

1 HUDSON COUNTY IMPROVEMENT AUTHORITY

2
3 IN THE MATTER OF : TRANSCRIPT OF
4 THE REGULAR MONTHLY MEETING : PROCEEDINGS

5 -----
6 MONDAY, JANUARY 14, 2013
7 574 SUMMIT AVENUE, 5TH FLOOR
8 JERSEY CITY, NEW JERSEY
9 COMMENCING AT 5:45 P.M.

10 BOARD MEMBERS:

11 JOHN L. SHINNICK, CHAIRMAN
12 FRANK PESTANA, VICE CHAIRMAN
13 STEPHEN J. GALLO, TREASURER (ABSENT)
14 FRANK LORENZO, SECRETARY
15 MARTIN T. MARTINETTI, COMMISSIONER
16 FRED M. BADO, COMMISSIONER
17 OREN K. DABNEY, COMMISSIONER (ABSENT)
18 JOHN PENEDA, COMMISSIONER (ABSENT)
19 JAMES DORAN, COMMISSIONER

20 APPEARANCES:

21 NORMAN M. GUERRA, CHIEF EXECUTIVE OFFICER
22 KURT CHERRY, EXECUTIVE DIRECTOR/CFO
23 WILLIAM J. NETCHERT, ESQ.
24 GENERAL COUNSEL TO THE BOARD

25 CARMEN LOZANO, EXECUTIVE ASSISTANT/ASSISTANT
SECRETARY TO THE BOARD

SHARON PALMER
CERTIFIED SHORTHAND REPORTER

R.J. O'CONNELL ASSOCIATES,
P.O. BOX 277
CEDAR GROVE, NEW JERSEY 07009
(973) 239-7252

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1
 2 ALSO PRESENT:
 3
 4 CHRISTINE FILIP, VISION MEDIA
 5 MARY-ELLEN GILPIN, HCIA
 6 ELIZABETH RAMOS, EXECUTIVE ASSISTANT
 7 JAMES POLICASTRO, HCIA
 8 E. JUNIOR MALDONADO, DEPUTY EXECUTIVE DIRECTOR
 9 THOMAS LEANE
 10 JEFF LANIGAN
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1 tonight's meeting was forwarded to the Jersey
 2 Journal and Star Ledger for publication on Monday
 3 January 7, 2013. Notice was also forwarded to the
 4 Clerk of the County of Hudson, the Clerk of the
 5 Hudson County Board of Freeholders, as well as
 6 being posted on the bulletin board outside of this
 7 meeting room. These notices are all in compliance
 8 with the Open Public Meetings Act.
 9 CHAIRMAN SHINNICK: Thank you, Mr.
 10 Netchert.
 11 At this time we'll have approval of the
 12 minutes for the December 19th, 2012 meeting.
 13 COMMISSIONER PESTANA: I make a motion
 14 to approve the minutes.
 15 CHAIRMAN SHINNICK: By Commissioner
 16 Pestana.
 17 COMMISSIONER LORENZO: Second.
 18 CHAIRMAN SHINNICK: Seconded by
 19 Commissioner Lorenzo.
 20 MS. LOZANO: Commissioner Bado.
 21 COMMISSIONER BADO: Yes.
 22 MS. LOZANO: Commissioner Doran.
 23 COMMISSIONER DORAN: Abstain.
 24 MS. LOZANO: Commissioner Lorenzo.
 25 COMMISSIONER LORENZO: Yes.

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1 CHAIRMAN SHINNICK: We'll call the
 2 meeting to order.
 3 Please stand for the Pledge of
 4 Allegiance.
 5 (At this time all present recite the
 6 Pledge of Allegiance.)
 7 CHAIRMAN SHINNICK: Carmen, call the
 8 roll please.
 9 MS. LOZANO: Commissioner Bado.
 10 COMMISSIONER BADO: Present.
 11 MS. LOZANO: Commissioner Doran.
 12 COMMISSIONER DORAN: Here.
 13 MS. LOZANO: Commissioner Lorenzo.
 14 COMMISSIONER LORENZO: Here.
 15 MS. LOZANO: Commissioner Martinetti.
 16 COMMISSIONER MARTINETTI: Here.
 17 MS. LOZANO: Commissioner Pestana.
 18 COMMISSIONER PESTANA: Here.
 19 MS. LOZANO: Chairman Shinnick.
 20 CHAIRMAN SHINNICK: Here.
 21 MS. LOZANO: We have a quorum with six
 22 board members present, three not present.
 23 CHAIRMAN SHINNICK: Mr. Netchert.
 24 MR. NETCHERT: Yes, Mr. Chairman.
 25 This is a public meeting. Notice of

