	Page 2		Page 4
l		1	CHAIRMAN PESTANA: Thank you.
2	ALSO PRESENT:	2	Carmen, would you call the roll please.
3		3	MS. LOZANO: Commissioner Bado.
4	AMIT JANI, VISION MEDIA	4	COMMISSIONER BADO: Present.
5	BAKARI LEE, ESQ. (McMANIMON SCOTLAND & BAUMANN)	5	MS. LOZANO: Commissioner Doran. Not
6	MARY-ELLEN GILPIN, HCIA	6	present.
7	ELIZABETH RAMOS, EXECUTIVE ASSISTANT	7	Commissioner Dublin.
8	JAMES POLICASTRO, HCIA	8	COMMISSIONER DUBLIN: Here.
9	JAY DeDOMENICO, TMA	9	MS. LOZANO: Commissioner Gallo.
10		10	COMMISSIONER GALLO: Here.
11		11	MS. LOZANO: Commissioner Goldsack.
12		12	Not present.
13		13	Commissioner Lorenzo.
14		14	COMMISSIONER LORENZO: Here.
15		15	MS. LOZANO: Commissioner Martinetti.
16		16	Not present.
17		17	Commissioner Peneda. Not present.
18		18	Chairman Pestana.
19		19	CHAIRMAN PESTANA: Here,
20		20	MS. LOZANO: We have a quorum with five
21		21	board members present, four not present.
22		22	CHAIRMAN PESTANA: At this time I would
23		23	like a motion for approval of the minutes from the
24 25		24 25	October 12th meeting. COMMISSIONER LORENZO: Motion.
23		43	COMMISSIONER LORENZO. Motion.
 			
	Page 3		Page 5
1.	Page 3	1	Page 5
1	CHAIRMAN PESTANA: We'll call the	1	COMMISSIONER GALLO: Second.
1 2	CHAIRMAN PESTANA: We'll call the meeting to order.	1 2	COMMISSIONER GALLO: Second. CHAIRMAN PESTANA: Motion by
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they did submit a proposal for those services,

they met with Ted Domuracki, who is our

construction manager for the project, and

MR. GUERRA: Yes. Resolution item four, Resolution 11-2016-4 of the Hudson County Improvement Authority authorizing payment of certain costs and expenses of the Authority for the month of November 2016. CHAIRMAN PESTANA: Do we have a motion on this? COMMISSIONER LORENZO: Motion.

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COMMISSIONER GALLO: Second. CHAIRMAN PESTANA: Motion by Commissioner Lorenzo and seconded by Commissioner Gallo.

12 MS. LOZANO: Commissioner Bado. 13 COMMISSIONER BADO: Yes. 14 MS. LOZANO: Commissioner Dublin. 15 COMMISSIONER DUBLIN: Yes. 16 MS. LOZANO: Commissioner Gallo. 17 COMMISSIONER GALLO: Yes. 18 19 MS. LOZANO: Commissioner Lorenzo. 20 COMMISSIONER LORENZO: Yes. 21 MS. LOZANO: Chairman Pestana. 22 CHAIRMAN PESTANA: Yes. MS, LOZANO: Resolution 11-2016-4 23 24 passes in the affirmative by five board members

voting yes, four not present.

Remington is going to assign Douglas Schairer, a licensed site remediation professional, to provide those services through December of 2017. So the contract is for a fourteen month period in an amount not to exceed \$160,000. Under the old LSRP it was averaging about 11 to \$14,000 a month. So the resolution before you authorizes this agreement.

12 CHAIRMAN PESTANA: Any questions? 13 (No response) CHAIRMAN PESTANA: Do we have a motion? 14 COMMISSIONER GALLO: I'll move it. 15 16 CHAIRMAN PESTANA: Motion by 17 Commissioner Gallo.

COMMISSIONER LORENZO: Second. CHAIRMAN PESTANA: Second by Commissioner Lorenzo. MS. LOZANO: Commissioner Bado.

