC
29 Oak Avenue
West Orange, New Jersey 07052
(973) 669-1222

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

12 Roll call, please.

13 MS. SAPINSKI: Commissioner Cohen?
14 Commissioner Cohen? We can't hear you.

15 COMMISSIONER COHEN: Here. Is that
16 better?

17 MS. SAPINSKI: Yeah, that's a lot
18 better, thank you.

19 Commissioner Klinghoffer?

20 COMMISSIONER KLINGHOFFER: Here.

21 MS. SAPINSKI: Commissioner
22 Spiesbach?

23 COMMISSIONER SPIESBACH: Here.

24 MS. SAPINSKI: Commissioner Toro?

25 COMMISSIONER TORO: Here.

1 MS. SAPINSKI: Chairman Rother?

2 CHAIRMAN ROTHER: Here.

3 Okay, Sunshine Notice was read, the
4 roll call was made. Public comments.

5 Anyone here from the public wishing
6 to comment?

7

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

10 ACCEPTANCE OF MINUTES

11 1. RESOLUTION NO. 12-27 - REGULAR BOARD
12 MEETING 11-27-12.)

13

14 CHAIRMAN ROTHER: Seeing none, we
15 move on to acceptance of the minutes of the
16 regular board meeting of November 27th,
17 2012.

18 Can we have a motion on that?

19 COMMISSIONER KLINGHOFFER: So moved.

20 COMMISSIONER TORO: Second.

21 MS. SAPINSKI: Commissioner Cohen?

22 COMMISSIONER COHEN: Yes.

23 MS. SAPINSKI: Commissioner
24 Klinghoffer?

25 COMMISSIONER KLINGHOFFER: Yes.

1 MS. SAPINSKI: Commissioner
2 Spiesbach?

3 COMMISSIONER SPIESBACH: Yes.

4 MS. SAPINSKI: Commissioner Toro?

5 COMMISSIONER TORO: Yes.

6 MS. SAPINSKI: Chairman Rother?

7 CHAIRMAN ROTHER: Yes.

8 Okay, and now the executive session
9 minutes. Oh, no, there -- executive
10 session. Are there any...any actions that
11 we're going to be taking?

12 MR. PAGANELLI: Mr. Chairman, I
13 would like to go into executive to talk
14 about personnel matters.

15 CHAIRMAN ROTHER: Okay.

16 MR. PAGANELLI: And ordinarily I
17 would just say let's wait until the end and
18 do the whole agenda, but some of it inform
19 some of the actions that may be taken,
20 so...

21 CHAIRMAN ROTHER: Okay. By the way,
22 just a quick question on executive session
23 minutes. Are we releasing them
24 periodically as we're required to?

25 MR. PAGANELLI: No.

1 provisions attached to it as I'm
2 understanding the legislation, so it could
3 get...

4 MR. PAGANELLI: It's a good project
5 for after January.

6 MS. SAPINSKI: Thank you.

7 CHAIRMAN ROTHER: No, no, and, you
8 know, that's a great project for -- you
9 know, with some guidance to a law school
10 student during a recess or whatever, you
11 know, to do the gross work to be reviewed
12 by somebody.

13 I mean, I don't think that
14 necessarily has to be done by...okay, you
15 want to go into executive now?

16 MR. PAGANELLI: I do.

17 CHAIRMAN ROTHER: Could we have a
18 motion to go into executive session.

19 COMMISSIONER COHEN: I'll move.

20 COMMISSIONER KLINGHOFFER: So moved.

21 MS. SAPINSKI: Moved by Commissioner
22 Klinghoffer.

23 COMMISSIONER KLINGHOFFER: I second.

24 MS. SAPINSKI: Okay.

25 CHAIRMAN ROTHER: Roll call.

1 MS. SAPINSKI: Commissioner Cohen?

2 COMMISSIONER COHEN: Yes.

3 MS. SAPINSKI: Commissioner

4 Klinghoffer?

5 COMMISSIONER KLINGHOFFER: Yes.

6 MS. SAPINSKI: Commissioner

7 Spiesbach?

8 COMMISSIONER SPIESBACH: Yes.

9 MS. SAPINSKI: Commissioner Toro?

10 COMMISSIONER TORO: Yes.

11 MS. SAPINSKI: Chairman Rother?

12 CHAIRMAN ROTHER: Yes.

13

14 (Whereupon, the Board move to
15 Executive Session at 5:22 p.m., Resolution
16 No. 12-220.)

17

18 (Whereupon, the Board returned to
19 Open Session.)

20

21 MR. PAGANELLI: Mr. Chairman, we are
22 ready when you are, sir.

23

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

1 ADMINISTRATIVE

2 1. RESOLUTION NO. 12-221 - RESOLUTION
3 ADOPTING THE CASH MANAGEMENT PLAN, PURSUANT
4 TO N.J.S.A. 40A:5-14, FOR THE YEAR 2013;

5 2. RESOLUTION NO. 12-222 - RESOLUTION
6 ADOPTING HOLIDAY SCHEDULE FOR THE YEAR
7 2013;

8 3. RESOLUTION NO. 12-223 - RESOLUTION
9 AUTHORIZING SALARIES FOR ECIA EMPLOYEES FOR
10 2013;

11 4. RESOLUTION NO. 12-224 - RESOLUTION
12 AUTHORIZING AN AGREEMENT WITH AUDIO-DIGITAL
13 TRANSCRIPTION SERVICE, LLC FOR TRANSCRIBING
14 AND RECORDING SERVICES 1-1-13 THROUGH
15 12-31-13 IN THE AMOUNT OF \$10,000;

16 5. RESOLUTION NO. 12-225 - RESOLUTION
17 ESTABLISHING POOL OF APPROVED LAW FIRMS IN
18 ACCORDANCE WITH THE "PAY TO PLAY LAW - FAIR
19 AND OPEN PROCESS"-NJSA 19:44A-20.4;

