HUDSON COUNTY IMPROVEMENT AUTHORITY

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

WEDNESDAY, JANUARY 10, 2018
830 BERGEN AVENUE, 9TH FLOOR
JERSEY CITY, NEW JERSEY 07306
COMMENCING AT 5:43 P.M.

BOARD MEMBERS:

FRANK PESTANA, CHAIRMAN
JAMES DORAN, VICE CHAIRMAN
NICHOLAS GOLDSACK, TREASURER
FRANK LORENZO, SECRETARY
FRED M. BADO, COMMISSIONER
BRIAN DELLABELLA, COMMISSIONER (ABSENT)
JEFFREY DUBLIN, COMMISSIONER
MARTIN T. MARTINETTI, COMMISSIONER (ABSENT)
JOHN PENEDA, COMMISSIONER

APPEARANCES:

NORMAN M. GUERRA, CHIEF EXECUTIVE OFFICER
KURT CHERRY, EXECUTIVE DIRECTOR/CFO
MICHAEL O'CONNOR, ESQ. ACTING COUNSEL
CARMEN LOZANO, SENIOR EXECUTIVE ASSISTANT
ASSISTANT SECRETARY TO THE BOARD

SHARON PALMER LYNCH
CERTIFIED SHORTHAND REPORTER

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

CHRIStopher B. Langhart, ESQ. (McManimon Scotland & Baumann)
ElizABeth Ramos, Executive Assistant
JaMes poliCastrO, HCIA
Ryan J. scerbo, ESQ. (Decotiis Fitzpatrick & CoLe)
Bill Matsikoudis (Matsikoudis & Fanciullo)
DeMetrice R. MIles, ESQ (McManimon Scotland & Baumann)
DAVID F. Wisotsky (Bohler Engineering)

MS. LOZANO: We have a quorum by seven board members being present, two not present.

CHAIRMAN PeStANA: Counsel.

Mr. O'connor: Michael O'connor here tonight filling in for Bill Netchert.

Chairman, this board has met the requirements of the Open Public Meetings Act for the State of New Jersey. The time, place and date of the board meeting was included in the notice of regular board meetings schedule, which was forwarded to the Jersey Journal and The Star-Ledger for publication and was published on February 24th, 2017. It was also forwarded for posting on the public information bulletin board, to the Clerk of the Board of Chosen Freeholders, and the Clerk of the County of Hudson on February 24th, 2017. The meeting, as scheduled, was also posted on the Authority's website and the Authority's public information bulletin board.

CHAIRMAN PeStANA: Thank you.

At this time I would like a motion for approval of the minutes from the December 13th meeting.

COMMISSIONER GOlDSACK: Motion.

COMMISSIONER DorAN: Second.

CHAIRMAN PeStANA: At this time I would like to call the meeting to order.

Everyone please rise to salute the Flag.

(The Pledge of Allegiance is recited).

CHAIRMAN PeStANA: Carmen, would you call the roll please.

Ms. LOZANO: Commissioner Bado.

COMMISSIONER BA.DO: Present.

Ms. LOzANO: Commissioner Delabella.

Not present.

Commissioner Doran.

COMMISSIONER DORAN: Here.

Ms. LOzANO: Commissioner Dublin.

COMMISSIONER DUBLIN: Here.

Ms. LOzANO: Commissioner Goldsack.

COMMISSIONER GOlDSACK: Here.

Ms. LOzANO: Commissioner Lorenzo.

COMMISSIONER LORENZO: Here.

Ms. LOzANO: Commissioner Martineit.

Not present.

Commissioner Peneda.

COMMISSIONER PENA.DA: Here.

Ms. LOzANO: Chairman Pestana.

CHAIRMAN PeStANA: Here.

CHAIrMAN PeStANA: Motion by Commissioner Goldsack, seconded by Commissioner Doran.

MS. LOZANO: The minutes of December 13th, 2017 -- I forget to take the vote. Sorry.

Commissioner Bado.

COMMISSIONER BA.DO: Yes.

MS. LOZANO: Commissioner Doran.

COMMISSIONER DORAN: Yes.

Ms. LOzANO: Commissioner Dublin.

COMMISSIONER DUBLIN: Abstain.

Ms. LOzANO: Commissioner Goldsack.

COMMISSIONER GOlDSACK: Abstain.

Ms. LOzANO: Commissioner Lorenzo.

COMMISSIONER LORENZO: Yes.

Ms. LOzANO: Commissioner Peneda.

COMMISSIONER PENA.DA: Abstain.

