

ESSEX COUNTY
IMPROVEMENT AUTHORITY
ESSEX COUNTY, NEW JERSEY

REGULAR BOARD MEETING: : TRANSCRIPT OF RECORDED
: :
: : PROCEEDINGS
: :
_____ :

27 Wright Way
Fairfield, New Jersey

Tuesday, September 23, 2014
Commencing at 5:01 p.m.

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

- COMMISSIONER RONALD J. BROWN
- COMMISSIONER STEVEN H. KLINGHOFFER
(Arrived at 5:04 p.m.)
- COMMISSIONER GERARD M. SPIESBACH
- COMMISSIONER CARLA A. STANZIALE
- COMMISSIONER CYNTHIA D. TORO

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

- 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
- LUCY SAPINSKI, Director of Operations
- SHARIFA R. SALAAM, ESQ., Deputy Freeholder Counsel
(Arrived at 5:07 p.m.)
- THOMAS GOMEZ, Airport Manager
- BETSY WILLIAMSON, Administrative Assistant
- JOSEPH CALI, Airport Accounts receivables

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1 MS. DILLON: On the record.

2 MR. PAGANELLI: Do you want me to read the
3 Sunshine Notice?

4 It's been awhile since I read this one.

5 All right.

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

15 Let's do roll call.

16 MS. SAPINSKI: Commissioner Brown?

17 COMMISSIONER BROWN: Here.

18 MS. SAPINSKI: Commissioner Spiesbach?

19 COMMISSIONER SPIESBACH: Here.

20 MS. SAPINSKI: Commissioner Toro?

21 COMMISSIONER TORO: Here.

22 MR. PAGANELLI: We can't do roll call. We
23 don't have -- we don't have a --

24 COMMISSIONER SPIESBACH: We can't because
25 we don't have a quorum yet.

1 MR. PAGANELLI: Well, we can swear her in,
2 and then we'll have a quorum.

3 So, let's do swearing in.

4 MS. GILL: Okay. If you'll repeat after
5 me?

6 COMMISSIONER STANZIALE: Yes.

7 MS. GILL: You don't have to raise your
8 hand.

9 I --

10 COMMISSIONER STANZIALE: I, Carla A.
11 Stanziale --

12 MS. GILL: -- do solemnly swear or affirm
13 --

14 COMMISSIONER STANZIALE: -- do solemnly
15 swear --

16 MS. GILL: -- that I will support the
17 constitution of the United States --

18 COMMISSIONER STANZIALE: -- that I will
19 support the constitution of the United States --

20 MS. GILL: -- and the constitution of the
21 State of New Jersey --

22 COMMISSIONER STANZIALE: -- and the
23 constitution of the State of New Jersey --

24 MS. GILL: -- that I will bear true faith
25 and allegiance to the same --

1 COMMISSIONER STANZIALE: -- that will bear
2 true faith and allegiance to the same --

3 MS. GILL: -- and to the government
4 established in the United States --

5 COMMISSIONER STANZIALE: -- and to the
6 government established in the United States --

7 MS. GILL: -- and in this State --

8 COMMISSIONER STANZIALE: -- and in this
9 State --

10 MS. GILL: -- under the authority of the
11 people.

12 COMMISSIONER STANZIALE: -- under the
13 authority of the people.

14 MS. GILL: And that I will perform the
15 duties of Commissioner, Essex County Improvement
16 Authority --

17 COMMISSIONER STANZIALE: And that I will
18 perform the duties of Commissioner, Essex County
19 Improvement Authority --

20 MS. GILL: -- faithfully, impartially and
21 justly, to the best of my ability, so help me
22 God.

23 COMMISSIONER STANZIALE: -- faithfully,
24 impartially and justly to the best of my ability,
25 so help me God.

1 MR. PAGANELLI: Welcome aboard.

2 COMMISSIONER STANZIALE: Thank you.

3 (Applause.)

4 COMMISSIONER SPIESBACH: Congratulations.

5 COMMISSIONER TORO: Congratulations.

6 COMMISSIONER STANZIALE: Thank you.

7 MR. PAGANELLI: And now let's try roll

8 call.

9 MS. SAPINSKI: All right.

10 Commissioner Brown?

11 COMMISSIONER BROWN: Here.

12 MS. SAPINSKI: Commissioner Spiesbach?

13 COMMISSIONER SPIESBACH: Still here.

14 MS. SAPINSKI: Commissioner Toro?

15 COMMISSIONER TORO: Here.

16 MS. SAPINSKI: Commissioner Stanziale?

17 COMMISSIONER STANZIALE: Here.

18 MS. SAPINSKI: Okay. Okay.

19 MR. PAGANELLI: I hate to say it, but my

20 advice to the new Commissioner would be to

21 abstain on everything.

22 We have enough votes to pass everything on
23 only three, or do we need Klinghoffer to be here?

24 COMMISSIONER BROWN: Gerry?

25 Parliamentarian?

1 COMMISSIONER SPIESBACH: I'm not the
2 parliamentary. I would defer to anyone that
3 knows.

4 I think that, essentially, it would seem to
5 me that you need at -- I don't know if an abstain
6 works. I think abstain --

7 MR. PAGANELLI: Well, I think we need --
8 the bylaws probably say we need a majority of
9 those present, and I think we'll be able to --

10 COMMISSIONER SPIESBACH: Okay. That's the
11 case.

12 MS. DILLON: Unless it's money.

13 MR. PAGANELLI: Yeah. Well, it's not an
14 Ordinance and --

15 MS. DILLON: Like budget. Budget.

16 MR. PAGANELLI: -- things like that --

17 MS. DILLON: Right.

18 MR. PAGANELLI: -- but it's not a budget,
19 so we're okay.

20 We'll go with just abstain on everything
21 and you and I can catch up on --

22 COMMISSIONER STANZIALE: Yes.

23 MR. PAGANELLI: -- on the business of the
24 Authority and we'll go from there.

25 All right? So, Ger, can you handle the

1 meeting for us? You're our -- you're pitching in
2 for us.