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1 MS. LOZANO: Commissioner Martinetti.
 2 COMMISSIONER MARTINETTI: Abstain.
 3 MS. LOZANO: Commissioner Pestana.
 4 COMMISSIONER PESTANA: Yes.
 5 MS. LOZANO: Chairman Shinnick.
 6 CHAIRMAN SHINNICK: Yes.
 7 MS. LOZANO: The minutes of
 8 December 19, 2012 pass in the affirmative by four
 9 board members voting yes, two abstentions, and
 10 three not present.
 11 CHAIRMAN SHINNICK: At this time we'll
 12 have comments from the public regarding items on
 13 the agenda.
 14 Hearing none.
 15 Item four is a resolution to pay the
 16 costs and expenses for the month of January, 2013.
 17 This was reviewed at the Finance Committee
 18 earlier.
 19 Is there a motion?
 20 COMMISSIONER PESTANA: I make a motion
 21 to pay the bills.
 22 CHAIRMAN SHINNICK: By Commissioner
 23 Pestana.
 24 COMMISSIONER MARTINETTI: Second.
 25 CHAIRMAN SHINNICK: Seconded by

1 Commissioner Martinetti.

2 MS. LOZANO: Commissioner Bado.

3 COMMISSIONER BADO: Yes.

4 MS. LOZANO: Commissioner Doran.

5 COMMISSIONER DORAN: Yes.

6 MS. LOZANO: Commissioner Lorenzo.

7 COMMISSIONER LORENZO: Yes.

8 MS. LOZANO: Commissioner Martinetti.

9 COMMISSIONER MARTINETTI: Yes.

10 MS. LOZANO: Commissioner Pestana.

11 COMMISSIONER PESTANA: Yes.

12 MS. LOZANO: Chairman Shinnick.

13 CHAIRMAN SHINNICK: Yes.

14 MS. LOZANO: Resolution 1-2013-4 passes
15 in the affirmative by six board members voting
16 yes, three not present.

17 MR. GUERRA: Item number five is
18 Resolution 1-2013-5 of the Hudson County
19 Improvement Authority awarding a contract for the
20 ninth floor alteration services, 830 Bergen
21 Avenue, Jersey City New Jersey.

22 As you know, the Authority, in
23 partnership with the County, had acquired 830
24 Bergen Avenue and it is our intent that we will be
25 occupying the ninth floor.

1 Authority to award it to the lowest bidder and
2 we're prepared to move forward.

3 CHAIRMAN SHINNICK: And anybody has a
4 right to challenge.

5 MR. NETCHERT: And anybody and everyone
6 has the right to challenge.

7 COMMISSIONER DORAN: Any word on how
8 they shake out so far as previous jobs go? I got
9 one lowest bidder right now that it will cost
10 me --

11 MR. NETCHERT: That you want to get rid
12 of.

13 COMMISSIONER DORAN: Yes.

14 MR. NETCHERT: Unfortunately in my
15 opinion, and this is me editorializing, that's the
16 down side to the public bidding statute. I hate
17 to be crass, but sometimes you get what you pay
18 for.

19 The director did some asking around.
20 In fact, we find out that they did work for the
21 North Bergen Municipal Utilities Authority. And
22 when we questioned them, because we spoke to one
23 of our commissioners who had some experience, and
24 they had no recollection of him having worked
25 there. But when we spoke to the low bidder he

1 There are a number of improvements that
2 need to be made on that floor. Bathrooms needed
3 to be upgraded. An additional bathroom that is
4 ADA compliant needs to be added. We're upgrading
5 the lighting fixtures to more energy efficient
6 lighting. New wall coverings, carpeting, some
7 office partitions, and a bunch of other cosmetic
8 upgrades are being made.

9 In November we issued bid
10 specifications. On December 12th we received
11 eight bids which range from \$807,000 to \$559,325.

12 The documents have been reviewed by our
13 professional staff and any objections by other
14 bidders. And the lowest responsible bidder is
15 Daskal, LLC, which is from Wallington, New Jersey.

16 Counsel wants to add a little bit to
17 that.

18 MR. NETCHERT: There are eight bids.
19 The lowest responsible bidder, finding no reason
20 to disqualify in our opinion, is Daskal. There
21 has been a level playing field, which is the
22 objective in doing public bidding. There is
23 always someone who feels it should have been them
24 and not the other guy. We're convinced that it is
25 in the best interest of the taxpayers and the

1 said yeah, well the low bidder subcontracted me to
2 do the job up there. My understanding is that the
3 job was satisfactorily performed.

4 If they are up there, they are hungry
5 start-up guys.

6 MR. GUERRA: They have been in business
7 for about three years. Their bid of 500, base bid
8 of \$559,325 is not ridiculously low. The range,
9 when this was projected, was anywhere between say
10 450 and 650. So their bid is right in there. If
11 it was a ridiculously low number then you would
12 start to think. They have done a lot of
13 subcontracting work for a lot of big general
14 contractors. They are hungry. They are anxious
15 to get in there. They actually asked if they
16 could work two shifts because there is an
17 incentive in there to get done early. They
18 receive an additional \$20,000 the way the specs
19 are written. So they are anxious. And in talking
20 to them and our engineers talking with them
21 they're pretty confident that they can do the job.