Ms. LOzANO: Chairman Pestana.

CHAIRMAN PeStANA: Yes.

Ms. LOzANO: The minutes of December 13, 2017 passes in the affirmative by five board members voting yes, two abstentions, and two not present.

CHAIRMAN PeStANA: At this time we'll
take comments from the public on anything relating to the agenda. Would anyone in the public like to be heard?

MR. MATSIKOUDIS: Bill Matsikoudis. I'm an attorney with the law firm of Matsikoudis & Fanciullo and I'm here on behalf of my client, Sitex Corporation.

I'm going to speak for just a couple of minutes and then I'm going to turn it over to a traffic engineer. And we're here to specifically speak with regard to item ten on your agenda, which is the resolution that would provide the HCIA the authority to acquire some lots in the Township of Kearny.

So my client, Sitex Corporation, is an industrial developer that develops distribution centers or warehouses and has a track record of developing them throughout the State of New Jersey.

Sitex has been designated by the Town of Kearny as the developer for the parcel of land which is adjacent to the Koppers Koke site that this acquisition seeks to facilitate the development of.

Basically this agenda item would provide the HCIA with the ability to acquire some land on the town's property and another property adjacent to that, and that is known as the Diamond Shamrock property, which is owned by a company called Tiara, to create an accessway or a roadway so that the planned development on the Koppers Koke site can have ingress and egress.

You'll hear from our traffic engineer tonight. We have a couple of issues not with the concept of the roadway whatsoever. In fact, we're fully supportive of it and look forward to working with your developer to make a sensible roadway and to bring about the completion of it, but it's more about the size of it, and we'll get into that in a second.

There are just a couple of things that I wanted to say, which is that my client, Sitex, is very eager to move forward on this project. We submitted something, for the record, to Mr. O'Connor, which details the amount of money that my client has spent to bring about the remediation of the substantial contamination at the Kearny-owned property. We're dealing with a Superfund site there, which means it's one of the most contaminated, amongst the most contaminated sites in America. We have a track record of developing on such properties. So we're here to bring about that clean-up, bring about the development of a warehouse that will bring rateables, tax revenue to the county, to the town and jobs.

We hope that this resolution tonight is the beginning of a process pursuant to which we can negotiate all of the important matters that need to be resolved to bring about the development of the County's property as well as our property, and that begins first and foremost with the item that's on the agenda, which is this roadway, this accessway. So with that, I would like to bring up the traffic engineer from Bohler Engineering.

CHAIRMAN PESTANA: I have a question first.

COMMISSIONER GOLDSACK: Just as a point of order. Is this the venue for this? I mean it sounds like what we have over here is something that has to be discussed in a legal atmosphere.

MR. O'CONNOR: I think your point of order is well taken.

What I can say is that this is a public comment period, and it's the custom of the board to allow five minutes, I believe is the time, for any member of public to get up and speak about any item on the agenda. And I think that's the spirit in which we have entertained these comments.

I will say that we have not been provided with any engineering. Certainly we have not had any ability from our professionals, from our own engineers, PS&S, who have reviewed a lot of the or all of the engineering related to this project over a long period of time. So in that context I think it's reasonable to hear some comments from a professional, however, he's not sworn in as a professional and we haven't had the ability to have our professionals review it. So that's simply what it is. It's commentary.

MR. MATSIKOUDIS: Just three minutes to lay out our roadway design versus theirs.

MR. O'CONNOR: Right.

MR. GUERRA: And what I'm going to suggest is that at some point your engineer should get together with our engineer, John Bolen, sit in a room and get into a deeper discussion.

MR. MATSIKOUDIS: Which I think is a
great idea.

CHAIRMAN PESTANA: I have a quick question too.

MR. MATSIKOUDIS: Sure.

CHAIRMAN PESTANA: In the beginning I think you said that you’re not opposed to what’s going on, you’re just looking at reconfiguring this, right? Is that what you said?

MR. MATSIKOUDIS: Absolutely.

MR. GUERRA: And just so that the board understands, and we would say this later on. The access road will service the entire peninsula including the two million square foot proposed development warehousing for the Koppers site, the Transit, the twenty acres that Transit’s going to use, and I believe when the Standard site is developed they would also tie into that. So it’s for the whole entire peninsula including the infrastructure that will run across those roadways.

MR. O’CONNOR: And I’d reiterate back to Commissioner Goldsack’s question. In fact, since we don’t have our own professionals here that have reviewed any of the documents or statements that this engineer may testify to, it’s essentially commentary. And I think the board is within its purview to allow that commentary to be made.

