

HUDSON COUNTY IMPROVEMENT AUTHORITY

IN THE MATTER OF : TRANSCRIPT OF
THE REGULAR MONTHLY MEETING : PROCEEDINGS

WEDNESDAY, DECEMBER 14, 2016
830 BERGEN AVENUE, 9TH FLOOR
JERSEY CITY, NEW JERSEY 07306
COMMENCING AT 5:45 P.M.

BOARD MEMBERS:

- FRANK PESTANA, CHAIRMAN
- JAMES DORAN, VICE CHAIRMAN
- STEPHEN J. GALLO, TREASURER
- FRANK LORENZO, SECRETARY
- MARTIN T. MARTINETTI, COMMISSIONER
- FRED M. BADO, COMMISSIONER
- JOHN PENEDA, COMMISSIONER
- NICHOLAS GOLDSACK, COMMISSIONER
- JEFFREY DUBLIN, COMMISSIONER (NOT PRESENT)

APPEARANCES:

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

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

Page 2

1
2 ALSO PRESENT:
3
4 AMIT JANI, VISION MEDIA
5 MARY-ELLEN GILPIN, HCIA
6 ELIZABETH RAMOS, EXECUTIVE ASSISTANT
7 JAMES POLICASTRO, HCIA
8 JAY DeDOMENICO, TMA
9 JEFF LANIGAN
10 MICHAEL J. COMBA, HOBOKEN STRATEGY GROUP
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Page 3

1 CHAIRMAN PESTANA: At this time we'll
2 call the meeting to order.
3 Would everyone please rise to salute
4 the flag.
5 (The Pledge of Allegiance is recited.)
6 CHAIRMAN PESTANA: Mr. Netchert.
7 MR. NETCHERT: Yes, Mr. Chairman.
8 This is a public meeting. Notice of
9 tonight's meeting was forwarded to the Jersey
10 Journal, Star-Ledger, the Clerk of the County of
11 Hudson, the Clerk of the Board of Freeholders, and
12 posted on the bulletin boards outside of this
13 meeting room. Those notices were dated
14 August 1st, 2016. These notices are in compliance
15 with the Requirements of the Open Public Meetings
16 Act.
17 CHAIRMAN PESTANA: Thank you.
18 Carmen, could you call the roll please.
19 MS. LOZANO: Commissioner Bado.
20 COMMISSIONER BADO: Present.
21 MS. LOZANO: Commissioner Doran.
22 COMMISSIONER DORAN: Present.
23 MS. LOZANO: Commissioner Dublin. Not
24 present.
25 Commissioner Gallo.

Page 4

1 COMMISSIONER GALLO: Here.
2 MS. LOZANO: Commissioner Goldsack.
3 COMMISSIONER GOLDSACK: Here.
4 MS. LOZANO: Commissioner Lorenzo.
5 COMMISSIONER LORENZO: Here.
6 MS. LOZANO: Commissioner Martinetti.
7 COMMISSIONER MARTINETTI: Here.
8 MS. LOZANO: Commissioner Peneda.
9 COMMISSIONER PENEDA: Here.
10 MS. LOZANO: Chairman Pestana.
11 CHAIRMAN PESTANA: Here.
12 MS. LOZANO: We have a quorum with
13 eight board members present and one not present.
14 CHAIRMAN PESTANA: Thank you.
15 At this time I would like a motion for
16 approval of the minutes of the November 9th
17 meeting.
18 COMMISSIONER GALLO: Moved.
19 CHAIRMAN PESTANA: Motion by
20 Commissioner Gallo.
21 Is there a second?
22 COMMISSIONER LORENZO: Second.
23 CHAIRMAN PESTANA: Seconded by
24 Commissioner Lorenzo.
25 MS. LOZANO: Commissioner Bado.

Page 5

1 COMMISSIONER BADO: Yes.
2 MS. LOZANO: Commissioner Doran.
3 COMMISSIONER DORAN: Abstain.
4 MS. LOZANO: Commissioner Gallo.
5 COMMISSIONER GALLO: Yes.
6 MS. LOZANO: Commissioner Goldsack.
7 COMMISSIONER GOLDSACK: Abstain.
8 MS. LOZANO: Commissioner Lorenzo.
9 COMMISSIONER LORENZO: Yes.
10 MS. LOZANO: Commissioner Martinetti.
11 COMMISSIONER MARTINETTI: Abstain.
12 MS. LOZANO: Commissioner Peneda.
13 COMMISSIONER PENEDA: Abstain.
14 MS. LOZANO: Chairman Pestana.
15 CHAIRMAN PESTANA: Yes.
16 Bill, we have four out of four. Does
17 it pass?
18 MR. NETCHERT: Yes.
19 Four in favor, four abstaining, none
20 opposed, the motion passes.
21 MS. LOZANO: The minutes of
22 November 19th, 2016 passes in the affirmative by
23 four yes, four abstention, one not present.
24 CHAIRMAN PESTANA: At this time we'll
25 take comments from the public on anything on the

1 meeting agenda.
 2 Seeing none, the public portion is now
 3 closed.
 4 MR. GUERRA: Item four, Resolution
 5 12-2016-4 of the Hudson County Improvement
 6 Authority authorizing payment of certain costs and
 7 expenses of the Authority for the month of
 8 December of 2016.
 9 CHAIRMAN PESTANA: Do we have a motion?
 10 COMMISSIONER GOLDSACK: Motion.
 11 CHAIRMAN PESTANA: Motion by
 12 Commissioner Goldsack.
 13 COMMISSIONER DORAN: Second.
 14 CHAIRMAN PESTANA: Seconded by
 15 Commissioner Doran.
 16 MS. LOZANO: Commissioner Bado.
 17 COMMISSIONER BADO: Yes.
 18 MS. LOZANO: Commissioner Doran.
 19 COMMISSIONER DORAN: Yes.
 20 MS. LOZANO: Commissioner Gallo.
 21 COMMISSIONER GALLO: Yes.
 22 MS. LOZANO: Commissioner Goldsack.
 23 COMMISSIONER GOLDSACK: Yes.
 24 MS. LOZANO: Commissioner Lorenzo.
 25 COMMISSIONER LORENZO: Yes.