3 We're up to --

4 COMMISSIONER SPIESBACH: Sure.

5 MR. PAGANELLI: -- Public Comment.

6 COMMISSIONER SPIESBACH: Okay.

7 If there's any members of the public that
8 would like to address the Board?

9 Please speak now and we would open it.

10

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

13 **ACCEPTANCE OF MINUTES**

14 RESOLUTION NO. 14-25 - Regular Board
15 Meeting 8-19-14.)

16

17 COMMISSIONER SPIESBACH: Seeing none, we'll
18 move off Public Comment to the Acceptance of
19 Minutes.

20 We have the acceptance of the Regular Board
21 Meeting of August 13th (sic), 2014.

22 Can we have a motion to accept?

23 COMMISSIONER BROWN: I'll move it.

24 COMMISSIONER TORO: Second.

25

1 (Whereupon, Commissioner Klinghoffer
2 arrived at 5:04 p.m.)

3

4 COMMISSIONER SPIESBACH: Okay. Roll call,
5 please.

6 MS. SAPINSKI: Commissioner Brown?

7 COMMISSIONER BROWN: Yes.

8 MS. SAPINSKI: Commissioner Klinghoffer?

9 COMMISSIONER KLINGHOFFER: Yes.

10 MS. SAPINSKI: Commissioner Spiesbach?

11 COMMISSIONER SPIESBACH: Yes.

12 MS. SAPINSKI: Commissioner Stanziale?

13 COMMISSIONER STANZIALE: Abstain.

14 MS. SAPINSKI: Commissioner Toro?

15 COMMISSIONER TORO: Yes.

16 MR. PAGANELLI: We have Commissioner
17 Klinghoffer, now, for the record.

18 I just want to make sure, the 13th or 19th
19 on the --

20 MS. SAPINSKI: Nineteenth.

21 MR. PAGANELLI: Nineteenth on the minutes.

22 COMMISSIONER SPIESBACH: Oh, did I say it
23 the wrong way?

24 Then I correct myself.

25 MR. PAGANELLI: That's all right. It's

1 just an acceptance of it.

2 COMMISSIONER SPIESBACH: I don't have my
3 glasses. It looked like a 13 to me. But it is,
4 in fact, 19, so --

5 MR. PAGANELLI: Nineteen.

6 COMMISSIONER SPIESBACH: -- thank you for
7 that correction.

8 We are -- we have been doing Consent
9 Agenda.

10 MR. PAGANELLI: Yeah.

11 COMMISSIONER SPIESBACH: So, we will
12 continue to do that, but I would ask, at this
13 point, whether any of the Commissioners have a
14 particular item on the agenda that they would
15 like pulled for the moment for further
16 discussion?

17 MR. PAGANELLI: Mr. Commissioner, we've
18 talked about this.

19 Can we just go through all the items? And
20 this way --

21 COMMISSIONER SPIESBACH: I would prefer
22 that, actually.

23 MR. PAGANELLI: And this way we're -- we're
24 all clear.

25 We go fairly quickly, anyway.

1 COMMISSIONER SPIESBACH: Um hum.

2 MR. PAGANELLI: So, I'd rather just go
3 section by section and -- you know, if there are
4 items that we need to have further discussion on,
5 we'll --

6 COMMISSIONER SPIESBACH: Yes.

7 MR. PAGANELLI: -- we'll deal with them in
8 that manner.

9 COMMISSIONER SPIESBACH: Very good.

10

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

13 **ADMINISTRATIVE**

14 1. RESOLUTION NO. 14-180 - RESOLUTION
15 AUTHORIZING PAYMENT TO AUDIO-DIGITAL
16 TRANSCRIPTION SERVICES, LLC FOR TRANSCRIPTION OF
17 BOARD MEETING ON 8-19-14; and

18 2. RESOLUTION NO. 14-182 - RESOLUTION
19 RATIFYING PAYMENT OF RECURRING BILLS (BILL LIST);
20 and

21 3. RESOLUTION NO. 14-183 - RESOLUTION
22 AUTHORIZING PAYMENT TO MICROSHOP SYSTEMS IN THE
23 AMOUNT OF \$8,505.99 FOR TRANSFERRING FILES AND
24 SETTINGS FROM OLD TO NEW COMPUTERS.)

25

1 COMMISSIONER SPIESBACH: So, with that in
2 mind, we will go, as we used to, first looking at
3 the Administrative Resolutions, Items 1 through
4 3.

5 Are there any questions or comments or
6 concerns about any of those Resolutions, from any
7 of the Commissioners?

8 If not, can we have a motion to approve?

9 COMMISSIONER TORO: I'll move.

10 COMMISSIONER BROWN: I'll second.

11 MS. SAPINSKI: Commissioner Brown?

12 COMMISSIONER BROWN: Yes.

13 MS. SAPINSKI: Commissioner Klinghoffer?

14 COMMISSIONER KLINGHOFFER: Yes.

15 MS. SAPINSKI: Commissioner Spiesbach?

16 COMMISSIONER SPIESBACH: Yes.

17 MS. SAPINSKI: Commissioner Stanziale?

18 COMMISSIONER STANZIALE: Abstain.

19 MS. SAPINSKI: Commissioner Toro?

20 COMMISSIONER TORO: Yes.

21

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

24 **CORRECTIONAL FACILITY/CELANESE LITIGATION**

25

1 * ALL EXPENSES PAID FROM ECIA OPERATIONS
2 ACCOUNT
3 NOTICE: AS PER COURT ORDER OF JANUARY 23, 2014,
4 PAYMENT TO SPECIAL MASTER ROSEN IN THE AMOUNT OF
5 \$9,436.56