22 COMMISSIONER PESTANA: He was a sub on
23 one of the jobs by us and they did very good work.

24 COMMISSIONER DORAN: Good.

25 MR. NETCHERT: Sometimes small is good

1 actually because small is hungrier.
2 MR. GUERRA: This isn't building a
3 building. It is strictly a lot of cosmetic work.
4 The bathrooms are probably where most of the cost
5 is.

6 MR. NETCHERT: It is all interior
7 partition walls. It is labor and material mostly.
8 And as the Director says, bathroom upgrades, gas,
9 and expansions.

10 MR. GUERRA: We decided, in changing
11 all of the lighting fixtures, we actually applied
12 the Smart of Virginia Energy Program application
13 for all LED lighting throughout the building, but
14 we're going to actually drop the ceiling and put
15 all new panels in there. We figured now is the
16 time to do all that work because up in there is a
17 lot of dirt and dust that's accumulated. So we're
18 going to be removing all the light fixtures as
19 well as get rid of the ceiling, put in a whole new
20 ceiling, the carpeting, and this way once we're in
21 there we won't have to do anything for the next
22 twenty years or so.

23 CHAIRMAN SHINNICK: Is there a motion
24 on Resolution Five?

25 COMMISSIONER DORAN: Motion.

1 CHAIRMAN SHINNICK: By Commissioner
2 Doran.

3 COMMISSIONER PESTANA: I'll second it.
4 CHAIRMAN SHINNICK: Seconded by
5 Commissioner Pestana.

6 MS. LOZANO: Commissioner Bado.

7 COMMISSIONER BADO: Yes.

8 MS. LOZANO: Commissioner Doran.

9 COMMISSIONER DORAN: Yes.

10 MS. LOZANO: Commissioner Lorenzo.

11 COMMISSIONER LORENZO: Yes.

12 MS. LOZANO: Commissioner Martinetti.

13 COMMISSIONER MARTINETTI: Yes.

14 MS. LOZANO: Commissioner Pestana.

15 COMMISSIONER PESTANA: Yes.

16 MS. LOZANO: Chairman Shinnick.

17 CHAIRMAN SHINNICK: Yes.

18 MS. LOZANO: Resolution 1-2013-5 passes
19 in the affirmative by six board members voting
20 yes, three not present.

21 MR. GUERRA: Resolution 1-2013-6 of the
22 Hudson County Improvement Authority recommending
23 the modification by administrative action of the
24 Veolia ES Solid Waste of New Jersey Inc. Facility
25 Plan Inclusion.

1 The DEP had brought to our attention
2 that Veolia, who owns a waste transfer facility in
3 Jersey City, evidently had failed to provide their
4 updated traffic management plan with the
5 department. So Veolia has submitted an
6 application requesting the modification of the
7 plan to include the revised approved traffic
8 routes. And we were advised by the DEP that this
9 can be accomplished by an administrative action.
10 Mary-ellen has reviewed that, we looked at it, and
11 it is all fine, it is all in order. So it is just
12 a matter of including it in the plan.

13 CHAIRMAN SHINNICK: Okay. And this is
14 just something that should have been in the
15 original plan?

16 MR. GUERRA: I believe it was in the
17 plan and they had to revise it.

18 MS. GILPIN: It was in the plan, but it
19 wasn't -- They revised it and now the DEP is
20 really making sure that all of them are updated
21 and they noticed that theirs was behind.

22 CHAIRMAN SHINNICK: Okay.

23 MS. GILPIN: I think that we'll
24 probably have a few more of these as we go along.

25 CHAIRMAN SHINNICK: Is there a motion?

1 COMMISSIONER PESTANA: I make a motion.
2 CHAIRMAN SHINNICK: By Commissioner
3 Pestana.

4 COMMISSIONER DORAN: Second.

5 CHAIRMAN SHINNICK: Seconded by
6 Commissioner Doran.

7 MS. LOZANO: Commissioner Bado.

8 COMMISSIONER BADO: Yes.

9 MS. LOZANO: Commissioner Doran.

10 COMMISSIONER DORAN: Yes.

11 MS. LOZANO: Commissioner Lorenzo.

12 COMMISSIONER LORENZO: Yes.

13 MS. LOZANO: Commissioner Martinetti.

14 COMMISSIONER MARTINETTI: Yes.

15 MS. LOZANO: Commissioner Pestana.

16 COMMISSIONER PESTANA: Yes.

17 MS. LOZANO: Chairman Shinnick.

18 CHAIRMAN SHINNICK: Yes.

19 MS. LOZANO: Resolution 1-2013-6 passes
20 in the affirmative by six board members voting
21 yes, three not present.

22 MR. GUERRA: Item number seven is
23 Resolution 1-2013-7 of the Hudson County
24 Improvement Authority approving its fiscal year
25 2013 budget and setting forth the reasons for late

1 submittal to the Division of Local Government
2 Services.