20 6. RESOLUTION NO. 12-226 - RESOLUTION
21 ESTABLISHING POOL OF APPROVED INSURANCE
22 BROKERS FOR THE PROCUREMENT OF THE
23 INSURANCE COVERAGE FOR IN ACCORDANCE WITH
24 THE "PAY TO PLAY LAW - FAIR AND OPEN
25 PROCESS"-NJSA 19:44A-20.4;

1 7. RESOLUTION NO. 12-227 - RESOLUTION
2 ESTABLISHING A POOL OF APPROVED SURVEYORS
3 FIRMS IN ACCORDANCE WITH THE "PAY TO PLAY
4 LAW - FAIR AND OPEN PROCESS"-NJSA
5 19:44A-20.4;

6 8. RESOLUTION NO. 12-228 - RESOLUTION
7 ESTABLISHING A POOL OF APPROVED REAL ESTATE
8 APPRAISERS FIRMS IN ACCORDANCE WITH THE
9 "PAY TO PLAY LAW - FAIR AND OPEN
10 PROCESS"-NJSA 19:44A-20.4;

11 9. RESOLUTION NO. 12-229 - RESOLUTION
12 AUTHORIZING PAYMENT TO AUDIO-DIGITAL
13 TRANSCRIPTION SERVICES, LLC FOR
14 TRANSCRIPTION OF BOARD MEETINGS ON
15 11-27-12;

16 10. RESOLUTION NO. 12-230 - RESOLUTION
17 RATIFYING PAYMENT OF RECURRING BILLS (BILL
18 LIST);

19 11. RESOLUTION NO. 12-231 - RESOLUTION
20 RATIFYING PAYMENT OF \$2,885.00 TO MICROSHOP
21 SYSTEMS FOR COMPUTER RELATED ISSUES.)

22

23 CHAIRMAN ROTHER: Alrighty.

24 Administrative...I think we're in
25 administrative resolutions. That's where

1 we are. Administrative resolutions, items
2 one through 11.

3 Questions, comments, anyone? If we
4 have none, can we have a motion?

5 COMMISSIONER TORO: I'll move.

6 CHAIRMAN ROTHER: To approve --
7 okay.

8 COMMISSIONER KLINGHOFFER: Second.

9 MS. SAPINSKI: Commissioner Cohen?

10 COMMISSIONER COHEN: Yes.

11 MS. SAPINSKI: Commissioner
12 Klinghoffer?

13 COMMISSIONER KLINGHOFFER: Yes.

14 MS. SAPINSKI: Commissioner
15 Spiesbach?

16 COMMISSIONER SPIESBACH: Yes.

17 MS. SAPINSKI: Commissioner Toro?

18 COMMISSIONER TORO: Yes.

19 MS. SAPINSKI: Chairman Rother?

20 CHAIRMAN ROTHER: Yes.

21

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

24 AIRPORT

25 12. RESOLUTION NO. 12-232 - RESOLUTION

1 ESTABLISHING A POOL OF APPROVED ENGINEERING
2 FIRMS FOR DESIGN, CONSTRUCTION AND GRANT
3 ADMINISTRATION SERVICES IN ACCORDANCE WITH
4 THE "PAY TO PLAY LAW - FAIR AND OPEN
5 PROCESS";

6 13. RESOLUTION NO. 12-233 - RESOLUTION
7 AUTHORIZING A FULL MAINTENANCE AGREEMENT
8 WITH ARROW ELEVATOR INCORPORATED FOR A
9 MAINTENANCE SERVICES OF THE HYDRAULIC
10 ELEVATOR AT BUILDING M IN AN AMOUNT NOT TO
11 EXCEED \$1,680.00 (\$140.00 PER MONTH) FOR
12 THE YEAR 2013;

13 14. RESOLUTION NO. 12-234 - RESOLUTION
14 ACCEPTING A PROPOSAL FROM FOAM TECHNOLOGY
15 INC. IN AN AMOUNT NOT TO EXCEED \$2,400.00
16 FOR FOAM TESTING FOR HANGAR A AND HANGAR C
17 AT THE AIRPORT FOR THE YEAR 2013;

18 15. RESOLUTION NO. 12-235 - RESOLUTION
19 AUTHORIZING A FULL MAINTENANCE AGREEMENT
20 FOR AIRPORT SECURITY EQUIPMENT WITH
21 SERVICES WORKS INC. IN AN AMOUNT NOT TO
22 EXCEED \$19,300.00 FOR THE YEAR 2013;

23 16. RESOLUTION NO. 12-236 - RESOLUTION
24 ACCEPTING PROPOSAL FROM AFA PROTECTIVE
25 SYSTEMS INC., IN THE AMOUNT NOT TO EXCEED

1 \$1,198.00 FOR THE MONITORING OF THE FIRE
2 AND SPRINKLER ALARMS FOR THE YEAR 2013;

3 17. RESOLUTION NO. 12-237 - RESOLUTION
4 ACCEPTING A PROPOSAL FROM UNITED FIRE
5 PROTECTION CORPORATION IN AN AMOUNT NOT TO
6 EXCEED \$5,730.40 FOR QUARTERLY INSPECTIONS
7 AND TESTING OF THE PRE-ACTION AND FIRE
8 ALARM SYSTEMS IN HANGARS A AND C AND THE
9 WET SPRINKLER SYSTEMS IN HANGAR 3 FOR THE
10 YEAR 2013;

11 18. RESOLUTION NO. 12-238 - RESOLUTION
12 ACCEPTING A PROPOSAL FROM INTERSTATE WASTE
13 SERVICES FOR SOLID WASTE REMOVAL AT THE
14 AIRPORT FOR THE YEAR 2013;

15 19. RESOLUTION NO. 12-239 - RESOLUTION
16 AUTHORIZING MAINTENANCE AGREEMENT WITH
17 ENVIROCON FOR ALL HEATING AND HVAC RELATED
18 ISSUES AT ALL AIRPORT BUILDINGS AND HANGARS
19 IN THE AMOUNT NOT TO EXCEED \$5,000.00 FOR
20 THE YEAR 2013;