6
7 4. RESOLUTION NO. 14-184 - RESOLUTION
8 AUTHORIZING AN AMENDMENT #2 TO THE AGREEMENT WITH
9 BUCHANAN INGERSOLL ROONEY, PC IN THE AMOUNT OF
10 \$140,000.00 FOR ADDITIONAL LEGAL SERVICES; and

11 5. RESOLUTION NO. 14-185 - RESOLUTION
12 AUTHORIZING PAYMENT IN THE AMOUNT OF \$34,903.50
13 TO BUCHANAN, INGERSOLL & ROONEY, PC FOR LEGAL
14 SERVICES RENDERED IN THE MONTH OF AUGUST 2014;
15 and

16 6. RESOLUTION NO. 14-186 - RESOLUTION
17 AUTHORIZING PAYMENT IN THE AMOUNT OF \$4,500.00 TO
18 SMART DEVINE FOR ACCOUNTING REVIEW/ANALYSIS
19 SERVICES RENDERED IN THE MONTH OF AUGUST 2014.)
20

21 COMMISSIONER SPIESBACH: Okay.

22 And now we'll move to the others, under
23 Administration, but with the sub-title
24 Correctional Facility/Celanese Litigation.

25 Items 4, 5, and 6.

1 Are there any questions from any of the
2 Commissioners?

3 MR. PAGANELLI: Can I just make two points?

4 COMMISSIONER SPIESBACH: Please.

5 MR. PAGANELLI: And we flagged them on the
6 agenda so that -- you know, we have complete
7 disclosure to everybody.

8 But we are now into ECIA funds in defending
9 this litigation. It's on the agenda, so that's
10 what we mean when we say that these expenses are
11 being paid by the ECIA. So that everybody's
12 aware of it.

13 We will have a letter going to the County
14 Executive, as well as the Freeholder Board, to
15 let them know, as well.

16 And then, just a notice, we will be making
17 a payment -- we don't ask for it to be voted on,
18 because it's part of a court order, but that's
19 the special master that was appointed back in
20 January.

21 And that's the first bill that he has
22 submitted. It's one half of the bill. The other
23 half being paid by Celanese.

24 COMMISSIONER SPIESBACH: Okay.

25 Thank you for that clarification, Jim.

1
2 (Whereupon, Sharifa Salaam, Esq. arrived at
3 5:07 p.m.)

4
5 COMMISSIONER SPIESBACH: Okay. With that,
6 we have items 4, 5, and 6.

7 Can we have a motion?

8 COMMISSIONER BROWN: I'll move it.

9 COMMISSIONER KLINGHOFFER: Second.

10 MS. SAPINSKI: Commissioner Brown?

11 COMMISSIONER BROWN: Yes.

12 MS. SAPINSKI: Commissioner Klinghoffer?

13 COMMISSIONER KLINGHOFFER: Yes.

14 MS. SAPINSKI: Commissioner Spiesbach?

15 COMMISSIONER SPIESBACH: Yes.

16 MS. SAPINSKI: Commissioner Stanziale?

17 COMMISSIONER STANZIALE: Abstain.

18 MS. SAPINSKI: Commissioner Toro?

19 COMMISSIONER TORO: Yes.

20

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

23 **AIRPORT**

24 7. RESOLUTION NO. 14-187 - RESOLUTION
25 AUTHORIZING PAYMENT TO FLORIO, PERRUCCI,

1 STEINHARDT & FADER, LLC IN THE AMOUNT OF \$150.00
2 FOR THE MONTH OF AUGUST FOR LEGAL SERVICES IN
3 CONNECTION WITH AIRPORT RSA PROJECT; and
4 **8.** RESOLUTION NO. 14-188 - RESOLUTION
5 AUTHORIZING PAYMENT TO GOLF COURSE DESIGN, LLC IN
6 THE AMOUNT OF \$1,212.50 FOR CONSULTING SERVICES
7 REGARDING TREES REMOVAL AT MOUNTAIN RIDGE COUNTRY
8 CLUB IN CONNECTION WITH AIRPORT RSA PROJECT; and
9 **9.** RESOLUTION NO. 14-189 - RESOLUTION
10 AUTHORIZING PAYMENT TO H2M ASSOCIATES INC., IN
11 THE AMOUNT OF \$192,456.65 FOR ENVIRONMENTAL
12 CONSULTING SERVICES IN CONNECTION WITH THE SITE
13 REMEDIATION AT AIRPORT-HANGAR 1 AREA; and
14 **10.** RESOLUTION NO. 14-190 - RESOLUTION
15 AUTHORIZING PAYMENT TO H2M ASSOCIATES, INC., IN
16 THE AMOUNT OF \$36,925.60 ENVIRONMENTAL CONSULTING
17 SERVICES IN CONNECTION WITH THE SITE REMEDIATION
18 AT AIRPORT-HANGAR 3 AREA; and
19 **11.** RESOLUTION NO. 14-192 - RESOLUTION
20 ACCEPTING PROPOSAL FROM ALL STATE STRIPING, LLC
21 IN THE AMOUNT OF \$1,860.00 TO PAINT TAXIWAY AT
22 INTERSECTION OF BRAVO AND RUNWAY 28; and
23 **12.** RESOLUTION NO. 14-193 - RESOLUTION
24 ACCEPTING PROPOSAL FROM ADLER ALUMINUM & GLASS
25 CO., IN THE AMOUNT OF \$7,037.00 TO FURNISH AND