3 This budget is just up for
4 introduction. It has been reviewed with the
5 Finance Committee.

6 Chairman, I'll now turn it over to
7 Mr. Cherry, our CFO, to summarize it for the
8 Board.

9 MR. CHERRY: Thank you.

10 The combined budget before you this
11 evening totals \$318,419,778 which consists of
12 \$282,144,485 for the administrative operating
13 portion, \$35,325,293 for the solid waste operating
14 portion, and \$950,000 for the solid waste capital
15 portion.

16 This budget is \$36 million less than
17 the 2012 budget. The reduction is mainly the
18 result of reduction in debt service.

19 The actual operations portion of this
20 budget is actually increasing by \$1.4 million
21 which represents a .4 percent increase. This is
22 virtually a flat budget.

23 This budget also does not utilize
24 surplus for the administrative operative or the
25 solid waste operating budgets. It does utilize

1 that this agency, this Authority has changed in
2 its dynamics considerably from the solid waste and
3 tipping fees into a much broader agency. And
4 administrative leadership here has done a fine job
5 doing it. Our professional fees are down. Our
6 operating budget is flat, and our debt service
7 sometimes --

8 Thank you, gentlemen.

9 Mr. Guerra.

10 COMMISSIONER BADO: I have a question.

11 CHAIRMAN SHINNICK: Fred.

12 COMMISSIONER BADO: What is the amount
13 of the surplus?

14 MR. CHERRY: The surplus right now is
15 adjusted for a state basis, and that adjustment
16 comes out to about \$20 million.

17 COMMISSIONER BADO: In surplus.

18 MR. CHERRY: Yes, sir.

19 COMMISSIONER BADO: And how much --
20 What was the amount for the capital project that
21 you used the surplus for?

22 MR. CHERRY: The amount of the surplus
23 is \$950,000. And the only reason that it was --

24 COMMISSIONER BADO: That was a capital
25 cost?

1 \$950,000 of surplus for the solid waste capital
2 budget.

3 This also includes a tip fee increase
4 of two percent over 2012. And that fee has not
5 been increased for well over a year.

6 Also, the fees that are expected to be
7 generated in this budget will be sufficient to
8 meet all of the financial obligations of this
9 Authority for 2013 and is not expected to have an
10 adverse economic impact to the area.

11 Thank you.

12 CHAIRMAN SHINNICK: We did review the
13 budget. The Finance Committee reviewed the budget
14 earlier and, as Kurt pointed out, it is pretty
15 much a flat budget for this year.

16 We spoke during the Finance Committee
17 about what has been done to decrease this debt
18 service, correct?

19 MR. CHERRY: That's correct.

20 CHAIRMAN SHINNICK: And the operating
21 budget is a minimal increase.

22 Kurt has done another fine job of
23 preparing this budget.

24 It was pointed out and I was reading
25 something the other day and it was pointed out

1 MR. CHERRY: Excuse me?

2 COMMISSIONER BADO: That was a capital
3 cost?

4 MR. CHERRY: Yes, they are.

5 COMMISSIONER BADO: What was it?

6 MR. CHERRY: They are improvements to
7 830 Bergen Avenue. It also is for vehicles which
8 are normally in the Authority's budget. And it is
9 also upgrades to computers and programming.

10 MR. GUERRA: And if I may, we may not
11 have to use all of that depending on what is in
12 the bond account for 830 Bergen Avenue.

13 MR. CHERRY: That's correct.

14 I put this in here and it is very
15 conservative. We do not expect to use the entire
16 -- There is approximately \$800,000 in for 830
17 Bergen. We do not expect to have to use all of
18 that.

19 COMMISSIONER BADO: Okay. Thanks.

20 CHAIRMAN SHINNICK: Any other questions
21 from any of the commissioners?

22 Hearing none.

23 Again thank you Kurt for the
24 information. Thank you for the budget.

25 COMMISSIONER DORAN: Good job.

1 MR. CHERRY: Thank you.
 2 CHAIRMAN SHINNICK: Is there a motion?
 3 COMMISSIONER PESTANA: As a member of
 4 the Finance Committee I sat in on the budget also,
 5 so I want to make a motion to approve it.
 6 CHAIRMAN SHINNICK: Motion by
 7 Commissioner Pestana.
 8 Is there a second?
 9 COMMISSIONER DORAN: Second.
 10 CHAIRMAN SHINNICK: Moved by
 11 Commissioner Pestana seconded by Commissioner
 12 Doran.
 13 MS. LOZANO: Commissioner Bado.
 14 COMMISSIONER BADO: Yes.
 15 MS. LOZANO: Commissioner Doran.
 16 COMMISSIONER DORAN: Yes.
 17 MS. LOZANO: Commissioner Lorenzo.
 18 COMMISSIONER LORENZO: Yes.
 19 MS. LOZANO: Commissioner Martinetti.
 20 COMMISSIONER MARTINETTI: Yes.
 21 MS. LOZANO: Commissioner Pestana.
 22 COMMISSIONER PESTANA: Yes.
 23 MS. LOZANO: Chairman Shinnick.
 24 CHAIRMAN SHINNICK: Yes.
 25 MS. LOZANO: Resolution 1-2013-7 passes