20 22 COMMISSIONER BADO: Yes. 23 MS. LOZANO: Commissioner Dublin. 24 COMMISSIONER DUBLIN: Yes. MS. LOZANO: Commissioner Gallo. 25

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MR. GUERRA: Item five, Resolution 11-2016-5 of the Hudson County Improvement Authority authorizing an agreement with Remington, Vernick & Arango for LSRP services.

As you know, on behalf of the County, the Authority has been serving as the entity for the development and construction of the new high tech school.

The Hudson County Schools of Technology is in the process of seeking to replace their LSRP of record for the project.

The school LSRP had been retained early on in the project when they were doing all of the planning and preliminary work before the project was switched over to us.

Going forward, the school has requested that the Authority, as owner of the project, retain the services of an LSRP.

Back in November, as we will be doing this November, November of 2015, the Authority did advertise for such services, and at that time we did qualify Remington, Vernick & Arango, We had not given them a contract because we didn't have any work at that time.

What we're proposing is that that firm,

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COMMISSIONER GALLO: Yes. MS. LOZANO: Commissioner Lorenzo. COMMISSIONER LORENZO: Yes. MS. LOZANO: Chairman Pestana. CHAIRMAN PESTANA: Yes. MS. LOZANO: Resolution 11-2016-5 passes in the affirmative by five board members voting yes, four not present.

MR. GUERRA: Item six, Resolution 11-2016-6 of the Hudson County Improvement Authority establishing a policy for purchasing of Authority property no longer needed for Authority purposes at a public sale.

As you know, over the years we would typically advertise for the auctioning of vehicles that we feel have reached their useful life.

It is counsel's opinion that a policy be establish which eliminates the appearance of a conflict of interest or to be criticized or have someone question our ethical practices or policies, therefore, the resolution before you calls for, as a matter of policy, that no active employee or presently sitting commissioner of the HCIA or any immediate family members shall be permitted to participate as a buyer in a public

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sale or auction of vehicles. So counsel, Bill Netchert, had felt that this would be something good for the Authority to do.

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I believe that the County has something similar to this.

COMMISSIONER LORENZO: I would like to ask that it be tabled.

CHAIRMAN PESTANA: Actually I think that is a good idea to have this resolution --

MR. GUERRA: Counsel felt it would. I understand the reason for it.

If you want to table it for further discussion until next meeting, we can. It's not that we need it tonight. If you want to have a discussion with the full board present we can do that.

CHAIRMAN PESTANA: Why don't we do that.

MR. GUERRA: We can table it to the next meeting when Billy will be here and he'll go into detail on it.

COMMISSIONER DUBLIN: So this policy now eliminates commissioners and employees from purchase.

MR. GUERRA: If I were going to bid --

MR. GUERRA: Okay.

As to item seven, we're tabling that, Mr. Cherry. This is the adoption of the Budget.

Kurt, do you want to explain why we're tabling it tonight.

MR. CHERRY: Commissioners the reason that we're recommending that you table this is that the Division needs to approve the Budget prior to final adoption.

The Division did get back to me with some review notes, which I took care of.

And then today, when I was down in Trenton, they indicated that there was something else that they needed to talk about, which is an adjustment to net assets related to solid waste.

I was not able to address their concerns today in time for them to give us approval to finally adopt.

My recommendation is to table this resolution until our December meeting.

MR. GUERRA: Okay.

CHAIRMAN PESTANA: There is no major issue with what they were asking you to do, right?

MR, CHERRY: No.

CHAIRMAN PESTANA: Okay.

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we do advertise in the paper, but it would eliminate me as an employee, you as a commissioner, or family member of mine or family member of a commissioner. That's how I understand it now.

COMMISSIONER LORENZO: That's a public auction and it's open to everybody.

MR. GUERRA: I guess.

COMMISSIONER LORENZO: I don't see why you should exclude anyone.

COMMISSIONER DUBLIN: When I was at the Incinerator Authority we had the same policy that if you worked there, you could not purchase or a family member couldn't purchase --

MR. GUERRA: The concern is that somebody could be criticized that you have some inside knowledge of the condition of the vehicle, and things of that nature.