1 REPLACE GLASS AT BUILDING/HANGAR M OFFICE; and

2 **13.** RESOLUTION NO. 14-194 - RESOLUTION

3 ACCEPTING PROPOSAL FROM GC STEWART IN THE AMOUNT

4 OF \$33,000.00 FOR PROPERTY BOUNDARY OF THE ENTIRE

5 AIRPORT; and

6 **14.** RESOLUTION NO. 14-195 - RESOLUTION

7 AUTHORIZING PAYMENT TO C & W AERO SERVICES INC.,

8 IN THE AMOUNT OF \$1,485.49 FOR 4 HANDHELD RADIOS;

9 and

10 **15.** RESOLUTION NO. 14-196 - RESOLUTION

11 AUTHORIZING PAYMENT TO AIR POWER IN THE AMOUNT OF

12 \$3,661.00 FOR VARIOUS ELECTRIC, HVAC REPAIRS; and

13 **16.** RESOLUTION NO. 14-197 - RESOLUTION

14 RATIFYING PAYMENT TO MRS. AIRFIELD LIGHTS

15 SUPPLIES IN THE AMOUNT OF \$1,875.99 FOR

16 NAVIGATION SYSTEM PAPIIS SUPPLIES WITH UP-GRADE;

17 and

18 **17.** RESOLUTION NO. 14-198 - RESOLUTION

19 AUTHORIZING FINAL PAYMENT TO C&S ENGINEERS, INC.,

20 IN THE AMOUNT OF \$14,155.30 FOR ENGINEERING

21 SERVICES RENDERED IN CONNECTION WITH THE DESIGN

22 FOR RSA PHASE VII (PROJECT FUNDED BY FAA GRANT

23 \$33-12 (90%) AND ECIA (10%)); and

24 **18.** RESOLUTION NO. 14-199 - RESOLUTION

25 AUTHORIZING FINAL PAYMENT TO C&S ENGINEERS, INC.,

1 IN THE AMOUNT OF \$9,202.76 FOR ENGINEERING
2 SERVICES RENDERED IN CONNECTION WITH THE DESIGN
3 FOR REPLACEMENT OF TAXIWAY "N" AND TAXILANE "H"
4 LIGHTING PROJECT (PROJECT FUNDED BY FAA GRANT
5 #35-13 (90%) AND ECIA (10%)); and
6 **19.** RESOLUTION NO. 14-200 - RESOLUTION
7 AUTHORIZING PAYMENT TO C&S ENGINEERS, INC., IN
8 THE AMOUNT OF \$3,405.71 FOR ENGINEERING SERVICES
9 RENDERED IN CONNECTION WITH AIRPORT MODIFICATION
10 OF STANDARDS PROJECT (PROJECT FUNDED BY ECIA.)
11

12 COMMISSIONER SPIESBACH: Okay.

13 Under Airport, we have Resolutions 7
14 through 19.

15 Any -- any questions on any of those
16 Resolutions?

17 If not, can we have a motion to pass 7
18 through 19?

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 Klinghoffer?

24 COMMISSIONER KLINGHOFFER: Yes.

25 MS. SAPINSKI: Commissioner Spiesbach?

1 COMMISSIONER SPIESBACH: Yes.

2 MS. SAPINSKI: Commissioner Stanziale?

3 COMMISSIONER STANZIALE: Abstain.

4 MS. SAPINSKI: Commissioner Toro?

5 COMMISSIONER TORO: Yes.

6

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

9 **NEWARK RIVERFRONT PROJECT/LITIGATION**

10 **20.** RESOLUTION NO. 14-201 - RESOLUTION
11 AUTHORIZING PAYMENT IN THE AMOUNT OF \$5,099.90 TO
12 DeCOTIIS, FITZPATRICK & COLE, LLP FOR LEGAL
13 SERVICES RENDERED IN THE MONTH OF AUGUST 2014.)

14

15 COMMISSIONER SPIESBACH: Okay.

16 Next, we move to the Newark Riverfront
17 Project/Litigation.

18 We have Resolutions -- only one Resolution,
19 Item 20.

20 I guess one quick question on that, Jim.

21 This is -- this is still ongoing
22 litigation?

23 MR. PAGANELLI: Yeah. So, with regard to
24 the valuation of the property, as we're presently
25 constituted in the litigation, we went to a jury.

1 The jury is still out.

2 We'll probably get a -- some type of a
3 final decision by the jury tomorrow.

4 COMMISSIONER SPIESBACH: Okay.

5 MR. PAGANELLI: The only issue -- you know,
6 the only issue in front of the jury has been the
7 value of the property.

8 If the Board remembers, there was -- there
9 was some motion practice over what was the actual
10 date of taking.

11 So, this valuation is based on that date of
12 taking, which is still subject to an appeal.

13 So, although we've had this little trial,
14 if they were -- if they were successful on their
15 appeal and got a different date of taking, we
16 would actually come back and have another trial,
17 a new trial on a different date of taking, and a
18 different highest and best use.

19 COMMISSIONER SPIESBACH: Okay.

20 So, we're nearing the end, though,
21 hopefully.

22 MR. PAGANELLI: Well --

23 COMMISSIONER KLINGHOFFER: Not necessarily.

24 MR. PAGANELLI: Not necessarily.

25 COMMISSIONER SPIESBACH: Not necessarily,

1 but hopefully.