1 awarded contracts. Just about all of them are
 2 currently doing work for us.
 3 A is the Law Offices of Karen R.
 4 Boylan. She is special enforcement counsel.
 5 Calu Consulting, LLC. He's our parking
 6 facility consultant.
 7 Chiesa, Shahinian & Giantomasi, PC for
 8 legal services.
 9 DeCotiis, Fitzpatrick & Cole, LLP for
 10 solid waste legal services.
 11 Desman Design Management. That's
 12 parking deck design management services.
 13 Donohue, Gironda & Doria. They are our
 14 auditors.
 15 Gabel Associates, Inc. Construction
 16 Administration/Solar Installation Project.
 17 Greener by Design is our energy
 18 consultant.
 19 Hoboken Strategy Group, our social
 20 media consultants.
 21 Mast Construction Services. That's the
 22 construction management company for the new
 23 Schools of Technology.
 24 MBI Gluck-Shaw. That's our
 25 governmental lobbyist.

1 MS. LOZANO: Commissioner Martinetti.
 2 COMMISSIONER MARTINETTI: Yes.
 3 MS. LOZANO: Commissioner Peneda.
 4 COMMISSIONER PENEDA: Yes.
 5 MS. LOZANO: Chairman Pestana.
 6 CHAIRMAN PESTANA: Yes.
 7 MS. LOZANO: Resolution 12-2016-4
 8 passes in the affirmative, as amended, with eight
 9 board members voting yes, one not present.
 10 MR. GUERRA: Chairman, with regard to
 11 item number five, I'll read the title of the
 12 resolution into the record and then I'll go right
 13 down the list of all the companies for the
 14 professional services that we discussed in the
 15 finance meeting --
 16 CHAIRMAN PESTANA: That's fine.
 17 MR. GUERRA: -- rather than reading
 18 each one.
 19 Resolution 12-2016-5 of the Hudson
 20 County Improvement Authority authorizing
 21 Professional Service Contracts.
 22 As you know, each year at this time we
 23 go through the RFQ, we advertise for the Requests
 24 for Qualifications, and the companies I'm going to
 25 read right now are companies that actually will be

1 McManimon, Scotland & Baumann, bond
 2 counsel.
 3 McManimon, Scotland & Baumann, special
 4 development counsel.
 5 MHM Tech Group. That's a computer
 6 software company.
 7 Mott McDonald is the general
 8 engineering.
 9 Netchert, Dineen & Hillman, special
 10 counsel.
 11 Nobel Systems, Inc., our website design
 12 and maintenance support.
 13 NW Financial Group, our financial
 14 advisors.
 15 Paulus, Sokolowski & Sartor, our
 16 general engineers.
 17 The Law Offices of Mateo Perez, special
 18 counsel relating to our bilingual matters.
 19 RJ O'Connell Associates, our court
 20 reporter.
 21 Spire Group, LLC, pooled loan
 22 administrators and auditing services.
 23 Starr, Gern, Davison & Rubin, special
 24 counsel, bankruptcy counsel.
 25 Vision Media Marketing Group, our

1 public relations firm.
 2 The Law Offices of Kathleen Walrod, our
 3 special counsel for enforcement matters.
 4 Waters, McPherson, McNeil, PC., special
 5 counsel on our New Jersey Transit matters.
 6 CHAIRMAN PESTANA: The Finance
 7 Committee reviewed these earlier and we have no
 8 problem with them.
 9 Would anyone like to make a motion for
 10 Resolutions 5A through 5Z?
 11 COMMISSIONER GOLDSACK: Motion.
 12 COMMISSIONER GALLO: Second.
 13 CHAIRMAN PESTANA: Motion by
 14 Commissioner Goldsack and seconded by Commissioner
 15 Gallo.
 16 MS. LOZANO: Commissioner Bado.
 17 COMMISSIONER BADO: Yes.
 18 MS. LOZANO: Commissioner Doran.
 19 COMMISSIONER DORAN: Yes.
 20 MS. LOZANO: Commissioner Gallo.
 21 COMMISSIONER GALLO: Yes.
 22 MS. LOZANO: Commissioner Goldsack.
 23 COMMISSIONER GOLDSACK: Yes.
 24 MS. LOZANO: Commissioner Lorenzo.
 25 COMMISSIONER LORENZO: Yes.

1 MR. NETCHERT: Tomorrow is the
 2 preclosing. The actual closing date would be on
 3 Friday. The bond purchase that was involved will
 4 be taking place and the transfer of ownership will
 5 be taking place concomitantly.
 6 CHAIRMAN PESTANA: Okay.
 7 Unless anyone has a question I would
 8 like to have a motion on this.
 9 COMMISSIONER GALLO: Motion.
 10 CHAIRMAN PESTANA: Motion by
 11 Commissioner Gallo.
 12 COMMISSIONER GOLDSACK: Second.
 13 CHAIRMAN PESTANA: Seconded by
 14 Commissioner Goldsack.
 15 MS. LOZANO: Commissioner Bado.
 16 COMMISSIONER BADO: Yes.
 17 MS. LOZANO: Commissioner Doran.
 18 COMMISSIONER DORAN: Abstain.
 19 MS. LOZANO: Commissioner Gallo.
 20 COMMISSIONER GALLO: Yes.
 21 MS. LOZANO: Commissioner Goldsack.
 22 COMMISSIONER GOLDSACK: Yes.
 23 MS. LOZANO: Commissioner Lorenzo.
 24 COMMISSIONER LORENZO: Yes.
 25 MS. LOZANO: Commissioner Martinetti.