1 off vehicles and maybe list ours separately. But
 2 I find you don't want to get caught up in what
 3 they're doing because it creates a maze. So we'll
 4 probably just advertise ourself to sell them.
 5 CHAIRMAN SHINNICK: Didn't you have
 6 some other way of getting rid of them at one time?
 7 MR. GUERRA: We had a couple of Blazers
 8 that -- Oh once, yes.
 9 MR. NETCHERT: Yes. We gave them to
 10 the County for a dollar for use by Corrections or
 11 whatever, and it turned into a one and a half hour
 12 inquiry as to why would the County take something
 13 that the Improvement Authority thought was only
 14 worth a dollar and had we had these inspected do
 15 we know what we're getting. And I think the
 16 Director made a determination that the better
 17 course for the Authority's sake would be to
 18 dispose of them ourselves.
 19 MR. GUERRA: We have had vehicles worth
 20 to us nothing and we ended up getting \$500 for
 21 them. We got a dollar for that and it was like --
 22 COMMISSIONER DORAN: Let me know when
 23 you do.
 24 MR. GUERRA: Okay.
 25 MR. NETCHERT: You have a nonprofit or

1 in the affirmative by six board members voting
 2 yes, three not present.
 3 MR. GUERRA: Item number eight is
 4 Resolution 1-2013-8 of the Hudson County
 5 Improvement Authority declaring three vehicles
 6 owned by the Authority to be surplus.
 7 As part of upgrading our fleet
 8 periodically these vehicles noted in the body of
 9 the resolution are deemed to be surplus and will
 10 be sold. Some of them or most of them are pretty
 11 much out of service. One of them is fairly decent
 12 and one of them we should get a little bit of a
 13 return from. But we have been putting a lot of
 14 money into these vehicles, so it is time to
 15 consider them surplus and we will advertise to
 16 sell them.
 17 CHAIRMAN SHINNICK: This is standard.
 18 MR. GUERRA: This what we have done in
 19 the past, yes.
 20 COMMISSIONER DORAN: How do you
 21 advertise them?
 22 MR. GUERRA: We go out and we get
 23 either three proposals or in this case we might
 24 actually run an ad in the paper. I thought of
 25 talking to the County. Periodically they auction

1 something that may be of interest?
 2 COMMISSIONER DORAN: Yes. Actually I
 3 do.
 4 MR. NETCHERT: You should talk to us.
 5 COMMISSIONER DORAN: No questions
 6 asked.
 7 (Multiple conversations unintelligible)
 8 MR. NETCHERT: As the Director said,
 9 for a dollar you could have took the roof off and
 10 planted plants in there.
 11 So yes, Mr. Chairman, there was another
 12 method --
 13 CHAIRMAN SHINNICK: There was a time.
 14 MR. NETCHERT: -- that we tried and it
 15 turned out to be not worth the effort.
 16 CHAIRMAN SHINNICK: All right. On
 17 Resolution Eight is there a motion?
 18 COMMISSIONER PESTANA: I make a motion
 19 to approve it.
 20 CHAIRMAN SHINNICK: By Commissioner
 21 Pestana.
 22 Is there a second?
 23 COMMISSIONER MARTINETTI: Second.
 24 CHAIRMAN SHINNICK: Seconded by
 25 Commissioner Martinetti.

1 MS. LOZANO: Commissioner Bado.
 2 COMMISSIONER BADO: Yes.
 3 MS. LOZANO: Commissioner Doran.
 4 COMMISSIONER DORAN: Yes.
 5 MS. LOZANO: Commissioner Lorenzo.
 6 COMMISSIONER LORENZO: Yes.
 7 MS. LOZANO: Commissioner Martinetti.
 8 COMMISSIONER MARTINETTI: Yes.
 9 MS. LOZANO: Commissioner Pestana.
 10 COMMISSIONER PESTANA: Yes.
 11 MS. LOZANO: Chairman Shinnick.
 12 CHAIRMAN SHINNICK: Yes.
 13 MS. LOZANO: Resolution 1-2013-8 passes
 14 in the affirmative by six board members voting
 15 yes, three not present.
 16 MR. GUERRA: Item number nine is
 17 Resolution 1-2013-9 of the Hudson County
 18 Improvement Authority approving a professional
 19 contract with the firm of Sedita, Campisano &
 20 Campisano.
 21 As you know, there has been litigation
 22 going on with Green Construction as it relates to
 23 the landfill closure process of the Lincoln Park
 24 West Project. That was the company that was
 25 buying sand from us, and there was a disagreement