2 Okay. Having said that, we need a motion
3 to approve Resolution Number --

4 COMMISSIONER KLINGHOFFER: I'll --

5 COMMISSIONER SPIESBACH: -- 20.

6 COMMISSIONER KLINGHOFFER: I'll move Number
7 20.

8 COMMISSIONER TORO: Second.

9 MS. SAPINSKI: Commissioner Brown?

10 COMMISSIONER BROWN: Yes.

11 MS. SAPINSKI: Commissioner Klinghoffer?

12 COMMISSIONER KLINGHOFFER: Yes.

13 MS. SAPINSKI: Commissioner Spiesbach?

14 COMMISSIONER SPIESBACH: Yes.

15 MS. SAPINSKI: Commissioner Stanziale?

16 COMMISSIONER STANZIALE: Abstain.

17 MS. SAPINSKI: Commissioner Toro?

18 COMMISSIONER TORO: Yes.

19

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

22 **RESOURCE RECOVERY FACILITY PROJECT**

23 **21.** RESOLUTION NO. 14-202 - RESOLUTION

24 RATIFYING THE EXECUTIVE DIRECTOR'S EXECUTION OF

25 ESCROW AGREEMENT WITH COVANTA ENERGY, LLC; and

1 **22.** RESOLUTION NO. 14-203 - RESOLUTION
2 AUTHORIZING AN AGREEMENT WITH DeCOTIIS,
3 FITZPATRICK & COLE, LLP IN AN AMOUNT OF
4 \$20,000.00 FOR LEGAL SERVICES AS A BOND COUNSEL
5 (ESCROW FUNDS); and

6 **23.** RESOLUTION NO. 14-204 - RESOLUTION
7 AUTHORIZING PAYMENT IN THE AMOUNT OF \$3,678.00 TO
8 DeCOTIIS, FITZPATRICK & COLE, LLP FOR LEGAL
9 SERVICES RENDERED THROUGH JUNE 30, 2014; and

10 **24.** RESOLUTION NO. 14-205 - RESOLUTION
11 AUTHORIZING AN AGREEMENT WITH ACACIA FINANCIAL
12 SERVICES IN AN AMOUNT OF \$20,000.00 (ESCROW
13 FUNDS); and

14 **25.** RESOLUTION NO. 14-206 - RESOLUTION
15 AUTHORIZING PAYMENT IN THE AMOUNT OF \$4,050.00 TO
16 ACACIA FINANCIAL SERVICES FOR SERVICES RENDERED
17 THROUGH JUNE 30, 2014.)

18

19 COMMISSIONER SPIESBACH: Okay.

20 Under Resource Recovery Facility Project,
21 we have Resolutions 21 through 25.

22 Do you want to say anything on those, Jim?

23 MR. PAGANELLI: Yup.

24 COMMISSIONER SPIESBACH: I think it's all
25 one situation that we're dealing with. Right?

1 This is the baghouses, or something along those
2 lines?

3 MR. PAGANELLI: This the baghouse. Right.
4 This is something that we initially brought to
5 the Board back in October of 2013.

6 It is the hopeful funding by the
7 Improvement Authority of the baghouse technology
8 on the County incinerator.

9 It's -- for those of us who are not so
10 inclined, it's basically technology that will go
11 on top of the smoke stacks that leave the
12 incinerator, and hopefully, catches particulates
13 and things like that, to make the environment
14 cleaner.

15 We have -- the deal was brought to us by
16 the DeCotiis law firm. They're our bond counsel.

17 We've also had FA working on it.

18 It's a -- it seems to me a fairly
19 straightforward, although complex deal. So,
20 there has been some back and forth on this.

21 And Covanta, who is the operator of the
22 incinerator, has now posted an escrow with us,
23 because we're incurring some bills, which they'll
24 recapture when we ultimately do the financing.

25 We hope to get it done by the end of this

1 year. You know, we're going to -- we'll keep
2 that hope and see how it goes.

3 But, right now, it's a volume cap issue
4 with the State. The State seems so inclined to
5 get it to us, and so, hopefully, we'll get things
6 --

7 COMMISSIONER SPIESBACH: Um hum.

8 MR. PAGANELLI: -- you know, we get it
9 finalized and this gets done. It's important to
10 the East Ward of Newark.

11 COMMISSIONER SPIESBACH: Well, and
12 ultimately, it's regulatorily driven.

13 MR. PAGANELLI: Yes.

14 COMMISSIONER SPIESBACH: There are -- there
15 are air emission standards that need to be met by
16 the Resource Recovery Facility. And this
17 technology is being utilized to effectuate that.

18 MR. PAGANELLI: Right. Two -- two other
19 things.

20 DEP and Covanta have an agreement for this.

21 COMMISSIONER SPIESBACH: Um hum.

22 MR. PAGANELLI: So, you know, we should be
23 mindful of that.

24 And in case all of us get hit by buses
25 tomorrow or something, just so there's a record

1 of this, we've been very careful when we're
2 talking to DeCotiis about this, that there can be
3 no liability on the Improvement Authority.

4 We are a mere conduit financier. We are not
5 an owner. We are not an operator. We do not
6 want to get dragged into any litigation involving
7 the river, or anyplace else in the world.

8 But just keep that in the back of your
9 minds, as this moves forward, that we're all --
10 you know, we stay on that point, so that we're
11 not, someday, dragged into litigation that we had
12 no intention of being part of.

13 COMMISSIONER SPIESBACH: Um hum.

14 So, all of these are related to the
15 financing package that needs to be put in place.

16 MR. PAGANELLI: Correct.

17 COMMISSIONER SPIESBACH: For a regulatory
18 required addition to the Resource Recovery
19 Facility.

20 MR. PAGANELLI: Yes, sir.

21 COMMISSIONER SPIESBACH: Okay.

22 COMMISSIONER TORO: Now, did you say the
23 funding came from a State bond --

24 MR. PAGANELLI: No.

25 COMMISSIONER TORO: -- mainly?

1 MR. PAGANELLI: I said the State gives you
2 a certain amount of volume capital. We can sell
3 a certain amount of bonds.