For tonight let's table it and then we'll have a discussion for the next meeting. And then, Frank, feel free, when Billy is back, you can have the conversation with Bill and he'll give you his thoughts on the matter.

CHAIRMAN PESTANA: So so we'll table this one until further notice.

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So we'll table resolution seven as well.

MR, CHERRY: Yes.

MR. GUERRA: Item eight, Resolution
11-2016-8 of the Hudson County Improvement
Authority authorizing execution of an agreement
with Gaeta Recycling company, Inc. for material
recovery services to accept and recycle solid
waste generated within Hudson County in accordance
with the Hudson County District Solid Waste
Management Plan.

Gaeta Recycling had submitted an application seeking to enter into such an agreement, thereby permitting them to accept what we call non-processible waste, not processible Type 10 waste, which is dry recyclable waste or bulky waste or C and D waste, which is Type 13.

As with other MRFs, we do enter into agreement with them, and the percentage of that residual has to go to our designated facility. They will be required to tip at their -- they can't tip at their facility, and have the option of either loading that residual in trucks, taking it to our facility, or paying us that percentage that's agreed upon and just paying the Authority

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directly covering our debt service and admin component of the debt fee.

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So the resolution before you authorizes the execution of an agreement between Gaeta Recycling and the Authority.

All of these recycling facilities, which are known as recovery facilities, we pretty much have agreements with just about all of them now.

This is a very small facility and the percentage, and we're going to visit the facility again, but it's probably on a residual that's going to be a little higher than most because it's not a highly automated system.

CHAIRMAN PESTANA: Are there any questions on this resolution?

(No response).

CHAIRMAN PESTANA: Are there any motions?

> COMMISSIONER LORENZO: Motion. CHAIRMAN PESTANA: Is there a second.

COMMISSIONER GALLO: Second.

CHAIRMAN PESTANA: Motion by

24 Commissioner Lorenzo and seconded by Commissioner 25 Gallo.

MS. LOZANO: Commissioner Bado.

COMMISSIONER BADO: Yes.

Landfill through June 30th, 2016. 2

In anticipation of that facility's permit to expire the Authority had gone out to bid for disposal services and awarded a contract to Waste Management.

While the contract was being reviewed by the DEP the Sports Authority notified us that they intended to acquire the property of the Keegan Landfill through condemnation proceedings.

The Sports Authority filed condemnation action in Superior Court and was successful at that time, which allowed the facility to continue to accept waste.

At that time this Board approved an extension agreement with the Sports Authority for a period of six months, which comes up for or will expire December 20th, 2016.

Since then there has been various actions on both sides, the Town of Kearny and the Sports Authority, relating to the condemnation and the renewal of the operating permit is still pending.

We believe at this point another extension is needed because, again, they have not received their final permit, however, the State

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           MS. LOZANO: Commissioner Dublin.
           COMMISSIONER DUBLIN: Yes.
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           MS. LOZANO: Commissioner Gallo.
           COMMISSIONER GALLO: Yes.
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           MS, LOZANO: Commissioner Lorenzo.
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           COMMISSIONER LORENZO: Yes.
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           MS, LOZANO: Chairman Pestana.
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           CHAIRMAN PESTANA: Yes.
           MS. LOZANO: Resolution 11-2016-8
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     passes in the affirmative by five board members
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     voting yes, four not present.
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           MR. GUERRA: Item nine, Resolution
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     11-2016-9 of the Hudson County Improvement
     Authority authorizing an amendment to the Hudson
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     County District Solid Waste Management Plan by
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     administrative action for inclusion of a second
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     extension of the Solid Waste Disposal Agreement
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     with the New Jersey Sports and Exposition
     Authority for the provision of non-processible
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     waste disposal services at the Keegan Landfill.
           If you remember back in April of 2014
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     the DEP had approved our disposal agreement for
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     the disposal of Type 13 waste at the Keegan
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does permit them to continue operating.

Therefore, before you is a resolution authorizing a second extension to the disposal agreement for a period of six months, and hopefully during this six months it will be worked out whether they will be open going forward or they have to close.

CHAIRMAN PESTANA: Are there any auestions?