COMMISSIONER GOLDSACK: Okay. Thank you.

CHAIRMAN PESTANA: Okay. I apologize. Anybody else have any questions?

(No response)

CHAIRMAN PESTANA: Thank you.

MR. WISOTSKY: So I’m David Wisotsky, principal of Bohler Engineering. I have already supplied my card over to the stenographer so she has my detailed contact info.

We have been hired by Sitex for a better part of two, two and a half years now and kind of looking at due diligence in context and the various layout options for the site. And all along that entire time the idea of an access easement through this site onto the Koppers project is adjacent to this was always kind of contemplated. I brought a simple exhibit, and I won’t get into it too deep because I know we only want to take a couple of minutes, but it’s really just a simple way to show you. This is a concept plan prepared by our office. This shows the layout, an intended layout of the concept plan of the industrial building that would be on the Sitex site.

The site that we’re discussing and the access easement would be the sites to the south of here. Everything down here. We have Belleville Turnpike in Kearny along this side, along this side of the page, which is the west side.

What we have done is we were given the easement documents that are the subject of the potential accessway and asked to superimpose them on top of the concept layout as it stands. So the red that you see on here, the red hatched area, is the easement that is being proposed.

And as you can see, where we drew our access aisle that leads to the southern piece of the site and the entryway into the site, the red is kind of much wider and overlaps and, in fact, it interferes with the parking area that we’re proposing in front of the building.

As I said when I started, the intention of this excess driveway and the access aisles that are around this site were always to handle the traffic that would be generated from this site to the south as it stands. So it is in my opinion that we don’t need an access easement that is as wide as is shown here.

A little specifics. Our access road and access aisles around here are 36 feet in width, which have done millions and millions of square feet of industrial warehouse space in northern New Jersey, in this area, that’s a very standard and typical layout that’s able to accommodate any truck traffic.

The road that’s shown superimposed on top of it is drawn at 65 feet wide and has shifted further to the east into where the building is. So I just don’t think that’s necessary.

Where the road comes in, our access has been drawn also with the idea of being able to handle WB-67, the largest tractor trailers in a high volume, large scale kind of industrial type setting.

We pre-met with the DOT, as Belleville Turnpike is under their jurisdiction, at a premeeting, just to kind of get their buy-in on the access. They have taken a look at the access and the proposed improvements we have along the street and have a general understanding that this would be something that they would permit and allow. So
all the turning you see that we have proposed on
here is with these larger tractor trailers in
mind. And really just the idea is that from our
perspective I'm sure we can work with your
engineers and then the engineers on the adjoining
site to get this access easement into this spot
where it locates within the road access that we
have. And with that it will service everybody to
any kind of industrial warehouse or traffic
standard that you can apply.

MR. O'CONNOR: Thank you.
COMMISSIONER DUBLIN: On that map your
access road is further --
MR. MATSIKOUDIS: It's underneath the
red.
MR. WISOTSKY: It's underneath the red.
MR. MATSIKOUDIS: Yours is bigger than
ours.

MR. WISOTSKY: Ours runs kind of
resistant in front of where the red is and
partially under it, but the red is just kind of
wider and set further to the west. It's our
view that it is not necessary to do that in order
to accommodate the traffic.

MR. GUERRA: Now the town has had this
-- I'm sure you have been working on it for two
years or so because I know we had asked the town
numerous times for information and what have you
on that while we were working on our design.
I'm glad you're here tonight, I'm glad
you are showing it, so we'll follow it up with the
engineers and I think that's the best way --
MR. MATSIKOUDIS: I agree.
MR. GUERRA: -- to get everybody where
they need to be.
MR. MATSIKOUDIS: We look forward to
it.

Thank you for taking the time and thank
you for listening to us.

MR. GUERRA: Thank you.
Resolution 4-2018-4 of the Hudson
County Improvement Authority authorizing payment
of certain costs and expenses of the Authority for
the month of January 2018.

CHAIRMAN PESTANA: Just a second.
MR. GUERRA: 'm sorry.
CHAIRMAN PESTANA: We'll close the
public portion now. The public portion is now
closed unless anyone else wants to be heard.
MR. GUERRA: 'm sorry.

The public portion is now closed.
MR. GUERRA: Item four, Resolution
4-2018-4 of the Hudson County Improvement
Authority authorizing payment of certain costs and
expenses for the Authority for the month of
January 2018.