4 So, we're a little light right now, but the
5 State's going to give us more of that cap, so we
6 can sell more bonds.

7 COMMISSIONER SPIESBACH: Any other
8 questions from any of the Commissioners, if there
9 are?

10 No?

11 If not, can we have a motion to approve
12 Resolutions 21 --

13 No, excuse me.

14 MS. DILLON: Twenty-one.

15 COMMISSIONER SPIESBACH: Yes. Twenty-one
16 through 25.

17 I have to hold it that far away. I'm
18 sorry. Left my glasses in the car.

19 COMMISSIONER KLINGHOFFER: I'll move it.

20 COMMISSIONER BROWN: I'll second.

21 MS. SAPINSKI: Commissioner Brown?

22 COMMISSIONER BROWN: Yes.

23 MS. SAPINSKI: Commissioner Klinghoffer?

24 COMMISSIONER KLINGHOFFER: Yes.

25 MS. SAPINSKI: Commissioner Spiesbach?

1 COMMISSIONER SPIESBACH: Yes.

2 MS. SAPINSKI: Commissioner Stanziale?

3 COMMISSIONER STANZIALE: Abstain.

4 MS. SAPINSKI: Commissioner Toro?

5 COMMISSIONER TORO: Yes.

6

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

9 **PARKING FACILITY**

10 **26.** RESOLUTION NO. 14-207 - RESOLUTION
11 AUTHORIZING PAYMENT IN THE AMOUNT OF \$6,733.00 TO
12 PRECISION TECHNOLOGY SOLUTIONS FOR EQUIPMENT
13 REPAIRS AT THE JUROR PARKING FACILITY; and

14 **27.** RESOLUTION NO. 14-208 - RESOLUTION
15 AUTHORIZING PAYMENT IN THE AMOUNT OF \$542.50 TO
16 ABLE ROLLING STEEL DOOR, INC. FOR EXIT COILING
17 REPAIRS AT THE SPORTSPLEX GARAGE FACILITY.)

18

19 COMMISSIONER SPIESBACH: Okay.

20 Parking Facility. We have Resolutions 26
21 and 27.

22 They seem fairly straightforward, but are
23 there any questions about those Resolutions from
24 any of the Commissioners?

25 COMMISSIONER TORO: I move.

1 No questions.

2 COMMISSIONER SPIESBACH: Okay.

3 COMMISSIONER BROWN: I'll second.

4 COMMISSIONER SPIESBACH: Second.

5 MS. SAPINSKI: Commissioner Brown?

6 COMMISSIONER BROWN: Yes.

7 MS. SAPINSKI: Commissioner Klinghoffer?

8 COMMISSIONER KLINGHOFFER: Yes.

9 MS. SAPINSKI: Commissioner Spiesbach?

10 COMMISSIONER SPIESBACH: Yes.

11 MS. SAPINSKI: Commissioner Stanziale?

12 COMMISSIONER STANZIALE: Abstain.

13 MS. SAPINSKI: Commissioner Toro?

14 COMMISSIONER TORO: Yes.

15

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

18 **STADIUM**

19 **28.** RESOLUTION NO. 14-209 - RESOLUTION

20 AUTHORIZING AN AGREEMENT WITH STANDARD ELEVATOR

21 FOR MONTHLY MAINTENANCE OF THE HYDRO PASSENGER

22 ELEVATOR AND HYRDO FRIGHT (sic) ELEVATOR AT THE

23 STADIUM IN THE AMOUNT OF \$2,500.00 (\$500.00 PER

24 MONTH) FROM AUGUST 1, 2014 TO DECEMBER 31, 2014.)

25

1 COMMISSIONER SPIESBACH: Okay.

2 And under Stadium, we have Resolution
3 Number 28.

4 Any comment or questions?

5 MR. PAGANELLI: I have a comment if I
6 could.

7 Go ahead with question.

8 COMMISSIONER BROWN: I was just wondering,
9 where are we now in the process of dealing with
10 the issue of the stadium, in terms of what are we
11 going to do with it long term?

12 MR. PAGANELLI: So, that's what I was going
13 to give the Board a little update on, so thank
14 you for the question.

15 The Bears folded. Everybody's aware. So,
16 the initial direction from the City and the
17 County was to try to sit with NJIT and Rutgers,
18 and maybe the Devils, and turn the stadium into a
19 different type of entertainment venue.

20 Since then, the marching orders now have
21 gone to explore selling the stadium.

22 So, we have ordered a survey, and we've
23 ordered an appraisal. And we have ordered a -- a
24 consolidated deed.

25 The Improvement Authority, when it bought

1 the property, bought it from various different
2 owners, so there was never one deed.

3 So, we have now gone forth and got our
4 consolidated deed.

5 So, probably in the next week to ten days,
6 the Improvement Authority is going to advertise
7 for an RFP, which will probably entail a two
8 envelope, not in a bad government way, process.

9 One that will allow a developer to give us
10 their concept of what they think they would like
11 to develop there.

12 And the other envelope would be what they
13 intend to bid on the property.

14 We've been advised to establish a -- a
15 minimum bid of \$30 million for the property.

16 It will not include the garage. The
17 garage, as the Board may remember, or maybe not,
18 because it was County directed, the garage was
19 funded by a Port Authority grant.