(No response)

CHAIRMAN PESTANA: Are there any 11 12 motions?

COMMISSIONER GALLO: Motion. CHAIRMAN PESTANA: Motion by Commissioner Gallo.

COMMISSIONER DUBLIN: Second. CHAIRMAN PESTANA: Second by

Commissioner Dublin.

MS. LOZANO: Commissioner Bado. COMMISSIONER BADO: Yes.

MS. LOZANO: Commissioner Dublin. COMMISSIONER DUBLIN: Yes.

22 MS. LOZANO: Commissioner Gallo. 23

COMMISSIONER GALLO: Yes. 24 25

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COMMISSIONER LORENZO: Yes. MS. LOZANO: Chairman Pestana.

CHAIRMAN PESTANA: Yes.

MS. LOZANO: Resolution 11-2016-9 passes in the affirmative by five board members voting yes, four not present.

MR. GUERRA: Item 10, Resolution 11-2016-10 authorizing the issuance of Red Bull Arena Settlement Bonds, Series 2016, of the Hudson County Improvement Authority and determining other matters related thereto.

I know the transaction had been discussed at a previous meeting.

With us tonight is Bakari Lee from McManimon & Scotland.

What I do know is today the application was actually accepted and approved by the Local Finance Board and we did receive positive findings on it

I would like to turn this over to Bakari Lee and he can discuss the transaction with you.

MR. LEE: Thank you, Norman. Good evening, commissioners.

25 As you may recall, I was here before

court regarding the same. They were unsuccessful. They appealed. They were unsuccessful again. And then they petitioned the Supreme Court of the State of New Jersey for cert to have the case held.

At that the point the parties came together and negotiated a settlement of the litigation, the tax issues. That transaction contemplates transfer of the land, the dirt upon which the stadium is built, to the Improvement Authority and by Harrison Redevelopment Agency.

The transfer by Red Bull of fee simple ownership in the stadium is also to the Improvement Authority, so the Improvement Authority would be the owner of the dirt under the stadium and the stadium itself.

The Improvement Authority then would enter into a lease agreement with Red Bull for a triple net lease agreement with Red Bull for their ongoing use and operation of the facility. Red Bull would be required to pay any maintenance, insurance, so on and so forth.

Part of the transaction, or the settlement I should say, contemplates the issuance of these bonds that you have before you in the

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you previously for a resolution making application to the Local Finance Board in connection with the issuance by the Improvement Authority of the Red Bull Arena Settlement Bonds. The same transaction I'll highlight briefly.

Essentially, as you may recall, there was litigation between Red Bull and the Town of Harrison regarding the tax assessor's determination that Red Bull was required to pay real property taxes on its interest - it's ownership of the stadium.

Back in 2006, when Red Bull's predecessor, the Town of Harrison, Harrison Redevelopment Agency, and the Improvement Authority constructed the transaction, the understanding or belief among the parties was that the facility would not be subject to real property taxation.

Subsequent to that, the Town of Harrison's tax assessor, who is separate from the Town of Harrison, determined that real estate taxes, real property taxes were applicable to the stadium and levied taxes against Red Bull as a result.

Red Bull filed a complaint with the tax

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form of a general bond resolution and supplemental resolution.

The structure of the bond issuance would be a taxable private placement of the bonds with a Red Bull affiliate entity. So, in short, what that means is that Red Bull would either designate or create a single purpose entity. That entity would buy the bond. And Red Bull, under the lease agreement would pay the debt service for the bonds. So in essence, Red Bull is paying its own debt service.

The purpose of this structure is to provide additional security to Red Bull, in the form of leasehold mortgages and fee mortgages, and to provide Red Bull, with a position as a bond holder, with a secured interest in the stadium.

Their concern throughout has always been we spent \$200 million to build the stadium and now, uncontemplated by us previously, we have to convey it to another entity.