21 20. RESOLUTION NO. 12-240 - RESOLUTION
22 AUTHORIZING MAINTENANCE AGREEMENT WITH
23 LESCO FOR ALL PLUMBING RELATED ISSUES AT
24 ALL AIRPORT BUILDINGS AND HANGARS IN THE
25 AMOUNT NOT TO EXCEED \$5,000.00 FOR THE YEAR

1 2013;

2 21. RESOLUTION NO. 12-241 - RESOLUTION
3 AUTHORIZING MAINTENANCE AGREEMENT WITH S.J.
4 CARNEY FOR ALL ROOF RELATED ISSUES AT ALL
5 AIRPORT BUILDINGS AND HANGARS IN THE AMOUNT
6 NOT TO EXCEED \$5,000.00 FOR THE YEAR 2013;

7 22. RESOLUTION NO. 12-242 - RESOLUTION
8 AUTHORIZING MAINTENANCE AGREEMENT WITH AIR
9 POWER FOR ALL ELECTRIC RELATED ISSUES AT
10 ALL AIRPORT BUILDINGS AND HANGARS IN THE
11 AMOUNT NOT TO EXCEED \$5,000.00 FOR THE YEAR
12 2013;

13 23. RESOLUTION NO. 12-243 - RESOLUTION
14 AUTHORIZING PAYMENT TO FLORIO, PERRUCCI,
15 STEINHARDT & FADER, LLC IN THE AMOUNT OF
16 \$1,275.00 FOR LEGAL SERVICES IN CONNECTION
17 WITH AIRPORT RSA PROJECT;

18 24. RESOLUTION NO. 12-244 - RESOLUTION
19 AUTHORIZING PAYMENT TO FLORIO, PERRUCCI,
20 STEINHARDT & FADER, LLC IN THE AMOUNT OF
21 \$547.46 FOR LEGAL SERVICES IN CONNECTION
22 WITH AIRPORT (165 PASSAIC AVENUE PROPERTY);

23 25. RESOLUTION NO. 12-245 - RESOLUTION
24 AUTHORIZING AN AGREEMENT WITH GALLEROS KOH,
25 LLP FOR FINANCIAL AND ACCOUNTING SERVICES

1 IN CONNECTION WITH THE AIRPORT MOTOR FUEL
2 TAX RETURNS FOR THE FISCAL YEAR 2013 IN THE
3 AMOUNT OF \$3,000.00;

4 26. RESOLUTION NO. 12-246 - RESOLUTION
5 RATIFYING A PURCHASE OF BOOM LIFT FROM
6 UNITED RENTALS IN THE AMOUNT OF
7 \$21,900.00.)

8
9 CHAIRMAN ROTHER: Airport
10 resolutions, resolutions 12 through 26.

11 MR. PAGANELLI: Just a quick little
12 edit on 22. That should -- it's
13 electrical-related issues, not heating. On
14 number 22, the resolution's correct. The
15 agenda, though, indicates heating and it's
16 electrical.

17 COMMISSIONER KLINGHOFFER: Anything
18 here on the obstruction project? There
19 seems to always be. Well, let me ask
20 generally. How is the obstruction project
21 going?

22 MR. PAGANELLI: The obstruction
23 project is going well, but slow.

24 COMMISSIONER KLINGHOFFER: We've
25 been doing this for a while, haven't we?

1 MR. PAGANELLI: Well, the overall
2 project has been going on for quite some
3 time. Behind you'll see a number of
4 different properties that we're on at this,
5 you know, current time.

6 We hit a bit of a snag with
7 hurricane, super-storm, tropical whatever
8 we're calling it nowadays Sandy in that the
9 contractor -- all contractors were required
10 to try to go and help...people, which we
11 understood completely. What we did do is
12 give them an extension of ten days and they
13 kept a small crew on here working so we
14 were able to kind of keep them going
15 through the storm.

16 The only other issue I see now,
17 initially they were supposed to be done on
18 the 21st, which is next Friday. We've had
19 an issue with some of the parcels because
20 in order to gain access to the parcel, you
21 have to cross a huge water main and the
22 water company has asked for literally a
23 bridge, temporary bridge, to get the
24 machinery over it and our contractor has
25 struggled mightily with that.

1 So we're going to meet -- we meet
2 every Friday, we'll meet again with them on
3 Friday and hope that, you know, we get all
4 those approvals done and we'll get it
5 finished up, so...we anticipate or we were
6 told anyway we'll be done next Friday. I
7 don't see it. I do think we'll leach into
8 the beginning of the new year and then the
9 project basically stops and then they'll
10 pick up -- because of the wetlands permits
11 that we have, they'll pick up for two weeks
12 in May. They have to come out and do a
13 treatment on some kind of weed and then
14 come back and...

15 After that we're going to have
16 probably on the RSA, runway safety area
17 project, we're going to have the airport --
18 I mean, the golf course left. The golf
19 course has been very cooperative. We've
20 been dealing with them for a number of
21 years. Every time we meet with them,
22 everything's great. So we anticipate their
23 continued cooperation.

24 They had, in fact, asked us to delay
25 our project with them because they had

1 signed on to some PGA tournament. We did
2 that to be cooperative with them, good
3 neighbors, so we anticipate them coming on
4 board to let us take down some trees.

5 And then there will be two other
6 properties that we may have to go through
7 the avigation easement, kind of a
8 quasi-condemnation matter where we have
9 that Florio firm helping us out. That
10 should end that project.