CHAIRMAN PESTANA: Do we have a motion
to pay the bills?
COMMISSIONER DORAN: I will move the
motion.
CHAIRMAN PESTANA: Motion by
Commissioner Doran.
Is there a second?
COMMISSIONER LORENZO: Second by
Commissioner Lorenzo.

MS. LOZANO: Commissioner Bado.
COMMISSIONER BADO: Yes.
MS. LOZANO: Commissioner Doran.
COMMISSIONER DORAN: Yes.
MS. LOZANO: Commissioner Dublin.
COMMISSIONER DUBLIN: Yes.
MS. LOZANO: Commissioner Goldsack.
COMMISSIONER GOLDSACK: Yes.
MS. LOZANO: Commissioner Lorenzo.

COMMISSIONER LORENZO: Yes
MS. LOZANO: Commissioner Peneda.
COMMISSIONER PENEDA: Yes.
MS. LOZANO: Chairman Pestana.
CHAIRMAN PESTANA: Yes.
MS. LOZANO: Resolution 1-2018-4 passes
in the affirmative by seven board members voting
yes, two not present.

MR. GUERRA: Item five is Resolution
5-2018-5 of the Hudson County Improvement
Authority authorizing the use of competitive
contracting to obtain proposals from qualified
firms to provide golf course management services
in connection with the management and operation of
the Skyview - it's really Skyway, sorry, Golf
Course at Lincoln Park West.

As you know, back in 2013, through a
competitive contracting process, we had procured a
golf course operator. At that time we entered
into a five-year contract even though the course
is open three years. At that time they were doing
construction management the growing season. So of
the five years we have approximately one year
left, a little less than a year. The contract
does expire September 30th, 2018. And the purpose
of this resolution is to provide authorization for
us to start the process, issue the request for
proposals for the operation and management of the
golf course. So by law we have to do that every
five years.
With us is Ryan Scerbo in case you have
any questions.
We're starting a little earlier. And
what happens is I'm sure we'll get a few
respondents, and then we go through the interview
process and we score them and then pick whoever we
believe is the best.
COMMISSIONER DUBLIN: Who does the
process?
MR. GUERRA: We did it internally here
with our attorneys and also the engineers who
helped design and build the course because it's
more than just operating a clubhouse, it's the
maintenance of the greens, the fairways, the
irrigation system. It's the whole nine yards.
The company that's there has done a
good job. The course was in excellent shape.
COMMISSIONER DORAN: What's the name of
that --
COMMISSIONER DORAN: Kemper Sports.

MR. SCERBO: Kemper Sports.
MR. GUERRA: Yes, Kemper Sports. The
last time I think we had two or three.
COMMISSIONER DORAN: Right.
MR. GUERRA: I know we had two. It
came down to two or three. Billy Casper was one
and I forget the other names.
So we're going to start the process.
We advertise on our website and we go from there.
And we'll be back to the board as we go through
this. So this just gives us the authorization to
prepare the document to advertise.
CHAIRMAN PESTANA: Are there any other
questions?
(No response)
CHAIRMAN PESTANA: Are there any
motions?
COMMISSIONER GOLDSACK: Motion.
COMMISSIONER PENEDA: Second.
CHAIRMAN PESTANA: Motion by
Commissioner Goldsack, second by Commissioner
Peneda.
MS. LOZANO: Commissioner Bado.
COMMISSIONER BADO: Yes.
MS. LOZANO: Commissioner Doran.

COMMISSIONER DORAN: Yes.
MS. LOZANO: Commissioner Dublin.
COMMISSIONER DUBLIN: Yes.
MS. LOZANO: Commissioner Goldsack.
COMMISSIONER GOLDSACK: Yes.
MS. LOZANO: Commissioner Lorenzo.
COMMISSIONER LORENZO: Yes.
MS. LOZANO: Commissioner Peneda.
COMMISSIONER PENEDA: Yes.
MS. LOZANO: Chairman Pestana.
CHAIRMAN PESTANA: Yes.
MS. LOZANO: Resolution 1-2018-5 passes
in the affirmative by seven board members voting
yes, two not present.
MR. GUERRA: Item six is Resolution
6-2018-6 of the Hudson County Improvement
Authority making application to the Local Finance
Board pursuant to NISA-40A:5A-6 and 40:37A-80 with
respect to Series 2018 A Notes.
The town's participating in this
transaction are the Weehawken Special Improvement
District in the amount of $4,235,000; the City of
Union City, $7,574,000; and then there is the
Weehawken Tax Exempt Bonds in the amount, and
that's for the Town of Weehawken, $13,496,500; and