1 MS. LOZANO: Commissioner Martinetti.
 2 COMMISSIONER MARTINETTI: Yes.
 3 MS. LOZANO: Commissioner Peneda.
 4 COMMISSIONER PENEDA: Yes.
 5 MS. LOZANO: Chairman Pestana.
 6 CHAIRMAN PESTANA: Yes.
 7 MS. LOZANO: Resolutions 12-2016-5A
 8 through 12-2016-5Z pass in the affirmative by
 9 eight board members voting yes, one not present.
 10 MR. GUERRA: Item number six is
 11 Resolution 6-2016-6 of the Hudson County
 12 Improvement Authority concerning review of
 13 findings of the Local Finance Board made at a
 14 meeting of said Board on October 12th, 2016, in
 15 accordance with the provisions of N.J.S.A.
 16 40A:5A-7 with respect to the issuance of Red Bull
 17 Arena Settlement Bonds, series 2016.
 18 I made a mistake on the resolution
 19 number. It is resolution 12-2016-6.
 20 The Local Finance Board had issued
 21 positive findings as it relates to the issuance of
 22 the Red Bull Arena Settlement Bonds. In fact,
 23 tomorrow is the closing date on the transfer of
 24 the arena to the Authority and the lease-back to
 25 Red Bull, correct counsel?

1 COMMISSIONER MARTINETTI: Yes.
 2 MS. LOZANO: Commissioner Peneda.
 3 COMMISSIONER PENEDA: Yes.
 4 MS. LOZANO: Chairman Pestana.
 5 CHAIRMAN PESTANA: Yes.
 6 MS. LOZANO: Resolution 12-2016-6
 7 passes in the affirmative by seven board members
 8 voting yes, one abstention, one not present.
 9 MR. GUERRA: Item seven is resolution
 10 12-2016-7 to amend the 2017 HCIA Approved Budget.
 11 I know this matter was also discussed
 12 in detail. The CFO made a presentation to the
 13 Finance Committee and I don't know if the CFO
 14 wants to add anything.
 15 MR. CHERRY: I'll give a shortened
 16 version of a lengthy explanation that was given at
 17 the Finance Committee meeting.
 18 The State of New Jersey is responsible
 19 for reviewing our Budget once it has been approved
 20 by you.
 21 In their review they decided that there
 22 was an adjustment that the Authority has been
 23 making in its budget documents for the past 16,
 24 17 years, and they decided that they didn't feel
 25 as though the adjustment was appropriate, so we

1 ended up having to take that out. It had to do
2 with a deficit in our fund balance that, with the
3 adjustment, turned it into a positive fund
4 balance.

5 One of the funding sources for the
6 capital budget was the appropriation of
7 unrestricted net position, which is basically a
8 fund balance. And because they didn't let us
9 appropriate the fund balance, and it was actually
10 -- you can't appropriate a deficit.

11 The way that we were able to work
12 around it was to establish an appropriation for a
13 revenue and replacement reserve, and that is what
14 funds the capital budget.

15 At the end of the day there is really
16 no affect on fund balance, net position as they
17 call it these days. And what it does do is it
18 increases the appropriations in the 2017 Budget.
19 So this resolution before you actually increases
20 that.

21 On this resolution the anticipated
22 surplus goes from \$1.736 million and it gets
23 reduced by \$450,000. So it really is a net zero
24 affect.

25 If you would like, Resolution 12-2016-8

1 MS. LOZANO: Commissioner Lorenzo.
2 COMMISSIONER LORENZO: Yes.
3 MS. LOZANO: Commissioner Martinetti.
4 COMMISSIONER MARTINETTI: Yes.
5 MS. LOZANO: Commissioner Peneda.
6 COMMISSIONER PENEDA: Yes.
7 MS. LOZANO: Chairman Pestana.
8 CHAIRMAN PESTANA: Yes.
9 MS. LOZANO: Resolution 12-2016-7 and
10 12-2016-8 passes in the affirmative, both pass in
11 the affirmative by eight board members voting yes,
12 one not present.

13 MR. GUERRA: Item number nine,
14 Resolution 12-2016-9 of the Hudson County
15 Improvement Authority authorizing the appointment
16 of Scirocco Financial Group, Inc. to provide
17 insurance consulting services.

18 Scirocco has been providing for our
19 insurance and risk management needs all along, and
20 we would like to have the authorization to appoint
21 them again as our insurance brokers.

22 CHAIRMAN PESTANA: Is there a motion on
23 this resolution?

24 COMMISSIONER PENEDA: Motion.

25 CHAIRMAN PESTANA: Motion by

1 is the actual adoption of the Budget with the
2 amended numbers in it. And I don't know. You may
3 want to move both of those at the same time.

4 CHAIRMAN PESTANA: Do we have any
5 questions on that?

6 (No response)

7 CHAIRMAN PESTANA: Do we want to move
8 both resolutions at the same time?

9 COMMISSIONER GOLDSACK: I make a motion
10 to move both.

11 CHAIRMAN PESTANA: There is a motion by
12 Commissioner Goldsack to move resolutions seven
13 and eight at the same time.