11 COMMISSIONER KLINGHOFFER: Sounds
12 good.

13 CHAIRMAN ROTHER: Can we have a...

14 COMMISSIONER KLINGHOFFER: I'll move
15 the airport resolutions.

16 COMMISSIONER SPIESBACH: Second.

17 MS. SAPINSKI: Commissioner Cohen?

18 COMMISSIONER COHEN: Yes.

19 MS. SAPINSKI: Commissioner
20 Klinghoffer?

21 COMMISSIONER KLINGHOFFER: Yes.

22 MS. SAPINSKI: Commissioner
23 Spiesbach?

24 COMMISSIONER SPIESBACH: Yes.

25 MS. SAPINSKI: Commissioner Toro?

1 COMMISSIONER TORO: Yes.

2 MS. SAPINSKI: Chairman Rother?

3 CHAIRMAN ROTHER: Yes.

4

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

7 ACCESS ROAD PROJECT

8 27. RESOLUTION NO. 12-247 - RESOLUTION
9 AUTHORIZING PAYMENT TO BIRDSALL SERVICE
10 GROUP IN THE AMOUNT OF \$52,924.45 FOR
11 CONSTRUCTION OBSERVATION AND MANAGEMENT FOR
12 PERIOD 9-11-12 TO 10-31-12 (ECIA FUNDED
13 PROJECT);

14 28. RESOLUTION NO. 12-248 - RESOLUTION
15 AUTHORIZING CHANGE ORDER #1 TO THE CONTRACT
16 WITH AJM CONTRACTORS INC., IN THE AMOUNT OF
17 \$15,206.99;

18

19 OBSTRUCTION REMOVAL PROJECT

20 Project Funded:

21 FAA GRANT #33-12

22 AIRPORT BOND

23

24 29. RESOLUTION NO. 12-249 - RESOLUTION
25 AUTHORIZING AN AMENDMENT #1 TO THE

1 AGREEMENT WITH C&S ENGINEERS, INC. IN THE
2 AMOUNT OF \$19,500.00 FOR ENGINEERING
3 SERVICES RENDERED IN CONNECTION WITH THE
4 CONSTRUCTION OBSERVATION FOR PHASE VI;

5 30. RESOLUTION NO. 12-250 - RESOLUTION
6 AUTHORIZING CHANGE ORDER #2 TO THE CONTRACT
7 WITH TOMCO CONSTRUCTION INC., IN THE AMOUNT
8 OF \$14,052.00;

9 31. RESOLUTION NO. 12-251 - RESOLUTION
10 AUTHORIZING PAYMENT TO C&S ENGINEERS, INC.
11 IN THE AMOUNT OF \$5,640.00 FOR ENGINEERING
12 SERVICES RENDERED IN CONNECTION WITH THE
13 DESIGN PHASE VII.)

14

15 MR. PAGANELLI: Just for the record,
16 on our agenda that was 12 through 31?

17 CHAIRMAN ROTHER: I read it 12
18 through 26.

19 MR. PAGANELLI: Okay.

20 CHAIRMAN ROTHER: We had the access
21 road, which is 27 and 28, right? Isn't it?

22 MR. PAGANELLI: The airport really
23 goes through 31. We're kind of trying
24 to --

25 COMMISSIONER KLINGHOFFER: I was

1 looking for obstruction project. Now I see
2 it in.

3 MR. PAGANELLI: Just want to make
4 sure we got them all in.

5 CHAIRMAN ROTHER: Let's do it for 27
6 through 31 now --

7 MR. PAGANELLI: That's fine.

8 CHAIRMAN ROTHER: -- so we're sure
9 we got 'em all.

10 COMMISSIONER KLINGHOFFER: I'll move
11 27 through 31 now?

12 CHAIRMAN ROTHER: Yeah.

13 COMMISSIONER SPIESBACH: Second.

14 MS. SAPINSKI: Commissioner Cohen?

15 COMMISSIONER COHEN: Yes.

16 MS. SAPINSKI: Commissioner
17 Klinghoffer?

18 COMMISSIONER KLINGHOFFER: Yes.

19 MS. SAPINSKI: Commissioner
20 Spiesbach?

21 COMMISSIONER SPIESBACH: Yes.

22 MS. SAPINSKI: Commissioner Toro?

23 COMMISSIONER TORO: Yes.

24 MS. SAPINSKI: Chairman Rother?

25 CHAIRMAN ROTHER: Yes.

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

NEWARK RIVERFRONT PROJECT

32. RESOLUTION NO. 12-252 - RESOLUTION AUTHORIZING PAYMENT OF \$258.60 TO DECOTIIS, FITZPATRICK & COLE, LLP FOR LEGAL SERVICES REGARDING NEWARK RIVERFRONT REDEVELOPMENT PROJECT FOR THE PERIOD ENDING 11-26-12.)

CHAIRMAN ROTHER: Newark Riverfront project, resolution 32. Minor item here.

Can we have a motion for that?

COMMISSIONER TORO: I'll move it.

CHAIRMAN ROTHER: Do we have a second?

COMMISSIONER SPIESBACH: Second.

MS. SAPINSKI: Commissioner Cohen?

COMMISSIONER COHEN: Yes.

MR. PAGANELLI: Newark Riverfront is not resolved. We're still dealing with one remaining parcel.

COMMISSIONER COHEN: Okay.

MR. PAGANELLI: The park is done and it all looks beautiful.

1 MS. SAPINSKI: Commissioner Cohen?

2 COMMISSIONER COHEN: Yes.

3 MS. SAPINSKI: Commissioner

4 Klinghoffer?

5 COMMISSIONER KLINGHOFFER: Yes.

6 MS. SAPINSKI: Commissioner

7 Spiesbach?

8 COMMISSIONER SPIESBACH: Yes.

9 MS. SAPINSKI: Commissioner Toro?

10 COMMISSIONER TORO: Yes.

11 MS. SAPINSKI: Chairman Rother?

12 CHAIRMAN ROTHER: Yes.

13

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

16 CMMI

17 33. RESOLUTION NO. 12-253 - RESOLUTION
18 AUTHORIZING PAYMENT OF \$423.40 TO DECOTIIS,
19 FITZPATRICK & COLE, LLP FOR LEGAL SERVICES
20 IN CONNECTION WITH CMMI FOR THE PERIOD
21 ENDING 11-26-12.)

22

23 CHAIRMAN ROTHER: CMMI, resolution

24 32.

25 COMMISSIONER KLINGHOFFER: I'll move

1 that.