20 And the garage, also, through us, has a
21 contract with Verizon for parking that goes
22 through 2019.

23 The Board may recall, when we all kind of
24 first took over here, we found out that we had
25 not ever acquired left field from Verizon.

1 So, when we ultimately bought left field
2 from Verizon, part of that transaction included a
3 number of parking spaces in the garage until
4 2019.

5 COMMISSIONER BROWN: Is there any revenue
6 generated from this parking, or is this part of
7 the deal?

8 MR. PAGANELLI: Parking has been a --
9 parking has been in the black.

10 COMMISSIONER BROWN: Money from Verizon?

11 MR. PAGANELLI: Yes.

12 COMMISSIONER BROWN: Because they bought
13 left field, and they still --

14 MR. PAGANELLI: Yes.

15 COMMISSIONER BROWN: Okay.

16 MR. PAGANELLI: Yes.

17 They get a -- they get a discount off of
18 what a similar parker --

19 COMMISSIONER BROWN: Okay.

20 MR. PAGANELLI: -- would be charged.

21 COMMISSIONER KLINGHOFFER: I have a
22 question, which I -- I asked several months ago,
23 and Lucy gave me the answer, and I don't recall
24 the answer.

25 You remember what the balance of a bond

1 | issue is? Because I know you looked it up. You
2 | got back to me.

3 | MS. SAPINSKI: Yes.

4 | COMMISSIONER KLINGHOFFER: I just don't
5 | remember the answer.

6 | And then, does it relate to the -- does it
7 | relate at all to the \$30 million?

8 | MR. PAGANELLI: We could tell you that the
9 | bond indebtedness is about \$27 million left.

10 | COMMISSIONER KLINGHOFFER: Okay. So, it's
11 | --

12 | Okay.

13 | MR. PAGANELLI: Anything else, I'd rather
14 | discuss in closed.

15 | COMMISSIONER KLINGHOFFER: Okay.

16 | COMMISSIONER SPIESBACH: Okay.

17 | We still need a motion to approve
18 | Resolution Number 28.

19 | COMMISSIONER KLINGHOFFER: I'll move it.

20 | COMMISSIONER TORO: I'll second.

21 | MS. SAPINSKI: Commissioner Brown?

22 | COMMISSIONER BROWN: Yes.

23 | MS. SAPINSKI: Commissioner Klinghoffer?

24 | COMMISSIONER KLINGHOFFER: Yes.

25 | MS. SAPINSKI: Commissioner Spiesbach?

1 COMMISSIONER SPIESBACH: Yes.

2 MS. SAPINSKI: Commissioner Stanziale?

3 COMMISSIONER STANZIALE: Abstain.

4 MS. SAPINSKI: Commissioner Toro?

5 COMMISSIONER TORO: Yes.

6

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

9 **FINANCE**

10 **29.** RESOLUTION NO. 14-210 - RESOLUTION
11 AUTHORIZING PAYMENT OF CHARGES AND EXPENSES OF
12 THE AUTHORITY'S \$150,000,000 POOLED GOVERNMENT
13 LOAN PROGRAM (SERIES 1986)
14 PAYMENTS DUE OTHERS FOR PGLP SERVICES

15 PHILIP A. LANZET \$2,500.00

16 FINANCIAL CONSULTANT

17 AUGUST, 2014

18 WELLS FARGO BANK, NA \$18,934.69

19 LETTER OF CREDIT

20 7-1-14 TO 9-30-14

21 MOODY'S INVESTORS SERVICES \$ 1,250.00

22 RATING AGENT

23 7-1-14 TO 9-30-14

24 BANK OF NEW YORK MELLON \$ 4,000.00

25 TRUSTEE, PAYING TENDER AGENT

1 7-1-14 TO 9-30-14.)

2

3 COMMISSIONER SPIESBACH: Okay.

4 And the last item on the formal agenda is
5 Item 29, which is our normal Finance Resolution.

6 Any questions on that?

7 If not, can we have a motion?

8 COMMISSIONER KLINGHOFFER: Well, just one
9 -- one quick question.

10 How are we doing with the pool? Is it
11 getting much use?

12 MR. PAGANELLI: The pool has three County
13 deals, and South Orange, still.

14 The County Executive, in his never ending
15 will to find money, has been utilizing the pool.
16 So, it's been good for us.

17 And I think he is going to come and use it
18 again. I think that the County is planning on a
19 giraffe exhibit at the Zoo.

20 COMMISSIONER KLINGHOFFER: Definitely a
21 giraffe.

22 MR. PAGANELLI: And he's looking for -- to
23 utilize that money.

24 We have about three and a half to \$4
25 million that we can put out. The rates stayed

1 around two percent.

2 So, it's been a -- I think it's been a --

3 COMMISSIONER KLINGHOFFER: We're not buying
4 a giraffe, are we?

5 MR. PAGANELLI: The County is looking to do
6 a giraffe.

7 We're going to stay out of it. The
8 Improvement Authority will be out of the giraffe
9 business.

10 COMMISSIONER SPIESBACH: Well, are we
11 exploring leasing options for the giraffe?

12 Public, private partnership with the
13 giraffe?

14 Well, any other questions, Steve?

15 COMMISSIONER KLINGHOFFER: No, that's
16 enough.

17 COMMISSIONER SPIESBACH: Then, with that in
18 mind, we do need a motion to approve Item 29.

19 COMMISSIONER BROWN: I'll move it.

20 COMMISSIONER KLINGHOFFER: Second.

21 MS. SAPINSKI: Commissioner Brown?

22 COMMISSIONER BROWN: Yes.

23 MS. SAPINSKI: Commissioner Klinghoffer?

24 COMMISSIONER KLINGHOFFER: Yes.

25 MS. SAPINSKI: Commissioner Spiesbach?

1 COMMISSIONER SPIESBACH: Yes.

2 MS. SAPINSKI: Commissioner Stanziale?

3 COMMISSIONER STANZIALE: Abstain.

4 MS. SAPINSKI: Commissioner Toro?

5 COMMISSIONER TORO: Yes.

6

7 (Whereupon, the Board discussed the

8 following item:

9 **ADDITIONAL INFORMATION**

10 **A.** REPORT OF PGLP ADMINISTRATOR

11 **B.** CELANESE - INVOICE FROM SPECIAL MASTER

12 ROSEN.)

13

14 COMMISSIONER SPIESBACH: And there is
15 additional information, but the next item on our
16 agenda would be Executive Session.