then there is the Town of Weehawken's taxable
notes, $10,237,000. The total for this tranche is
$35,542,500.
CHAIRMAN PESTANA: Does anybody have
any questions?
(No response)
CHAIRMAN PESTANA: Is there any
motions?
COMMISSIONER GOLDSACK: Motion.
CHAIRMAN PESTANA: Motion by
Commissioner Goldsack.
COMMISSIONER DORAN: Seconced.
CHAIRMAN PESTANA: Second by
Commissioner Doran.
MS. LOZANO: Commissioner Bado.
COMMISSIONER BADO: Yes.
MS. LOZANO: Commissioner Doran.
COMMISSIONER DORAN: Yes.
MS. LOZANO: Commissioner Dublin.
COMMISSIONER DUBLIN: Yes.
MS. LOZANO: Commissioner Goldsack.
COMMISSIONER GOLDSACK: Yes.
MS. LOZANO: Commissioner Lorenzo.
COMMISSIONER LORENZO: Yes.
MS. LOZANO: Commissioner Peneda.
COMMISSIONER PENEDA: Yes.
MS. LOZANO: Chairman Pestana.
CHAIRMAN PESTANA: Yes.
MS. LOZANO: Resolution 1-2018-6 passes in the affirmative by seven board members voting yes, two not present.
MR. GUERRA: Item seven is Resolution 7-2018-7 of the Hudson County Improvement Authority authorizing execution of a Solid Waste Disposal Agreement with the New Jersey Sports and Exposition Authority for the provision of solid waste disposal services for non-processible waste generated within Hudson County.
Since 2005 we have had numerous interlocal agreements with at that time New Jersey Meadowlands Commission, now the New Jersey Sports Authority, for the disposal of our Type 13 and 27 waste. That's not your typical curbside municipal waste. That's your bulk waste. That's some soils and things of that nature.
There is a little history here. In 2006 the Meadowlands Commission opened the Keegan Landfill in Kearny for the acceptance of that waste.
In 2009 we entered into an agreement whereby they would accept our waste for a period of five years. In January of 2014 we renewed the agreement and at that time it was for a period of thirty months because they were going to reach their capacity and close. In October of 2015 we were notified that it would expire, that permit that they had, on June 20th, 2016.
In anticipation of the closing at that time we had gone out to bid, you will remember this, and Waste Management bid, and we actually awarded the contract to Waste Management.
Shortly thereafter we were notified by the Sports Authority that they had filed condemnation proceedings with the Town of Kearny to keep the landfill open. Then at that time, being it was open, and Waste Management was going to charge $10 more per ton, we terminated -- we never really began. We awarded the contract, but we never really began bringing waste there. So that contract -- we sat with Waste Management, that was voided out, and we continued with the Sports Authority.
Shortly thereafter the Court ruled that the Sports Authority had been authorized to take title and possession, and there were other matters that had to be resolved. Those matters included a certificate of authority to operate.
And then in December of 2016 we executed another agreement while the condemnation action and all that was happening finished.
And again, in 2017 that's when we get the notice that they got the certificate to operate until November 14th, 2018. So there is a period of time now that they are permitted to operate. So what we are proposing here in this resolution is another extension to keep taking our Type 13 waste there up until November 14th, 2018. That is still going back and forth with the Town of Kearny, the court, The Sports Authority, but right now they are permitted to operate, and as long as they are operating they will be our designated facility.
Keep in mind that very little Type 13 goes there because Type 13, under the recycling, is permitted to go to a materials recovery facility, which is always a little cheaper than the landfill. So a lot of all this go to these MRFs, which is rightfully so. The State encourages them to get the recycling numbers up, and then any residual would go to the landfill.
The cost per ton remains the same, the $60 per ton. So the resolution just authorizes the extension to the existing agreement to take us through November 14th, 2018.
CHAIRMAN PESTANA: Does anybody have any questions?
(No response)
CHAIRMAN PESTANA: Do we have any motions?
COMMISSIONER DORAN: Motion.
CHAIRMAN PESTANA: Motion by Commissioner Doran.
COMMISSIONER GOLDSACK: I'll second it.
CHAIRMAN PESTANA: Second by Commissioner Goldsack.
MS. LOZANO: Commissioner Bado.
COMMISSIONER BADO: Yes.
MS. LOZANO: Commissioner Doran.
COMMISSIONER DORAN: Yes.
MS. LOZANO: Commissioner Dublin.
COMMISSIONER DUBLIN: Yes.
MS. LOZANO: Commissioner Goldsack.
COMMISSIONER GOLDSACK: Yes.
MS. LOZANO: Commissioner Lorenzo.
COMMISSIONER LORENZO: Yes.
MS. LOZANO: Commissioner Peneda.