2 CHAIRMAN ROTHER: Okay. Can we have
3 a second?

4 COMMISSIONER TORO: I'll second.

5 MS. SAPINSKI: Commissioner Cohen?

6 COMMISSIONER COHEN: Yes.

7 MS. SAPINSKI: Commissioner
8 Klinghoffer?

9 COMMISSIONER KLINGHOFFER: Yes.

10 MS. SAPINSKI: Commissioner
11 Spiesbach?

12 COMMISSIONER SPIESBACH: Yes.

13 MS. SAPINSKI: Commissioner Toro?

14 COMMISSIONER TORO: Yes.

15 MS. SAPINSKI: Chairman Rother?

16 CHAIRMAN ROTHER: Yes.

17 MR. PAGANELLI: Just so the board's
18 aware, Mr. Chairman, I'm sorry for jumping
19 in, the CMMI property is being auctioned by
20 the County on Friday, so we'll see how it
21 goes.

22 COMMISSIONER KLINGHOFFER: Any idea
23 of interest or...

24 MR. PAGANELLI: We have put together
25 a small kind of a bid package with

1 information about the site and we've had
 2 five or six people pick up and they've also
 3 taken a tour, so hopefully.

4 CHAIRMAN ROTHER: Good.

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

8 FINANCE

9 34. RESOLUTION NO. 12-254 - RESOLUTION
 10 AUTHORIZING PAYMENT OF CHARGES AND EXPENSES
 11 OF THE AUTHORITY'S \$150,000,000 POOLED
 12 GOVERNMENT LOAN PROGRAM (SERIES 1986)

13
 14 PAYMENTS DUE OTHERS FOR PGLP SERVICES

15
 16 PHILIP A. LANZET \$2,500.00

17 FINANCIAL CONSULTANT

18 DECEMBER 2012

19
 20 MOODY'S INVESTORS SERVICES \$1,250.00

21 RATING AGENT

22 10-1-12 TO 12-31-12

23
 24 BANK OF NEW YORK MELLON \$4,000.00

25 TRUSTEE, TENDER & PAYING

1 AGENT
2 10-1-12 TO 12-31-12

3
4 WELLS FARGO BANK \$19,701.72
5 LETTER OF CREDIT
6 10-1-12 TO 12-31-12

7
8 35. RESOLUTION NO. 12-255 - RESOLUTION
9 ESTABLISHING A POOL OF APPROVED FINANCIAL
10 ADVISORS IN ACCORDANCE WITH THE "PAY TO
11 PLAY LAW - FAIR AND OPEN PROCESS" NJSA
12 19:44A-20.4 FOR THE YEAR 2013;

13 36. RESOLUTION NO. 12-256 - RESOLUTION
14 ESTABLISHING A POOL OF APPROVED
15 UNDERWRITING FIRMS IN ACCORDANCE WITH THE
16 "PAY TO PLAY LAW - FAIR AND OPEN PROCESS"
17 NJSA 19:44A-20.4 FOR THE YEAR 2013;

18 37. RESOLUTION NO. 12-257 - RESOLUTION
19 AUTHORIZING AN AGREEMENT WITH PHILIP A.
20 LANZET AS FINANCIAL CONSULTANT FOR THE PGLP
21 FROM 1-1-13 TO 12-31-13.)

22
23 CHAIRMAN ROTHER: Okay, finance
24 resolutions 34 through 37. Can we have a
25 motion on these?

1 COMMISSIONER SPIESBACH: I'll move
2 it, Mr. Chairman.

3 COMMISSIONER KLINGHOFFER: Second.

4 MS. SAPINSKI: Commissioner Cohen?

5 COMMISSIONER COHEN: Yes.

6 MS. SAPINSKI: Commissioner

7 Klinghoffer?

8 COMMISSIONER KLINGHOFFER: Yes.

9 MS. SAPINSKI: Commissioner

10 Spiesbach?

11 COMMISSIONER SPIESBACH: Yes.

12 MS. SAPINSKI: Commissioner Toro?

13 COMMISSIONER TORO: Yes.

14 MS. SAPINSKI: Chairman Rother?

15 CHAIRMAN ROTHER: Yes.

16

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

19 SPORTSPLEX GARAGE

20 38. RESOLUTION NO. 12-258 - RESOLUTION
21 AUTHORIZING AMENDMENT #1 TO THE AGREEMENT
22 WITH PS&S IN THE AMOUNT OF \$22,000.00 FOR
23 ENGINEERING SERVICES RENDERED IN CONNECTION
24 WITH ENVIRONMENTAL ISSUES AT THE
25 SPORTSPLEX;

1 39. RESOLUTION NO. 12-259 - RESOLUTION
2 AUTHORIZING AN AGREEMENT WITH PRECISION
3 TIME SYSTEMS FOR MAINTENANCE SERVICES AT
4 PARKING GARAGE IN THE AMOUNT NOT TO EXCEED
5 \$10,900.00 FOR THE YEAR 2013;

6 40. RESOLUTION NO. 12-260 - RESOLUTION
7 AUTHORIZING AN AGREEMENT WITH ZIP SYSTEMS
8 INC FOR ELEVATOR MAINTENANCE SERVICES AT
9 PARKING GARAGE IN THE AMOUNT NOT TO EXCEED
10 \$3,000.00 FOR THE YEAR 2013;

11 41. RESOLUTION NO. 12-261 - RESOLUTION
12 ACCEPTING A PROPOSAL FROM INTEGRATED
13 SYSTEMS AND SERVICES INC. IN AN AMOUNT NOT
14 TO EXCEED \$366.48 FOR ANNUAL BURGLAR ALARM
15 MONITORING AT THE PARKING GARAGE;

16 42. RESOLUTION NO. 12-262 - RESOLUTION
17 ACCEPTING A PROPOSAL FROM INTEGRATED
18 SYSTEMS AND SERVICES INC. IN AN AMOUNT NOT
19 TO EXCEED \$407.88 FOR ANNUAL ELEVATOR ALARM
20 MONITORING AT THE PARKING GARAGE;

21 43. RESOLUTION NO. 12-263 - RESOLUTION
22 ACCEPTING PROPOSAL FROM HUDSON COMMUNITY
23 ENTERPRISES FOR LANDSCAPING AND LITTER
24 MAINTENANCE SERVICE AROUND SPORTSPLEX
25 COMPLEX FOR THE YEAR 2013 IN THE AMOUNT NOT

1 TO EXCEED \$32,500.00;

2 44. RESOLUTION NO. 12-264 - RESOLUTION
3 ACCEPTING PROPOSAL FROM NORTHEAST
4 FACILITIES SERVICES FOR SWEEPING SERVICE
5 AROUND PARKING FACILITY COMPLEX AND GARAGE
6 FOR THE YEAR 2013 IN THE AMOUNT NOT TO
7 EXCEED \$2,400.00.)