1 method of calculation of the volume.
 2 MR. GUERRA: This is done with these
 3 earth moving trucks, and each truck is rated a
 4 certain amount of cubic yards. And then something
 5 was happening between our engineers and them in
 6 that they were debating the volume, is it water
 7 level, is it heat, do you go by what is the rating
 8 of the truck, and at that time everyone agreed
 9 this company, Green Subcontracting, was signing
 10 off on the volumes every day, and then when it
 11 came to the end to the last payment there was a
 12 discrepancy of about 20 or 30,000 cubic yards. So
 13 that's what the issue is. We thought they were
 14 going to settle it rather than go to court. So we
 15 actually thought they were going to settle, but
 16 right now --
 17 MR. NETCHERT: A lot of the things --
 18 The dispute arises because there is
 19 some language that implies that it should be
 20 determined by an in-place - some method that I
 21 guess engineers used to determine volume of
 22 material after they do a survey of what the land
 23 was before, what the land is now, and that's how
 24 much is there. Whereas most of the parties
 25 believe from the beginning that we paid the way

1 as to the volume that they actually acquired from
 2 us.
 3 The attorney who had worked for us on
 4 this was one of the law firms who - he had worked
 5 for this attorney that was handling this, left
 6 that firm, and went to this other firm. The
 7 attorney has also worked on other aspects of our
 8 Lincoln Park West project. We feel that it is in
 9 our best interests to keep it with this attorney.
 10 Of course for the past year we have been doing it
 11 he's been working as a sub for the firm he was
 12 with, but it is a lot easier. And we have
 13 discussed it with both the individual attorney and
 14 the firm he was working for that we should just
 15 retain his new firm that he's with to finish this
 16 case.
 17 CHAIRMAN SHINNICK: And we can't
 18 discuss it or --
 19 MR. NETCHERT: Yes, you can discuss it.
 20 CHAIRMAN SHINNICK: The sand issue.
 21 What is the sand issue?
 22 MR. NETCHERT: The issue is we believe
 23 that Green Construction took from us, without
 24 paying for us, more sand than they took for us and
 25 paid us. And it is really a dispute over the

1 the Director suggested, by the volume that fit in
 2 the truck. We paid the Army Corp for that.
 3 MR. GUERRA: There is supposed to be a
 4 truck count back and forth.
 5 MR. NETCHERT: And they agreed that
 6 they were going to count trucks and measure, but
 7 when it came time to making payment, they said
 8 well yeah we counted them and we measured them,
 9 but that's not the way we're going to pay for
 10 them.
 11 In addition, we had wind storms and we
 12 had heavy storms and the sand washed away. It is
 13 gone. We don't have to pay for the sand. It is
 14 gone.
 15 MR. GUERRA: This is the sand that came
 16 in from Great Lakes. And when the State did the
 17 wetlands restoration they took out the muck, put
 18 it on our site, and then their contractor was to
 19 take the sand and put it back on their site. The
 20 sand is replacement for part of the wetlands
 21 restoration. So at the end there was that
 22 discrepancy on the cubic yardage.
 23 MR. NETCHERT: And they were required
 24 by the State to purchase the sand from us. So
 25 their contract with the State required that they

1 purchase the sand from us.
 2 MR. GUERRA: And reimburse us our
 3 cost --
 4 MR. NETCHERT: Our cost that we paid
 5 the Army Corp. So it was our cost to the Army
 6 Corp plus the agreed upon cost of moving the
 7 material around an extra \$.85 a yard or something
 8 like that.
 9 MR. GUERRA: So the attorney that did
 10 that agreement for us is also the attorney that's
 11 handling this litigation.
 12 MR. NETCHERT: It is Dave Mairo from
 13 McManimon.
 14 MR. GUERRA: He was with McManimon &
 15 Scotland.
 16 MR. NETCHERT: I think it just makes
 17 sense to leave it where it is. And instead of
 18 what Kurt was doing last year, and what everyone
 19 was doing, is continuing to be billed by McManimon
 20 and then McManimon had subcontracted with Dave's
 21 new firm to continue to do it. It just became an
 22 extra bookkeeping event that didn't make sense to
 23 do.
 24 COMMISSIONER DORAN: At the same rate?
 25 The same rate?

1 MR. NETCHERT: Same rate.
 2 MR. GUERRA: Same rate.
 3 MR. NETCHERT: Right.
 4 CHAIRMAN SHINNICK: Is there a motion
 5 on Resolution Nine?
 6 COMMISSIONER PESTANA: I make a motion
 7 to approve.
 8 CHAIRMAN SHINNICK: By Commissioner
 9 Pestana.
 10 Is there a second?
 11 COMMISSIONER DORAN: Second.
 12 CHAIRMAN SHINNICK: And seconded by
 13 Commissioner Doran.
 14 MS. LOZANO: Commissioner Bado.
 15 COMMISSIONER BADO: Yes.
 16 MS. LOZANO: Commissioner Doran.
 17 COMMISSIONER DORAN: Yes.
 18 MS. LOZANO: Commissioner Lorenzo.
 19 COMMISSIONER LORENZO: Yes.
 20 MS. LOZANO: Commissioner Martinetti.
 21 COMMISSIONER MARTINETTI: Yes.
 22 MS. LOZANO: Commissioner Pestana.
 23 COMMISSIONER PESTANA: Yes.
 24 MS. LOZANO: Chairman Shinnick.
 25 CHAIRMAN SHINNICK: Yes.