COMMISSIONER PENEDA: Yes.

MS. LOZANO: Commissioner Doran

COMMISSIONER DORAN: Yes.

MS. LOZANO: Commissioner Dublin.

COMMISSIONER DUBLIN: Yes.

MS. LOZANO: Commissioner Goldsack.

COMMISSIONER GOLDSACK: Yes.

MS. LOZANO: Commissioner Lorenzo.

COMMISSIONER LORENZO: Yes.

MS. LOZANO: Commissioner Peneda.

COMMISSIONER PENEDA: Yes.

MS. LOZANO: Resolution 1-2018-8 passes in the affirmative by seven board members voting yes, two not present.

MR. GUERRA: Item eight is Resolution 8-2018-8 of the Hudson County Improvement Authority authorizing an extension of the contract with Advanced Enterprises Recycling, Inc. for disposal of all processible waste generated within Hudson County.

I'll talk trash again. In November of 2013 the Authority awarded a contract to Advanced Enterprises to accept 425, on average 425,000 tons of our municipal waste. At that time we entered into the agreement for three years. We also had a two-year, two one-year options attached to that agreement. And those options were solely the option of the Authority to extend for the two-year period. So based on our special counsel's discussions and negotiations with Advanced it had been determined that it would be advantageous to us to extend the two years rather than rebid it now.

That company has agreed to hold their price firm for the fourth year that they originally bid at $63.40 per ton. However, in year five, the last year of the contract, they are willing to reduce it by a dollar per ton. So that would go down to $65 versus the $66.50.

The resolution again before you provides the authorization for us to exercise our option and extend the contract through June 30th, 2020.

We did the same thing the last time it expired and we negotiated it downward.

CHAIRMAN PESTANA: Are there questions?

(No response)

CHAIRMAN PESTANA: Are there any motions?

COMMISSIONER GOLDSACK: Motion.

CHAIRMAN PESTANA: Motion by Commissioner Goldsack.

Is there a second?

COMMISSIONER PENEDA: I'll second it.

CHAIRMAN PESTANA: Section by Commissioner Peneda.

MS. LOZANO: Commissioner Bado.

COMMISSIONER BADO: Yes.

MS. LOZANO: Commissioner Doran

COMMISSIONER DORAN: Yes.

MS. LOZANO: Commissioner Dublin.

COMMISSIONER DUBLIN: Yes.

MS. LOZANO: Commissioner Goldsack.

COMMISSIONER GOLDSACK: Yes.

MS. LOZANO: Commissioner Lorenzo.

COMMISSIONER LORENZO: Yes.

MS. LOZANO: Commissioner Peneda.

COMMISSIONER PENEDA: Yes.

MS. LOZANO: Resolution 1-2018-8 passes in the affirmative by seven board members voting yes, two not present.

MR. GUERRA: Item number nine is Resolution 9-2018-9, 2018 Subordinated Supplemental Bond Resolution authorizing the issuance of not to exceed $4,500,000 Subordinated Waterfront Improvement Bonds or Notes of the Hudson County Improvement Authority and determining other matters related thereto.

With us tonight is Chris Langhart from McManimon, Scotland & Baumann, who maybe could briefly summarize the transaction.

MR. LANGHART: Yes. Thank you

Chris Langhart of McManimon, Scotland & Baumann, bond counsel to the Authority.

Good evening, commissioners. Thank you for hearing me.

This is a resolution before you that we do every year. This relates to resolution six above. It's part of the pooled loan financing that we do every year. Were issue short term obligations on behalf of the Weehawken Special Improvement District. We first did it in 2010 in the amount of $11 million. We have been paying it down ever since.

This year we're going to renew the outstanding note which is $6,177,000 and pay it down to, as Norman said earlier, about four million two. We're being asked to authorize - we're saying not to exceed four and a half million because we will give ourselves a little leeway as the market conditions change.

We anticipate the same old story.

We'll do it for about a year and we'll come back to you in a year and we'll make another pay-down until they are finally paid off.
The bonds are paid by special assessments imposed by Weehawken. The only property owner in the district is Hartz Mountain Industries, so they're the ones that actually end up paying for the bonds.