8
9 CHAIRMAN ROTHER: Sportsplex Garage,
10 resolutions 38 through 44.

11 COMMISSIONER SPIESBACH: Jim, I did
12 speak to Lucy earlier on number 38, I did
13 have my folks take a look at it and it is a
14 time and materials so we presumably will
15 only be charged for what they actually do
16 out there.

17 I guess if I were to hazard an
18 observation and an opinion, it would be
19 that it's maybe slightly high by maybe five
20 to seven thousand dollars, but, again, time
21 and materials, they do have some
22 contingencies in there and with that in
23 mind, I don't think that we need to hold
24 off on this.

25 The only thing I had asked Lucy to

1 check is that in their original proposal,
2 they had -- or in this amendment they bring
3 up this opt-in for the LSRP type of thing
4 and this is an amendment to the contract.
5 I was curious as to whether or not -- I
6 thought we were already opted in.

7 That was one of the only
8 observations that I wanted to inquiry on,
9 but since it is time and materials, I have
10 no problem moving this forward, but I did
11 take a look at it just so that you're
12 aware.

13 MR. PAGANELLI: Okay, thank you.

14 CHAIRMAN ROTHER: All right? Can we
15 have a motion, please?

16 COMMISSIONER COHEN: I'll move it.

17 COMMISSIONER TORO: I'll second.

18 MS. SAPINSKI: Commissioner Cohen?

19 COMMISSIONER COHEN: Yes.

20 MS. SAPINSKI: Commissioner
21 Klinghoffer?

22 COMMISSIONER KLINGHOFFER: Yes.

23 MS. SAPINSKI: Commissioner
24 Spiesbach?

25 COMMISSIONER SPIESBACH: Yes.

1 MS. SAPINSKI: Commissioner Toro?

2 COMMISSIONER TORO: Yes.

3 MS. SAPINSKI: Chairman Rother?

4 CHAIRMAN ROTHER: Yes.

5

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

8 PARKING

9 45. RESOLUTION NO. 12-265 - RESOLUTION
10 AUTHORIZING AN AGREEMENT WITH SCHINDLER
11 ELEVATOR CORPORATION FOR FULL MAINTENANCE
12 AGREEMENT FOR TWO SCHINDLER 330A HYDRAULIC
13 PASSENGER ELEVATORS IN THE AMOUNT NOT TO
14 EXCEED \$7,500.00 FOR THE YEAR 2013;

15 46. RESOLUTION NO. 12-266 - RESOLUTION
16 AUTHORIZING AN AGREEMENT WITH PRECISION
17 TIME SYSTEMS FOR MAINTENANCE SERVICES AT IN
18 THE AMOUNT NOT TO EXCEED \$24,500.00 FOR THE
19 YEAR 2013;

20 47. RESOLUTION NO. 12-267 - RESOLUTION
21 ACCEPTING A PROPOSAL FROM AUTOMATIC
22 SUPPRESSION & ALARM SYSTEMS INC., FOR
23 MONITORING THE FIRE ALARM SYSTEM IN THE
24 PARKING GARAGE IN THE AMOUNT OF \$300.00 FOR
25 THE YEAR 2013;

1 48. RESOLUTION NO. 12-268 - RESOLUTION
2 ACCEPTING PROPOSAL FROM HUDSON COMMUNITY
3 ENTERPRISES FOR LANDSCAPING AND LITTER
4 MAINTENANCE SERVICE AROUND PARKING FACILITY
5 COMPLEX FOR THE YEAR 2012 IN THE AMOUNT NOT
6 TO EXCEED \$30,000.00;

7 49. RESOLUTION NO. 12-269 - RESOLUTION
8 ACCEPTING PROPOSAL FROM NORTHEAST
9 FACILITIES SERVICES FOR SWEEPING SERVICE
10 AROUND PARKING FACILITY COMPLEX AND GARAGE
11 FOR THE YEAR 2013 IN THE AMOUNT NOT TO
12 EXCEED \$8,700.00.

13
14 CHAIRMAN ROTHER: And, finally, the
15 resolutions for parking 45 through 49.

16 COMMISSIONER KLINGHOFFER: I'll move
17 those.

18 CHAIRMAN ROTHER: Okay. Second,
19 someone?

20 COMMISSIONER SPIESBACH: Second.

21 MS. SAPINSKI: Commissioner Cohen?

22 COMMISSIONER COHEN: Yes.

23 MS. SAPINSKI: Commissioner
24 Klinghoffer?

25 COMMISSIONER KLINGHOFFER: Yes.

1 MS. SAPINSKI: Commissioner

2 Spiesbach?

3 COMMISSIONER SPIESBACH: Yes.

4 MS. SAPINSKI: Commissioner Toro?

5 COMMISSIONER TORO: Yes.

6 MS. SAPINSKI: Chairman Rother?

7 CHAIRMAN ROTHER: Yes.

8

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

11 LATE STARTER

12 (1) RESOLUTION NO. 12-270 - RESOLUTION
13 AUTHORIZING THE EXECUTIVE DIRECTOR TO
14 EXECUTE LEASE AGREEMENT WITH THE COUNTY OF
15 ESSEX AND HIGHLAWN INC.)

16

17 CHAIRMAN ROTHER: Do you have any
18 other items that you want to discuss?

19 COMMISSIONER KLINGHOFFER: We got
20 the late starter.

21 MR. PAGANELLI: Late start.

22 CHAIRMAN ROTHER: Oh, the late
23 starter. Exactly.

24 COMMISSIONER KLINGHOFFER: Could
25 someone give us just a little background

1 about what the current -- what the current
2 rent is, the old rent and...