14 COMMISSIONER GALLO: And I'll second
15 that.

16 CHAIRMAN PESTANA: Second by
17 Commissioner Gallo.

18 MS. LOZANO: Commissioner Bado.

19 COMMISSIONER BADO: Yes.

20 MS. LOZANO: Commissioner Doran.

21 COMMISSIONER DORAN: Yes.

22 MS. LOZANO: Commissioner Gallo.

23 COMMISSIONER GALLO: Yes.

24 MS. LOZANO: Commissioner Goldsack.

25 COMMISSIONER GOLDSACK: Yes.

1 Commissioner Peneda.

2 CHAIRMAN PESTANA: Is there a second?

3 COMMISSIONER DORAN: Second.

4 CHAIRMAN PESTANA: Seconded by

5 Commissioner Doran.

6 MS. LOZANO: Commissioner Bado.

7 COMMISSIONER BADO: Yes.

8 MS. LOZANO: Commissioner Doran.

9 COMMISSIONER DORAN: Yes.

10 MS. LOZANO: Commissioner Gallo.

11 COMMISSIONER GALLO: Yes.

12 MS. LOZANO: Commissioner Goldsack.

13 COMMISSIONER GOLDSACK: Yes.

14 MS. LOZANO: Commissioner Lorenzo.

15 COMMISSIONER LORENZO: Yes.

16 MS. LOZANO: Commissioner Martinetti.

17 COMMISSIONER MARTINETTI: Yes.

18 MS. LOZANO: Commissioner Peneda.

19 COMMISSIONER PENEDA: Yes.

20 MS. LOZANO: Chairman Pestana.

21 CHAIRMAN PESTANA: Yes.

22 MS. LOZANO: Resolution 12-2016-9

23 passes in the affirmative by eight board members
24 voting yes, one not present.

25 MR. GUERRA: Item ten is Resolution

1 12-2016-10 of the Hudson County Improvement
2 Authority authorizing the second amendment to the
3 Purchase and Sales Agreement with Morris Koppers
4 Urban Renewal Associates, LLC.

5 As you know, back in June of 2014 we
6 adopted a resolution which had authorized what is
7 known as an exclusive negotiating period with
8 Morris Realty, and that was known as the initial
9 resolution.

10 In September of 2015 the Authority
11 approved and authorized the execution of a
12 purchase sales agreement.

13 In June of 2016 we adopted a
14 resolution, which was the first amendment to the
15 purchase sales agreement, which was required to
16 correct some legal descriptions of block and lot
17 numbers and provide Morris with additional time to
18 complete their due diligence, which would have
19 taken them through September 30th, 2016.

20 That purchase sales agreement also
21 provides that the buyer shall have one year from
22 the effective date to determine the impact of the
23 Superfund portion of the site. This is where
24 building number four was to be located. There is
25 a section of property there that the slurry wall

1 impacts the construction of that building.

2 Since then there has been a number of
3 meetings with the EPA, the Authority, Morris
4 Engineers, our LSRP, and team of consultants have
5 been working diligently to see about reel mining
6 the wall. The initial placement again impacts the
7 development.

8 We're confident that these issues will
9 be worked out. We actually have a meeting here
10 today with Beazer, who is a responsible party, and
11 the partnership group for Standard Chlorine and
12 Tiara because Morris did a realignment of the
13 wall, and hopefully everybody can wrap their arms
14 around it. And then we go back to the EPA with
15 that redesign of the wall. So everybody is
16 confident that will happen.

17 While all this takes place what we're
18 looking to do is the resolution before you
19 authorizes a second amendment of the purchase
20 sales agreement up to July 15th. And we're
21 confident that during that period all of those
22 issues relating to the wall will be worked out and
23 then we're in pretty good shape.

24 So this is like a six-month extension
25 to the last extension we granted.

1 COMMISSIONER DORAN: I move for the
2 adoption.

3 COMMISSIONER PENEDA: I have something
4 there.

5 CHAIRMAN PESTANA: Go ahead.

6 COMMISSIONER PENEDA: I see in the
7 resolution that Lot 32.01 is included in the
8 resolution. That lot goes right through to the
9 old rail line. That goes through the Standard
10 Chlorine site.

11 I understand that there are
12 negotiations going on with Kearny and Morris, and
13 Morris --

14 MR. GUERRA: There was a meeting. We
15 had a meeting with the Town, the Mayor and it's
16 council, and Sue McCurrie, and Morris was at the
17 meeting and made the presentation. So Jim Bruno,
18 I believe, is talking to the Morris Group and
19 trying to come up with some resolve for that to
20 see if the developer that Kearny, I believe may
21 have designated, has an interest, we believe they
22 have an interest in that parcel, and Morris has an
23 interest in some of the roadway for the access
24 that's going to serve everybody on that site,
25 including that designated developer for the other

1 parcel, Transit and Morris. So there are
2 discussions going on.

3 COMMISSIONER PENEDA: Yes. I just
4 wanted to make sure because that cuts right
5 thorough the middle of Standard Chlorine.

6 MR. GUERRA: Right. And obviously
7 that's going to affect economy and it's something
8 that Morris is going to have to work through with
9 the Town and, I assume, that designated developer.

10 COMMISSIONER PENEDA: I just wanted
11 that on the record because that lot is there.

12 MR. GUERRA: Yes.

13 MR. NETCHERT: I need to do two things,
14 one, by way of housekeeping.

15 The third whereas in the Resolution
16 refers to the September date that the Authority
17 approved negotiation of the contract, and then
18 refers to a date of January 15th as the effective
19 date of the contract. That 2-15 date should be
20 2/16. So the record should reflect that the third
21 whereas clause shows the effective date of the
22 Contract Purchase and Sale Agreement to be
23 January 15th, 2016.