If you have any questions I would be happy to answer them.

CHAIRMAN PESTANA: Does anybody have any questions?

(No response)

CHAIRMAN PESTANA: Are there any motions?

COMMISSIONER DORAN: Motion to approve.

CHAIRMAN PESTANA: Motion by Commissioner Doran.

COMMISSIONER GOLDSACK: I'll second it.

CHAIRMAN PESTANA: Seconded by Commissioner Goldsack.

MS. LOZANO: Commissioner Bado.

COMMISSIONER BADO: Yes.

MS. LOZANO: Commissioner Doran.

COMMISSIONER DORAN: Yes.

MS. LOZANO: Commissioner Dublin.

COMMISSIONER DUBLIN: Yes.

MS. LOZANO: Commissioner Goldsack.

COMMISSIONER GOLDSACK: Yes.

MS. LOZANO: Commissioner Lorenzo.

COMMISSIONER LORENZO: Yes.

MS. LOZANO: Commissioner Peneda.

COMMISSIONER PENEDA: Yes.

MS. LOZANO: Chairman Pestana.

CHAIRMAN PESTANA: Yes.

MS. LOZANO: Resolution 1-2018-9 passes in the affirmative by seven board members voting yes, two not present.

MR. GUERRA: Item ten is Resolution 10-2018-10 of the Hudson County Improvement Authority authorizing the acquisition of certain property located within the Town of Kearny identified as Block 286, lots 37.01, 37.03; and Block 287, Lots 5, 5.01, 45, 48, 50, 79, 81 and 82.

In order to advance the development of the entire site, the entire Koppers peninsula and the site, it has become necessary to acquire the properties for the planning and development and construction of the roadways.

The properties of interest will be needed not only for the roadways, but also all of the infrastructure that has to go through there.

They include portions of the Standard Chlorine, a Jersey City site, Diamond Shamrock Chemical Company site, the eastern portion of the Bellezza site, and a portion of property adjacent to the Belleville Turnpike.

If you recall last month we retained the services of an appraiser, so this just begins to start the whole process. All these little parcels will have to be appraised and then go from there.

And if I may, I know STEX was here earlier. And just so that the board is clear, we had been requesting what they just showed us for probably close to a year through their attorney, and they kept saying it's coming, it's coming. We didn't receive that until Friday.

MR. O'CONNOR: We never actually received it. We got a a smart phone photo of a portion of that.

COMMISSIONER DORAN: Is that similar to what we saw tonight?

MR. O'CONNOR: It's similar to it, yes, but we haven't seen --

COMMISSIONER DORAN: Have you seen that before?

MR. O'CONNOR: No, we have not seen that full design before that was presented - that was shown on that board tonight. We saw a portion of it I think it was Friday.

COMMISSIONER GOLDSACK: Do you have a copy of the portion?

COMMISSIONER DORAN: No. My question was whether you saw that design that they showed tonight before?

MR. GUERRA: No. This is what we got.

MR. O'CONNOR: This is what we got.

MR. GUERRA: It didn't look like that board.

MR. O'CONNOR: Actually I had to use the app on my phone to clear it up. This is what we got. Demetrous Miles is here from McManimon & Scotland. It was sent to Glenn Scotland on Friday I think.

MR. GUERRA: And it's unfortunate because it would have made everything a lot easier if they would have just come to the table and sit with the engineers.

MR. O'CONNOR: In addition, the resolution that's before the board right now doesn't preclude us from working with the Town of
MR. GUERRA: On their end?
COMMISSIONER DORAN: Yes, if they don't --
MR. GUERRA: Oh, you mean with us in terms of the size?
COMMISSIONER DORAN: Right.
MR. GUERRA: You see, what they have to understand, which I'm sure they do, is it's going to service the whole entire Koppers site, which is two million square feet. I forgot how many square feet they're proposing for their building. And then you got the Transit traffic. That's a lot of trucks coming out of a two million --
And talking to our engineer earlier today, John, who looked at that, said they got to show me an engineering degree. There is a certain class, I forget what they call it - of a type of tractor trailers where there are certain diameters that you have to show. You have to have that. And you have to get approval from both the Sports Authority and the DOT. And I know when ours was designed it was all done with the input from the DOT. So some of that might have been dictated, but I don't think it's much wider.
MR. O'CONNOR: It doesn't appear to be.

And again the Board, and as counsel and as CEO, we gave, I think, which was a great courtesy, to allow them not just to state their concerns or how they believe they will progress as the developer, but also to allow them to have an engineer come and make some comments about this. But we haven't had the opportunity to have any of that.