1 MS. LOZANO: Resolution 1-2013-9 passes
 2 in the affirmative by six board members voting
 3 yes, three not present.
 4 MR. GUERRA: Chairman, just so that the
 5 board members know. We have advertised on our
 6 website the request for the proposal for the
 7 marketing of the Koppers Seaboard site. That was
 8 actually on our website today. All of the links
 9 are on there with the RFP, with the New Jersey
 10 Meadowlands Draft Redevelopment Plan, with all of
 11 the - it is called The Developers Guide, the
 12 environmental information is all on there. So
 13 that's on the website. One has to go to our
 14 website to be able to see it, register, and
 15 download all of the information. So actually we
 16 have begun that process.
 17 That document will be out on the street
 18 for about 120 days, and then when they come in
 19 we'll be evaluating all of the --
 20 CHAIRMAN SHINNICK: Are we doing
 21 anything else besides that?
 22 MR. GUERRA: I don't have them in front
 23 of me. Mike O'Connor has done some extensive
 24 research on various publications, big real estate
 25 publications that have it advertised in their

1 journals, ads, some of their websites. So it is
 2 going to be out there. Plus we're doing the local
 3 papers. But we're more concerned with using those
 4 big commercial real estate publications.
 5 MR. NETCHERT: And I think we'll be
 6 contacting the State EDA and the Governor's office
 7 and the Lieutenant Governor, who is the designated
 8 development person for the State of New Jersey to
 9 involve the State if the State so chooses to
 10 involve itself.
 11 I happen to believe we're headed into a
 12 really exciting time for this Authority, assuming
 13 this Authority is permitted to act pursuant to the
 14 authority it has. But I think that it would be
 15 our --
 16 CHAIRMAN SHINNICK: Assuming we want
 17 excitement.
 18 MR. NETCHERT: I think the proposal is
 19 well done. I think the property is in a condition
 20 at this point, compared to years ago, that will
 21 generate significant interest. I think the market
 22 is at the right time and I think there are
 23 prospective users out there who will be interested
 24 in this site.
 25 As you all know, Norman has been

1 meeting with the DOT. The biggest drawback to the
2 site is access to the site. And I guess it is the
3 same as egress from the site. But I think we're
4 working towards a resolution to that issue. And
5 the site is being marketed, all three parcels, and
6 if they go as a group the access issue diminishes
7 because the access gets better the more properties
8 that get involved.

9 CHAIRMAN SHINNICK: Look. I have seen
10 the site for the last fifteen years and I have
11 never seen anything look as bright and as
12 organized and as hopeful as what I see now. I
13 think many obstacles were taken down with
14 developing the business plan, with the way the RFP
15 is set up with three different sites. As you
16 said, it is a time where I think finally the
17 remediation went forward, the remediation done on
18 the site.

19 MR. GUERRA: Right.

20 CHAIRMAN SHINNICK: I think it is
21 hopeful that this will be a --

22 MR. NETCHERT: Instead of the tunnel
23 there is light. We thought we would have the
24 tunnel and now we're going to have the light at
25 the end of the tunnel.

1 Little Red Apple. I can't tell you how many years
2 in a row. Little Red Apple is number one. And a
3 new school, Beloved Charter School, in Jersey City
4 is number two.

5 CHAIRMAN SHINNICK: The old Schomburg
6 School building.

7 MS. GILPIN: Yes.

8 And number three is Lincoln School in
9 Harrison. They came in with 365 pounds of
10 crayons.

11 CHAIRMAN SHINNICK: Secaucus was shut
12 out?

13 MS. GILPIN: Only Clarendon
14 participated. Only Clarendon. This is for the
15 second year in a row. We've gotten nothing from
16 Huber Street. Since we have a new principal, not
17 so much cooperation, but we'll get that back.

18 They came in 10th, Clarendon School.

19 CHAIRMAN SHINNICK: Wow.

20 MS. GILPIN: They gave us all of the
21 crayons that they had.

22 CHAIRMAN SHINNICK: There was not a
23 crayon left in Secaucus.

24 MR. NETCHERT: How many years do you
25 think the parents will go buy crayons so that the

1 CHAIRMAN SHINNICK: Things happen for a
2 reason. I think that it all came together. And
3 certainly I like the cooperation that's happening
4 between the Board of Freeholders and this
5 Authority and the Township of Kearny in this
6 matter because that's very important. And the
7 Mayor's involvement has been very positive. I
8 think we're going to have good success.