3 CHAIRMAN ROTHER: Yeah.

4 COMMISSIONER KLINGHOFFER: We saw
5 the ads, but was there -- were there
6 multiple bids?

7 MR. PAGANELLI: Sure.

8 COMMISSIONER KLINGHOFFER: It's a
9 lot of money.

10 MR. PAGANELLI: The current rent is
11 about 215 to 220.

12 COMMISSIONER KLINGHOFFER: Wow.

13 MR. PAGANELLI: Annually.

14 COMMISSIONER KLINGHOFFER: That's a
15 big increase.

16 MR. PAGANELLI: This is an increase
17 of -- well, this is an increase to four
18 hundred thousand dollars a year.

19 What I should tell you about the
20 rent is the rent stays stable, so it's four
21 hundred for the base contract term of
22 twenty years and there's two five-year
23 options and in those five-year options, it
24 goes up four percent.

25 So for the County, the County's

1 analysis that, you know, their bean
2 counters, their analysis, if you did it on
3 the way they have the original set up, on
4 the outside years you probably would have
5 been a little bit higher than the four
6 hundred. It's a little front-loaded, but
7 overall --

8 COMMISSIONER KLINGHOFFER: It's
9 heavily front-loaded. Did someone do a
10 present value analysis --

11 MR. PAGANELLI: Yeah.

12 COMMISSIONER KLINGHOFFER: Because
13 obviously four hundred thousand dollars a
14 year twenty years from now is...

15 MR. PAGANELLI: Yeah. Overall the
16 County's still in the money.

17 COMMISSIONER KLINGHOFFER: Okay.

18 MR. PAGANELLI: And it is
19 front-loaded.

20 The other thing that this adds is a
21 substantial complex beautification fund
22 which they don't have in the, in the
23 original deal.

24 COMMISSIONER KLINGHOFFER: In what
25 regard?

1 MR. PAGANELLI: It is a flat
2 payment, again, for the first years of the
3 agreement and that allows the County to
4 utilize those funds for the 9/11 memorial.

5 COMMISSIONER KLINGHOFFER: When you
6 say those funds, are you talking about the
7 rent or are you talking about something in
8 addition?

9 MR. PAGANELLI: In addition.

10 COMMISSIONER KLINGHOFFER: In
11 addition. So how much is that in addition?

12 MR. PAGANELLI: It's -- part -- I'm
13 just going to give it for purposes of the
14 record.

15 Section 11 of the lease agreement,
16 years one through five at sixty grand a
17 year, six through ten at 62,4, so it clicks
18 up four percent every five years.

19 COMMISSIONER KLINGHOFFER: And -- so
20 there's no, there's no percentage of
21 growth. This lease is not tied to
22 performance at all.

23 MR. PAGANELLI: It's not. Unlike
24 the McLoone's lease where there was a
25 kicker over a certain number of millions of

1 dollars. This does not have it in it.

2 COMMISSIONER KLINGHOFFER: And how
3 did we get to this point? I know we were
4 talking about it before, we spent a lot of
5 money on advertising. Was anybody else
6 interested besides the current management?

7 MR. PAGANELLI: Yeah. The County
8 Executive, much like we did with the
9 McLoone's arrangement, wanted to use the
10 Improvement Authority with our kind of more
11 flexible statute than the County itself
12 has.

13 COMMISSIONER KLINGHOFFER: Okay.

14 MR. PAGANELLI: As the Commissioner
15 indicates, there was an ad we put -- we put
16 in multiple ads. Do you have the...

17 So we put in two ads in The Star-
18 Ledger. The County had a number of --
19 well, the County has a portal for
20 purchasing and had a number of interested
21 parties take down the RFI from the portal.
22 We actually had three proposers that
23 submitted proposals.

24 One was a group led by the Maurillo
25 brothers that run the Naninas in the Park,

1 they also have something new now at Morris
2 County; the other one was submitted by the
3 Frungillo family, which is Gourmet Dining,
4 and the last one was submitted by Highlawn
5 Pavilion who is the current leaseholder.

6 We conducted interviews. They then
7 made -- gave us submittals. The County put
8 out or the Improvement Authority on the
9 County's behalf put out what we called the
10 minimum requirements, which was the two
11 and-a-quarter rent, the beautification
12 fund, the County has contracts for pouring
13 rights for soft drinks that is controlled
14 by this building.

15 So there's a couple different --

16 COMMISSIONER KLINGHOFFER: What does
17 that mean?

18 MR. PAGANELLI: The County a number
19 of years ago put out a pouring rights
20 contract for soft drinks, so if you go to
21 the County right now, you can only get
22 Coke. So Coke is the official pouring
23 rights holder, it's a revenue for the
24 County and it encompasses every building,
25 so that is part of this -- deal.

1 COMMISSIONER KLINGHOFFER: So they
2 can only pour Coke right now.

3 MR. PAGANELLI: They can only pour
4 Coke.

5 COMMISSIONER KLINGHOFFER: Okay.

6 MR. PAGANELLI: So at the
7 Improvement Authority, myself, Paul Hopkins
8 who was the County Treasurer at the time,
9 Frank DelGaudio who is the County Risk
10 Assessor at the time interviewed all of
11 those three proposers, had them here in our
12 office. Some of them gave boards, some of
13 them gave renderings. I think it was good
14 conversations about what their vision was.

15 Unfortunately the two that didn't
16 win, and not for this sole reason, but
17 we're trying to expand the footprint of the
18 building, that was not part of the
19 proposal. The proposal is the building is
20 the building and the building has a lot of
21 spatial constraints...

22 COMMISSIONER KLINGHOFFER: Yes.

23 MR. PAGANELLI: To it.

24 After the interview process, the
25 Maurillo group decided they were no longer

1 interested, so they withdrew.

2 We then took everybody on a tour,
3 particularly everybody was now just the
4 Frungillo group, and it's really unique if
5 you ever go there how they have used the
6 space to their advantage.