24 I was not at the meeting that Norman
25 refers to, but I would agree with him that Morris

1 and Kearny have been discussing the lot which cuts
2 the Standard Chlorine site in half. I don't know
3 if I would say that they have been negotiating it.

4 MR. GUERRA: They are talking.

5 MR. NETCHERT: They have been talking
6 about it as an issue that needs to be resolved. I
7 don't want to put words in Morris's mouth or
8 Kearny's mouth. They have been talking about it,
9 and I think both sides recognize that it's an
10 issue that needs to be addressed.

11 CHAIRMAN PESTANA: Are you okay with
12 that?

13 COMMISSIONER PENEDA: Yes.

14 CHAIRMAN PESTANA: Are there any
15 motions or questions?

16 COMMISSIONER DORAN: Motion.

17 CHAIRMAN PESTANA: Motion by
18 Commissioner Doran.

19 MR. NETCHERT: I know you all want to
20 leave, but I would just say that I think we're
21 being overly optimistic by adding only a six-month
22 extension believing that we will resolve the EPA
23 issue in six months. So don't be surprised if
24 we're back here six months from now. But we
25 thought that keeping a date short might keep the

1 MS. LOZANO: Commissioner Goldsack.
2 COMMISSIONER GOLDSACK: Yes.

3 MS. LOZANO: Commissioner Lorenzo.

4 COMMISSIONER LORENZO: Yes.

5 MS. LOZANO: Commissioner Martinetti.

6 COMMISSIONER MARTINETTI: Yes.

7 MS. LOZANO: Commissioner Peneda.

8 COMMISSIONER PENEDA: Yes.

9 MS. LOZANO: Chairman Pestana.

10 CHAIRMAN PESTANA: Yes.

11 MS. LOZANO: Resolution 12-2016-10
12 passes in the affirmative by eight board members
13 voting yes, one not present.

14 MR. GUERRA: Item number 11 is
15 Resolution 12-2016-11 of the Hudson County
16 Improvement Authority authorizing the amended
17 settlement of temporary taking by the New Jersey
18 DOT of a portion of Block 287, Lots 73, as
19 designed on the Tax Map of the Town of Kearny,
20 Hudson County, New Jersey.

21 Back in July of 2016 the Board had
22 approved a temporary easement agreement. As part
23 of the DOP construction project, which is the
24 Wittpenn Bridge, a section of the Koppers six acre
25 parcel was going to be used as a materials storage

1 parties moving forward in trying to get it
2 resolved.

3 MR. GUERRA: What could bog it down is
4 actually who pays for the realignment of the
5 slurry wall. So all of the parties are going to
6 get together and have that discussion.

7 CHAIRMAN PESTANA: We have a motion by
8 Commissioner Doran.

9 COMMISSIONER GOLDSACK: Do we have to
10 make, Mr. Chairman, the motion as amended?

11 MR. NETCHERT: Actually the motion to
12 approve Resolution 12-2016-10, as amended.

13 CHAIRMAN PESTANA: Is there a motion?

14 COMMISSIONER DORAN: Motion.

15 CHAIRMAN PESTANA: Motion by
16 Commissioner Doran.

17 COMMISSIONER GOLDSACK: Second.

18 CHAIRMAN PESTANA: Second by

19 Commissioner Goldsack.

20 MS. LOZANO: Commissioner Bado.

21 COMMISSIONER BADO: Yes.

22 MS. LOZANO: Commissioner Doran.

23 COMMISSIONER DORAN: Yes.

24 MS. LOZANO: Commissioner Gallo.

25 COMMISSIONER GALLO: Yes.

1 area by the adjacent property owner, which is
2 Owens Corning.

3 The additional period of time was for
4 20 months, and the DOT will be paying the
5 Authority \$260,000 for that temporary easement.
6 However, the initial scope of work has changed,
7 has increased, and the DOT is seeking to increase
8 the period for up to 36 months and provide
9 additional compensation in the amount of \$118,400.
10 So now the total amount of compensation to the
11 Authority is \$378,400.

12 This resolution before you now provides
13 for the amendment to the initial temporary
14 easement.

15 CHAIRMAN PESTANA: Any questions or
16 motions on this?

17 COMMISSIONER PENEDA: Motion.

18 CHAIRMAN PESTANA: Motion by

19 Commissioner Peneda.

20 COMMISSIONER GOLDSACK: Second.

21 CHAIRMAN PESTANA: Second by

22 Commissioner Goldsack.

23 MS. LOZANO: Commissioner Bado.

24 COMMISSIONER BADO: Yes.

25 MS. LOZANO: Commissioner Doran.

1 COMMISSIONER DORAN: Yes.
 2 MS. LOZANO: Commissioner Gallo.
 3 COMMISSIONER GALLO: Yes.
 4 MS. LOZANO: Commissioner Goldsack.
 5 COMMISSIONER GOLDSACK: Yes.
 6 MS. LOZANO: Commissioner Lorenzo.
 7 COMMISSIONER LORENZO: Yes.
 8 MS. LOZANO: Commissioner Martinetti.
 9 COMMISSIONER MARTINETTI: Yes.
 10 MS. LOZANO: Commissioner Peneda.
 11 COMMISSIONER PENEDA: Yes.
 12 MS. LOZANO: Chairman Pestana.
 13 CHAIRMAN PESTANA: Yes.
 14 MS. LOZANO: Resolution 12-2016-11
 15 passes in the affirmative by eight board members
 16 voting yes, one not present.
 17 MR. GUERRA: Chairman, I just want to
 18 read this into the record, and then items 12, 13,
 19 14, 15, 16, and 17 I'll read the resolutions, but
 20 I think you can vote on them in one vote.
 21 As a result of our advertising for
 22 professional services the firms I'm about to read
 23 into the record have responded and it is
 24 recommended that they just be qualified for the
 25 various services.