17 Jim, do you see a need for any Executive
18 Session --

19 MR. PAGANELLI: No.

20 COMMISSIONER SPIESBACH: -- this evening?

21 MR. PAGANELLI: No.

22 COMMISSIONER SPIESBACH: Okay.

23 Then, that brings us to the end of our
24 formal agenda.

25 Can we have a motion to adjourn?

1 MR. PAGANELLI: Can I just make one other
2 -- one point?

3 COMMISSIONER SPIESBACH: Oh, of course.

4 MR. PAGANELLI: The Improvement Authority,
5 as it always does, will bring a timely budget to
6 the next Board meeting.

7 In other to do so, though, we're going to
8 need some information from -- from you in your
9 somewhat private lives.

10 The Authority section, I guess, in the
11 State government, has ratcheted up the questions
12 they ask of Improvement Authorities to foster
13 transparency.

14 So, we will be reaching out to you,
15 individually, to talk to you about where you're
16 making your money, other incomes.

17 It seems to me to stem from other
18 Improvement Authorities. And once one other
19 Improvement Authority goes off the rail, we all
20 kind of pay the informational price for that.

21 I don't -- I don't -- I didn't see anything
22 there that was insulting, but if we start asking
23 you questions, don't be insulted by us. We're
24 just trying to get the information.

25 I don't think it will anything too -- you

1 know, but it's different than past years.

2 So, just know that it's coming up.

3 COMMISSIONER BROWN: Because of the bridge?

4 MR. PAGANELLI: I don't know what bridge
5 you're talking about, so --

6 COMMISSIONER BROWN: Are we still on the
7 record?

8 MS. DILLON: Yes.

9 COMMISSIONER SPIESBACH: So, actually, it
10 would be information above and beyond the normal
11 financial disclosures that we need to submit on
12 an annualized basis.

13 That's fair to say?

14 MR. PAGANELLI: You know, I don't really
15 remember what -- what everybody's submitted on
16 those.

17 But it goes to issues like do we pay for
18 your lodging? Do we pay for your cars? Do we
19 pay for you to have maids and chauffeurs? Do we
20 pay -- do you have meal expenses? Do any of your
21 employees have meal expenses, which we don't, for
22 the record.

23 I think there was a southern -- more
24 southern Improvement Authority that had a lot of
25 perks.

1 You know, do any of you work for companies
2 that we do business with? Do any former
3 Commissioners work at companies that we do
4 business with, all of which are no.

5 The only one that I think may -- may impact
6 some of us is whether or not we have other public
7 employment.

8 So, that one, probably, is the one that
9 we'll have to try to talk to everybody about.

10 Everything else, it will be -- you know, it
11 will be pretty straightforward.

12 COMMISSIONER SPIESBACH: Not a problem.

13 Transparency is a good thing.

14 MR. PAGANELLI: Yes, it is.

15 COMMISSIONER SPIESBACH: Okay.

16 Then, that does bring us to the end of our
17 formal agenda.

18 Are there any other comments you want to
19 make?

20 Are there any other comments from any of
21 the other Commissioners, other than to welcome
22 our newest Commissioner, and we look forward to
23 your participation and your tenure here on this
24 Board.

25 COMMISSIONER STANZIALE: Thank you and I

1 | look forward to working with all of you, as well.

2 | MR. PAGANELLI: Sure.

3 | COMMISSIONER SPIESBACH: You say that now.

4 | MR. PAGANELLI: Wait.

5 | COMMISSIONER SPIESBACH: Okay.

6 | Can we have a motion to adjourn, then?

7 | COMMISSIONER TORO: Moved.

8 | COMMISSIONER BROWN: Second.

9 | MS. SAPINSKI: Commissioner Brown?

10 | COMMISSIONER BROWN: Yes.

11 | MS. SAPINSKI: Commissioner Klinghoffer?

12 | COMMISSIONER KLINGHOFFER: Yes.

13 | MS. SAPINSKI: Commissioner Spiesbach?

14 | COMMISSIONER SPIESBACH: Yes.

15 | MS. SAPINSKI: Commissioner Stanziale?

16 | COMMISSIONER STANZIALE: Abstain.

17 | MS. SAPINSKI: Commissioner Toro?

18 | COMMISSIONER TORO: Yes.

19 | COMMISSIONER SPIESBACH: Okay. We're

20 | adjourned.

21 | Thank you.

22 |

23 | (Whereupon, the proceedings were concluded

24 | at 5:22 p.m.)

25 |

1 STATE OF NEW JERSEY :

2 :

3 COUNTY OF ESSEX :

4

5

6 I, DEBRA A. KASZNIAK, assigned transcriber,
7 do hereby affirm that the foregoing is a true and
8 accurate transcript of the REGULAR BOARD MEETING
9 of the ESSEX COUNTY IMPROVEMENT AUTHORITY heard
10 on Tuesday, September 23, 2014 and digitally
11 recorded.

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25 Monitored and proofread by: Deborah Dillon