7 The principal factor, I think, what
8 it ended up being was that the Frungillo
9 group at least at this point in time had no
10 fine dining restaurant experience. They
11 had experience, tremendous experience in
12 catering, they had tremendous experience
13 even at the County, at the youth house, at
14 the hospital center, at the jail providing
15 food services, but didn't have a fine
16 dining experience.

17 And obviously they were willing to
18 do the two and-a-quarter for rent, but they
19 weren't going to do four hundred thousand
20 dollars for the rent, so the committee met
21 and made a recommendation to the County for
22 Highlawn. My office and County Counsel
23 worked on the lease, which is what you have
24 in front of you tonight, and that's how we
25 got here.

1 CHAIRMAN ROTHER: So they left a lot
2 of money the table. Highlawn.

3 MR. PAGANELLI: I think competition
4 breeds...competition and I think that --

5 COMMISSIONER KLINGHOFFER: Sure.

6 MR. PAGANELLI: You know...so, yeah,
7 they...you know, I think that subsequent
8 conversations with them -- I think if
9 you've ever dealt with our County Executive
10 and you kind of say something and then you
11 decide, hey, maybe that wasn't the best
12 idea...

13 CHAIRMAN ROTHER: Yeah, ain't going
14 to work.

15 MR. PAGANELLI: It's a little too
16 late.

17 CHAIRMAN ROTHER: Yeah.

18 MR. PAGANELLI: So, yeah, we think
19 we've --

20 CHAIRMAN ROTHER: Excellent deal.

21 MR. PAGANELLI: We think we've done
22 a great deal on this.

23 COMMISSIONER KLINGHOFFER: Who gets
24 the rent?

25 MR. PAGANELLI: County.

1 COMMISSIONER KLINGHOFFER: Okay, so
2 we were just administering it. This is not
3 property that we have any interest in.

4 MR. PAGANELLI: No. We have a -- I
5 think we explained it this way with
6 McLoone's. We're basically a straw man
7 pass-through lessor. We're actually the
8 lessee sub-lessor out.

9 Hopefully with some money tied to
10 it, the County uses us for promotion of
11 tourist activities and thing like that, but
12 there's no --

13 COMMISSIONER KLINGHOFFER: Do we get
14 compensated at all for it? I mean --

15 MR. PAGANELLI: We have no
16 responsibilities.

17 COMMISSIONER KLINGHOFFER: So you
18 don't get compensated for your time
19 and for...

20 MR. PAGANELLI: No. If we pick
21 up --

22 MS. SAPINSKI: Copies.

23 MR. PAGANELLI: Pardon?

24 MS. SAPINSKI: Copies, copies. I
25 have the copies.

1 COMMISSIONER KLINGHOFFER: You
2 billed them for copies? Good for you.

3 MR. PAGANELLI: I may go back into
4 personnel if we can.

5 If we pick up responsibilities on a
6 go-forward, then we'll talk to the County
7 about a service agreement or a payment.

8 COMMISSIONER KLINGHOFFER: Okay.
9 That's all I got.

10 CHAIRMAN ROTHER: Okay. That's a
11 great job.

12 MR. PAGANELLI: Yeah.

13 CHAIRMAN ROTHER: I think -- did we
14 vote on this now?

15 COMMISSIONER KLINGHOFFER: No.

16 CHAIRMAN ROTHER: Well, let's do
17 that.

18 COMMISSIONER KLINGHOFFER: I'll move
19 it.

20 CHAIRMAN ROTHER: Good. Someone
21 want to second that one? I think
22 anybody --

23 COMMISSIONER COHEN: I'll second it.

24 CHAIRMAN ROTHER: Okay, good. Good.

25 MS. SAPINSKI: Commissioner Cohen?

1 COMMISSIONER COHEN: Yes.

2 MS. SAPINSKI: Commissioner
3 Klinghoffer?

4 COMMISSIONER KLINGHOFFER: Yes.

5 MS. SAPINSKI: Commissioner
6 Spiesbach?

7 COMMISSIONER SPIESBACH: Yes.

8 MS. SAPINSKI: Commissioner Toro?

9 COMMISSIONER TORO: Yes.

10 MS. SAPINSKI: Chairman Rother?

11 CHAIRMAN ROTHER: Yes. Good job.

12 MR. PAGANELLI: That's our last
13 meeting of the year. What you see on here,
14 you know, Lucy got it all together, really
15 sets us up for next year. We'll bring in
16 contracts legal and otherwise at the
17 beginning next year, but I think we're in
18 good shape. So we want to thank the board
19 for your support for the year.

20 CHAIRMAN ROTHER: Oh, thank you.
21 All the work you guys did.

22 COMMISSIONER KLINGHOFFER: When is
23 our reorganization? That's traditionally
24 in February, right?

25 MR. PAGANELLI: Right.

1 MR. PAGANELLI: And we need a motion
2 to adjourn if we are done.

3 COMMISSIONER COHEN: Thank you.
4 Good night.

5 COMMISSIONER KLINGHOFFER: Not so
6 fast.

7 COMMISSIONER COHEN: We have to
8 adjourn, right?

9 MR. PAGANELLI: That's correct.
10 So we have -- Commissioner Toro has
11 moved it and the seconder will be...

12 COMMISSIONER COHEN: I second it.

13 MS. SAPINSKI: Commissioner Cohen?

14 COMMISSIONER COHEN: Yes.

15 MS. SAPINSKI: Commissioner
16 Klinghoffer?

17 COMMISSIONER KLINGHOFFER: Yes.

18 MS. SAPINSKI: Commissioner

19 Spiesbach?

20 COMMISSIONER SPIESBACH: Yes.

21 MS. SAPINSKI: Commissioner Toro?

22 COMMISSIONER TORO: Yes.

23 MS. SAPINSKI: Chairman Rother?

24 CHAIRMAN ROTHER: Yes.

25 MS. SAPINSKI: Thank you.

1

2

(Whereupon, the proceedings were

3

concluded at 6:00 p.m., Resolution No.

4

12-28.)

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I, TABITHA DENTE, a Certified Shorthand Reporter and Notary Public of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place and on the date hereinbefore set forth, to the best of my ability.

TABITHA DENTE, CSR NO. 1592