1 There are no contracts.
 2 CHAIRMAN PESTANA: Does anybody have
 3 any questions on Resolutions 12 through 17?
 4 (No response)
 5 CHAIRMAN PESTANA: If not, could we
 6 have a motion?
 7 COMMISSIONER PENEDA: Motion.
 8 CHAIRMAN PESTANA: Motion by
 9 Commissioner Peneda.
 10 COMMISSIONER DORAN: Second.
 11 CHAIRMAN PESTANA: Seconded by
 12 Commissioner Doran.
 13 MS. LOZANO: Commissioner Bado.
 14 COMMISSIONER BADO: Yes.
 15 MS. LOZANO: Commissioner Doran.
 16 COMMISSIONER DORAN: Yes.
 17 MS. LOZANO: Commissioner Gallo.
 18 COMMISSIONER GALLO: Yes.
 19 MS. LOZANO: Commissioner Goldsack.
 20 COMMISSIONER GOLDSACK: Yes.
 21 MS. LOZANO: Commissioner Lorenzo.
 22 COMMISSIONER LORENZO: Yes.
 23 MS. LOZANO: Commissioner Martinetti.
 24 COMMISSIONER MARTINETTI: Yes.
 25 MS. LOZANO: Commissioner Peneda.

1 So Resolution 12-2016-12 of the Hudson
 2 County Improvement Authority determining the
 3 engineering firm of CME Associates as qualified
 4 consulting engineers.
 5 Item 13 is Resolution 12-2016-13 of the
 6 Hudson County Improvement Authority determining
 7 the firm of Chiesa, Shahinian & Giantomasi, PC as
 8 qualified attorney/lobbyist.
 9 Item 14, Resolution 12-2016-14 of the
 10 Hudson County Improvement Authority determining
 11 Cumming Construction Management, Inc. as qualified
 12 construction manager/owner representative.
 13 Item 15 is Resolution 12-2016-15 of the
 14 Hudson County Improvement Authority determining
 15 DeCotiis, Fitzpatrick & Coal, LLC as qualified
 16 bond counsel.
 17 Item 16 is Resolution 12-2016-16 of the
 18 Hudson County Improvement Authority determining
 19 the engineering firm of RSC Architects as
 20 qualified consulting engineers.
 21 Item 17, Resolution 12-2016-17 of the
 22 Hudson County Improvement Authority determining
 23 the engineering firm of Najarian Associates as
 24 qualified consulting engineers.
 25 Again, they are just being qualified.

1 COMMISSIONER PENEDA: Yes.
 2 MS. LOZANO: Chairman Pestana.
 3 CHAIRMAN PESTANA: Yes.
 4 MS. LOZANO: Resolutions 12-2016-12
 5 through 12-2016-17 all pass in the affirmative by
 6 eight board members voting yes, one not present.
 7 MR. GUERRA: Item 18, Resolution
 8 12-2016-18 of the Hudson County Improvement
 9 Authority accepting the assignment of
 10 commissioning services by M&E. Engineering from
 11 DMR Architects, PC.
 12 As you may know, DMR had been retained
 13 by Terminal Construction, which is the
 14 design-builder for the new school, to serve as the
 15 architectural firm for the school.
 16 Early on in the project when we had
 17 issued the RFQ/RFP DMR had retained the services
 18 of M&E Engineering to develop a professional fee
 19 for those commissioning services.
 20 In August of 2016 DMR and M&E had
 21 entered into their agreement in an amount of
 22 \$198,000 to obtain the necessary lead goal credits
 23 for the project. However, since then the user,
 24 which is the school, and the owner, which is the
 25 Improvement Authority, have requested that the

1 design-build, the design of the project, to
 2 achieve platinum certification.
 3 The assignment of the agreement from
 4 M&E Engineering to the Authority will allow the
 5 project to achieve those additional points to
 6 become platinum. However, in order to achieve
 7 those points the Authority needs to designate an
 8 independent commissioning agent to lead, review,
 9 oversee and complete the commissioning process.
 10 So the additional fee for the lead platinum
 11 commissioning is \$29,775 for a total cost of
 12 \$228,275.
 13 The reassignment of that contract to
 14 us, if approved, will result in a credit back to
 15 the Authority of that initial \$198,000 that was
 16 projected when DMR was responding to our RFQ/RFP.
 17 The resolution before you will provide
 18 the reassignment of the contract to the Authority.
 19 So in essence, in order to get those
 20 extra lead credits it can only be done through an
 21 entity such as the Authority or it would have been
 22 the school.
 23 That initial \$198,000 comes back into
 24 the project and because we want platinum it's an
 25 additional \$29,775 that comes out of the amount of

1 MS. LOZANO: Commissioner Peneda.
 2 COMMISSIONER PENEDA: Yes.
 3 MS. LOZANO: Chairman Pestana.
 4 CHAIRMAN PESTANA: Yes.
 5 MS. LOZANO: Resolution 12-2016-18
 6 passes in the affirmative by eight board members
 7 voting yes, one not present.
 8 MR. GUERRA: Item 19, Resolution
 9 12-2016-19 of the Hudson County Improvement
 10 Authority authorizing an agreement with Key
 11 Environmental for replacement and repair of
 12 damaged monitoring wells and other related
 13 environmental remedial Koppers Seaboard site
 14 activity.
 15 Over the years Key has provided for
 16 most of the engineering and related work at the
 17 Koppers site. They have always worked with Beazer
 18 and they have always worked well with our LSRP.
 19 For example, Key did provide for the remedial
 20 action work plan, did all of the engineering in
 21 2007 and 2014. However, during the placement and
 22 compaction of the process dredge material in the
 23 eastern portion of the site a number of wells have
 24 been damaged. About six have been damaged and
 25 have to be replaced. Four have to be replaced and