9 MR. NETCHERT: And the New Jersey
10 Meadowlands Commission has worked with us in
11 developing --

12 CHAIRMAN SHINNICK: They have been
13 great. I mean from what Norman has explained they
14 have been very cooperative. We knew they would
15 be. They are professionals, they are a good
16 agency, and they moved quickly putting that whole
17 plan together. So thanks to them too.

18 MR. GUERRA: Chairman, one other item.
19 I'll have Mary-Ellen disclose the winner of the
20 crayon contest.

21 CHAIRMAN SHINNICK: She disclosed it?

22 MR. GUERRA: She will disclose it.

23 CHAIRMAN SHINNICK: Okay.

24 MR. GUERRA: And it is not Secaucus.

25 MS. GILPIN: There are no surprises.

1 children can --

2 CHAIRMAN SHINNICK: There was not a
3 crayon left in Secaucus for the last ten years.

4 MS. GILPIN: I don't know what school
5 it was, but there was box, and when the boys
6 opened it up it was brand new crayons from
7 Friendly's. A whole box full.

8 CHAIRMAN SHINNICK: They are padding
9 it.

10 MS. GILPIN: We had less schools, but
11 we had almost the same amount of crayon, pounds of
12 crayons. So we did pretty good with that.

13 One other thing I want to mention is
14 Earth Day. Right before I went on vacation I
15 heard from Liberty State Park that we probably
16 would not be able to use the park at all for Earth
17 Day and we were looking around. But I got a very
18 good phone call on Monday of last week and we are
19 99 percent sure that we will be able to use
20 Liberty State Park. We will not be -- We'll be
21 going back to the days when we had the tents
22 outside because we can't use the terminal at all.
23 That probably will be a couple of more years
24 before that's repaired. It was very, very hard
25 hit. Forty to fifty percent of the pavers on the

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1 walkway washed away, so a new course has to be
 2 plotted. They are working on that now. I have a
 3 meeting with them on January 29th. But we're very
 4 hopeful that we will be able to have everything
 5 there.
 6 CHAIRMAN SHINNICK: So we can move to
 7 another part of the park?
 8 MS. GILPIN: We can use the fields.
 9 The fields are okay. It will all be outside. We
 10 will back to doing everything inside again with
 11 the tents.
 12 MR. NETCHERT: Hope for good weather.
 13 MS. GILPIN: Pray for good weather
 14 because it will be terrible if it is bad weather
 15 because now we have no alternative really. We're
 16 really stuck. But everywhere else that we could
 17 think of where we could hold it was outside any
 18 way. So at least here we have parking, we have
 19 mass transit, we have continuity. So it is just a
 20 better thing to continue with there even though
 21 there are some obstacles.
 22 COMMISSIONER DORAN: Do you have a
 23 date?
 24 MS. GILPIN: April 20th. Saturday
 25 April 20th. But at least now that looks hopeful

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1 because I went away thinking we would have to
 2 start from scratch.
 3 CHAIRMAN SHINNICK: Right.
 4 MS. GILPIN: We had it to the point
 5 where it just flowed. And all I kept thinking was
 6 oh, this was like starting this thing all over
 7 again.
 8 We may have to make it a little
 9 smaller, make it a little more intimate, which is
 10 fine. I don't think that's a bad thing either.
 11 CHAIRMAN SHINNICK: No.
 12 MS. GILPIN: I think that it would be
 13 great.
 14 CHAIRMAN SHINNICK: Do your magic with
 15 the weather.
 16 MS. GILPIN: I'm praying. I have my
 17 little circle.
 18 MR. GUERRA: I believe that's all we
 19 have, Chairman.
 20 CHAIRMAN SHINNICK: Is there a motion
 21 to adjourn?
 22 COMMISSIONER DORAN: Motion.
 23 CHAIRMAN SHINNICK: By Commissioner
 24 Doran.
 25 COMMISSIONER LORENZO: Second.

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1 CHAIRMAN SHINNICK: Seconded by
 2 Commissioner Lorenzo.
 3 All in favor.
 4 COMMISSIONER BADO: Aye.
 5 COMMISSIONER DORAN: Aye.
 6 COMMISSIONER LORENZO: Aye.
 7 COMMISSIONER MARTINETTI: Aye.
 8 COMMISSIONER PESTANA: Aye.
 9 CHAIRMAN SHINNICK: Aye.
 10
 11 (Whereupon the meeting is concluded.)
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 4 CERTIFICATION
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 7
 8 I, Sharon Palmer, C.S.R., License Number
 9 X100796, a Certified Court Reporter of the State of New
 10 Jersey, do hereby certify that the foregoing is a true and
 11 accurate transcript of my stenographic notes of the within
 12 proceedings to the best of my knowledge and ability.
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 Sharon Palmer, C.C.R.

Dated: January 15, 2013

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