So what they're seeking to do is to have as many mechanisms as possible in order to insure their ongoing interest in the stadium, their secured interest in the stadium. And these bonds, and the presentation and approval before

Page 22 Page 24 1 COMMISSIONER DUBLIN: Yes. the Local Finance Board, was part of that. 2 2 MS. LOZANO: Commissioner Gallo. Another thing that they have sought to 3 3 COMMISSIONER GALLO: Yes. do is have as many regulatory approvals as 4 4 possible in order to get any party that could MS. LOZANO: Commissioner Lorenzo. 5 potentially have a say on this to agree that this 5 COMMISSIONER LORENZO: Yes. 6 MS, LOZANO: Chairman Pestana. transaction is sound. 6 7 7 CHAIRMAN PESTANA: Yes. The County Executive has executed a 8 Pre-Approval Certificate authorizing this body to 8 MS. LOZANO: Resolution 11-2016-10 and adopt the bond resolutions. The Local Finance 9 9 11-2016-11 passes in the affirmative by five board 10 Board today rendered positive findings in favor of 10 members voting yes, four not present. this transaction. And the County Board of Chosen П MR. GUERRA: Mary-Ellen, do you have 11 Freeholders, at their caucus meeting today, heard 12 anything on the recycling or Jay, on the TMA? 12 13 MR. DeDOMENICO: No. 13 a Section 56 resolution, an approving resolution, 14 related to the transaction and indicated their 14 MS. GILPIN: No. 15 MR. GUERRA: Mr. Chairman, that's all 15 approval of it. we have for this evening. 16 That's essentially the transaction. 16 We would look to close sometime around CHAIRMAN PESTANA: Okay. So seeing 17 17 18 nothing else could I have a motion to adjourn the 18 the middle of December. 19 19 CHAIRMAN PESTANA: Thank you, Bakari. meeting. 20 20 COMMISSIONER LORENZO: Motion. 21 MR. GUERRA: Do you want me to read 11 21 CHAIRMAN PESTANA: Motion by 22 Commissioner Lorenzo. 22 into the record and you can vote on both 23 COMMISSIONER DUBLIN: Second. 23 resolutions? 24 24 CHAIRMAN PESTANA: Yes. CHAIRMAN PESTANA: Second by 25 Commissioner Dublin. 25 MR. GUERRA: Item 11, Supplement Page 23 Page 25 Resolution 11-2016-11 authorizing the issuance of All in favor. 1 1 2 COMMISSIONER BADO: Aye. 2 not to exceed \$2 million Red Bull Settlement 3 Bonds, Series 2016, of the Hudson County COMMISSIONER DUBLIN: Aye. 3 4 COMMISSIONER GALLO: Aye. 4 Improvement Authority and determining various 5 other matters in connection therewith. 5 COMMISSIONER LORENZO: Aye. 6 So you want to call for a motion on 6 CHAIRMAN PESTANA: Aye. 7 both resolutions, items 10 and 11. 7 Thank you. CHAIRMAN PESTANA: Are there any 8 8 9 questions or motions on Resolutions 10 and 11? 9 (The meeting concludes at 6:00) 10 10 (No response) 11 CHAIRMAN PESTANA: Hearing none. 11 12 12 Any motions? 13 COMMISSIONER LORENZO: Motion. 13 14 CHAIRMAN PESTANA: Motion by 14 15 15 Commissioner Lorenzo. COMMISSIONER GALLO: Second. 16 16 CHAIRMAN PESTANA: This is for 10 and 17 17 18 11. 18 19 MR. GUERRA: Yes. 19

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CHAIRMAN PESTANA: Seconded by

MS. LOZANO: Commissioner Bado.

MS, LOZANO: Commissioner Dublin.

This is on Resolutions 10 and 11.

COMMISSIONER BADO: Yes.

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Commissioner Gallo.

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3 4 5 6	CERTIFICATION	
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7 8	I, Sharon Palmer, C.C.R., License Number X100796, a Certified Court Reporter of the	
9	State of New Jersey, do hereby certify that the	
10 11	foregoing is a true and accurate transcript of my stenographic notes of the within proceedings to	
12 13	the best of my knowledge and ability.	
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15 16	11 (2)	
17 18	Sharon Palmer, C.C.R.	
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