1 our proceeds that are in the pot for the
 2 construction of the school.
 3 CHAIRMAN PESTANA: Are there any
 4 questions on Resolution 18?
 5 (No response).
 6 CHAIRMAN PESTANA: Are there any
 7 motions?
 8 COMMISSIONER GALLO: Moved.
 9 CHAIRMAN PESTANA: Motion by
 10 Commissioner Gallo.
 11 COMMISSIONER GOLDSACK: Second.
 12 CHAIRMAN PESTANA: Seconded by
 13 Commissioner Goldsack.
 14 MS. LOZANO: Commissioner Bado.
 15 COMMISSIONER BADO: Yes.
 16 MS. LOZANO: Commissioner Doran.
 17 COMMISSIONER DORAN: Yes.
 18 MS. LOZANO: Commissioner Gallo.
 19 COMMISSIONER GALLO: Yes.
 20 MS. LOZANO: Commissioner Goldsack.
 21 COMMISSIONER GOLDSACK: Yes.
 22 MS. LOZANO: Commissioner Lorenzo.
 23 COMMISSIONER LORENZO: Yes.
 24 MS. LOZANO: Commissioner Martinetti.
 25 COMMISSIONER MARTINETTI: Yes.

1 the other six can be repaired.
 2 The site engineer, our LSRP, has
 3 obtained a proposal from Key in the amount of
 4 \$156,000 to have all of these repaired and
 5 replaced.
 6 They also recommended the award of the
 7 contract to Key Environmental. The resolution
 8 before you authorizes that.
 9 Now the cost of that is going to be
 10 shared. We're going to be talking to Great Lakes,
 11 who has the contract to bring the material in, but
 12 Clean Earth is their contractor who is actually
 13 spreading the material. So we will be talking to
 14 them to recoup the money and do some cost sharing
 15 in the replacing of those wells and repairing
 16 those wells, and they have to be replaced because
 17 Beazer is required to do certain readings out
 18 there periodically, and it can't be done as long
 19 as they are damaged.
 20 CHAIRMAN PESTANA: Are there any
 21 questions or motions on number 19?
 22 COMMISSIONER GOLDSACK: Motion.
 23 CHAIRMAN PESTANA: Motion by
 24 Commissioner Goldsack.
 25 COMMISSIONER LORENZO: Second.

1 CHAIRMAN PESTANA: Seconded by
 2 Commissioner Lorenzo.
 3 MS. LOZANO: Commissioner Bado.
 4 COMMISSIONER BADO: Yes.
 5 MS. LOZANO: Commissioner Doran.
 6 COMMISSIONER DORAN: Yes.
 7 MS. LOZANO: Commissioner Gallo.
 8 COMMISSIONER GALLO: Yes.
 9 MS. LOZANO: Commissioner Goldsack.
 10 COMMISSIONER GOLDSACK: Yes.
 11 MS. LOZANO: Commissioner Lorenzo.
 12 COMMISSIONER LORENZO: Yes.
 13 MS. LOZANO: Commissioner Martinetti.
 14 COMMISSIONER MARTINETTI: Yes.
 15 MS. LOZANO: Commissioner Peneda.
 16 COMMISSIONER PENEDA: Yes.
 17 MS. LOZANO: Chairman Pestana.
 18 CHAIRMAN PESTANA: Yes.
 19 MS. LOZANO: Resolution 12-2016-19
 20 passes in the affirmative by eight board members
 21 voting yes, one not present.
 22 MR. GUERRA: Item 20, Resolution
 23 12-2016-20 of the Hudson County Improvement
 24 Authority authorizing an amendment to the Hudson
 25 County District Solid Waste Management Plan by

1 CHAIRMAN PESTANA: Second by
 2 Commissioner Gallo.
 3 MS. LOZANO: Commissioner Bado.
 4 COMMISSIONER BADO: Yes.
 5 MS. LOZANO: Commissioner Doran.
 6 COMMISSIONER DORAN: Yes.
 7 MS. LOZANO: Commissioner Gallo.
 8 COMMISSIONER GALLO: Yes.
 9 MS. LOZANO: Commissioner Goldsack.
 10 COMMISSIONER GOLDSACK: Yes.
 11 MS. LOZANO: Commissioner Lorenzo.
 12 COMMISSIONER LORENZO: Yes.
 13 MS. LOZANO: Commissioner Martinetti.
 14 COMMISSIONER MARTINETTI: Yes.
 15 MS. LOZANO: Commissioner Peneda.
 16 COMMISSIONER PENEDA: Yes.
 17 MS. LOZANO: Chairman Pestana.
 18 CHAIRMAN PESTANA: Yes.
 19 MS. LOZANO: Resolution 12-2016-20
 20 passes in the affirmative by eight board members
 21 voting yes, one not present.
 22 MR. GUERRA: Item 21 is Resolution
 23 12-2016-21 of the Hudson County Improvement
 24 Authority authorizing execution of an agreement
 25 with Consolidated Environmental Waste Services,

1 administrative action reflecting a revision in the
 2 lot numbers of the Clean Earth of North Jersey,
 3 Inc. Transfer Station/Materials Recovery Facility,
 4 located at 105 Jacobus Avenue in the Town of
 5 Kearny and in the County of Hudson.
 6 As a result of the Town of Kearny
 7 revising a number of lots in its tax map Clean
 8 Earth filed this application to address the
 9 redesignation of those parcels which the facility
 10 is located on.
 11 They are also seeking to incorporate
 12 other lots to be used for both vehicular and rail
 13 entry into and out of their facility.
 14 The DEP has requested that the lot
 15 designation be done by administrative action.
 16 Therefore, this resolution authorizes the changes
 17 by the Authority through an administrative action
 18 rather than a full blown plan amendment.
 19 CHAIRMAN PESTANA: Do we have any
 20 motions on number 20?
 21 COMMISSIONER LORENZO: I'll make a
 22 motion.
 23 CHAIRMAN PESTANA: Motion by
 24 Commissioner Lorenzo.
 25 COMMISSIONER GALLO: I'll second it.


1 LLC for materials recovery services to accept and
 2 recycle solid waste generated within Hudson County
 3 in accordance with the Hudson County District
 4 Solid Waste Management Plan.
 5 Consolidated has filed an application
 6 for inclusion in our plan. The facility is in
 7 North Bergen. It is fully licensed by the DEP.
 8 In May of 2012 the DEP issued a permit
 9 for the facility to collect about 700 tons per day
 10 of Type 13C waste, which is construction and
 11 demolition waste, and class A and B recycling
 12 materials.
 13 The resolution before you provides the
 14 authorization to enter into the agreement. By
 15 doing this with this agreement we also will
 16 receive any residual that's generated as a result
 17 of their processing activity.
 18 CHAIRMAN PESTANA: Where in North
 19 Bergen is this?
 20 MS. GILPIN: 3700 Westside Avenue.
 21 MR. GUERRA: This is the one close to
 22 the --
 23 MS. GILPIN: The rail.
 24 MR. GUERRA: It's not far from where
 25 the --

1 CHAIRMAN PESTANA: Plant was.
 2 MR. GUERRA: -- plant was, right.
 3 COMMISSIONER DORAN: Is that closer to
 4 Paterson Plank?
 5 MR. GUERRA: North Bergen had supported
 6 this. If I remember correctly, North Bergen was
 7 in full support of this. We always check with the
 8 municipalities.
 9 CHAIRMAN PESTANA: I just wanted to
 10 make sure which one it was, but I'm aware of it.
 11 MR. GUERRA: Yes.
 12 COMMISSIONER DORAN: Motion.
 13 CHAIRMAN PESTANA: I have a motion by
 14 Commissioner Doran.
 15 COMMISSIONER GOLDSACK: Second.
 16 CHAIRMAN PESTANA: Seconded by
 17 Commissioner Goldsack.
 18 MS. LOZANO: Commissioner Bado.
 19 COMMISSIONER BADO: Yes.
 20 MS. LOZANO: Commissioner Doran.
 21 COMMISSIONER DORAN: Yes.
 22 MS. LOZANO: Commissioner Gallo.
 23 COMMISSIONER GALLO: Yes.
 24 MS. LOZANO: Commissioner Goldsack.
 25 COMMISSIONER GOLDSACK: Yes.

1 MS. LOZANO: Commissioner Lorenzo.
 2 COMMISSIONER LORENZO: Yes.
 3 MS. LOZANO: Commissioner Martinetti.
 4 COMMISSIONER MARTINETTI: Yes.
 5 MS. LOZANO: Commissioner Peneda.
 6 COMMISSIONER PENEDA: Yes.
 7 MS. LOZANO: Chairman Pestana.
 8 CHAIRMAN PESTANA: Yes.
 9 MS. LOZANO: Resolution 12-2016-21
 10 passes in the affirmative by eight board members
 11 voting yes, one not present.
 12 MR. GUERRA: And just as a reminder to
 13 our commissioners. This Friday at 1:00 we're
 14 having our Christmas luncheon here for the
 15 employees, so if you're free, please stop by. It
 16 will probably run from one until the food is gone,
 17 so probably from one to like four, one to three,
 18 something like that. Any way, we're looking
 19 forward to you coming.
 20 Other than that, Mary-Ellen, do you
 21 have have anything?
 22 MS. GILPIN: No.
 23 MR. GUERRA: Jay?
 24 MR. DeDOMENICO: No.
 25 CHAIRMAN PESTANA: Okay.

1 MR. GUERRA: Thank you.
 2 COMMISSIONER MARTINETTI: Motion to
 3 adjourn.
 4 CHAIRMAN PESTANA: All in favor?
 5 COMMISSIONER BADO: Aye.
 6 COMMISSIONER DORAN: Aye.
 7 COMMISSIONER GALLO: Aye.
 8 COMMISSIONER GOLDSACK: Aye.
 9 COMMISSIONER LORENZO: Aye.
 10 COMMISSIONER MARTINETTI: Aye.
 11 COMMISSIONER PENEDA: Aye.
 12 CHAIRMAN PESTANA: Aye.
 13 MS. LOZANO: Who seconded it?
 14 COMMISSIONER LORENZO: I did.
 15 MS. LOZANO: Second by Commissioner
 16 Lorenzo.

(The meeting concludes at 6:20 p.m.)

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 3
 4 CERTIFICATION
 5
 6
 7 I, Sharon Palmer, C.C.R., License
 8 Number X100796, a Certified Court Reporter of the
 9 State of New Jersey, do hereby certify that the
 10 foregoing is a true and accurate transcript of my
 11 stenographic notes of the within proceedings to
 12 the best of my knowledge and ability.
 13
 14
 15
 16
 17 
 18 Sharon Palmer, C.C.R.
 19
 20 Dated: December 15, 2016
 21
 22
 23
 24
 25