I think it's fair to say that with the cooperation of the Town of Kearny, who owns this property, and the Sports and Exposition Authority, which is the land use entity responsible for any approvals on this property for development as well as DOT, that this will all be worked out for the betterment of that entire peninsula.

The other thing I will say, because we discussed this the last time when we had been going through the different pieces of this. The Tiara piece, the Tiara part which is where that big elbow is, that's not owned by the Town of Kearny. That's owned by a private entity and he has just taken it out of bankruptcy. And one of the steps tonight will be the first step to make sure that no matter what happens with that, there is an intersection on that property that
will access this entire peninsula including the
property owned by Keaney. It's not clear that
Keaney would have the ability legally to condemn
it on their own. They may or may not, but we're
taking the step to do that. And ultimately the
developer, Morris Companies, as part of our
Purchase and Sale Agreement, if we're going to
take any action here ultimately to condemn, they're
going to pay for it. There are the legal fees,
the professional fees, as well as the costs of
acquisition.
MR. GUERRA: And they refer to
remediation, and there is a responsible party
there who -- I mean they made certain statements
here, but when you talk to the responsible party,
who is the same responsible party for us, it's
still a long way off from remediation.
MR. O'CONNOR: There are still Edison
Battery Factory buildings on the easement from
1907.
MR. GUERRA: That can't be demolished
yet.
MR. O'CONNOR: So it's going to be
awhile.
MR. GUERRA: It's going to be a while.

MS. LOZANO: Chairman Pestana.
CHAIRMAN PESTANA: Yes.
MS. LOZANO: Resolution 1-2018-10
passes in the affirmative by six board members
voting yes, one abstention, and two not present.
MR. GUERRA: Item Eleven, Resolution
11-2018-11 of the Hudson County Improvement
Authority approving an amendment to the Hudson
County District Solid Waste Management Plan by
administrative action modifying the operating
hours for Lincoln Recycling Services, Inc.
Transfer Station/Materials Recovery Facility
located at 4711 Dell Avenue in the Township of
North Bergen and County of Hudson.
Lincoln Recycling, which is a materials
recovery facility, has requested an amendment to
the County plan as it relates to their operating
hours. They are currently permitted to accept a
thousand tons a day and they are permitted to
accept waste Monday through Friday from 7:00 a.m.
to 7:00 p.m. and on Saturdays from 7:00 a.m. to
3:00 p.m. They also process waste Monday through
Friday from 7:00 a.m. to 10:00 p.m. and on
Saturdays from 7:00 a.m. to 5:00 p.m.
I do believe there is an error in the
resolution, and just let the record reflect that
it's 5:00 p.m. Monday. I think in the resolution
it reads 10:00 p.m. that they process waste on
Saturdays. So we will have to just change that. I
c caught that when I was doing the notes.
The modification is based on a
six-month trial basis, and the Authority and the
Township of North Bergen reserve the right to
rescind the approval for this modification. They
were looking to increase to operate 24/7, but the
Town doesn't want to do that, and we respect the
Town's wishes, so they agree to at least let them
open two hours earlier every morning Monday
through Friday and on Saturdays. So this
amendment will permit them to do that.
COMMISSIONER DORAN: Where is this
located?
MR. GUERRA: This is on Dell Avenue
below Tonnelle Avenue around 45th.
COMMISSIONER DORAN: Okay. That's not
the one off West Side.
MR. GUERRA: No, no.
CHAIRMAN PESTANA: It's on the other
side of West Side Avenue.
MR. GUERRA: It's on the other side of
the railroad tracks.

CHAIRMAN PESTANA: It's a little further north.

MR. GUERRA: So now they are going to accept waste at 5:00 a.m. and stop accepting at 7:00 p.m. and on Saturdays 5:00 a.m. to 5:00 p.m.; and processing waste from 5:00 a.m. to 7:00 p.m. and Saturdays 5:00 a.m. to 7:00 p.m. so basically they have two additional hours to operate. That's what this comes to.

And this is done by administrative action, which means we send a letter down to the DEP, the DEP will then process it, visit the facility, there are certain things that the facility will have to do, and then it will go through.

CHAIRMAN PESTANA: Are there any other questions?

(No response)

CHAIRMAN PESTANA: Are there any motions?

MR. GUERRA: Jeff, do you have a question?

COMMISSIONER DUBLIN: Yes. In my role with Jersey City I have business with Lincoln.

MR. GUERRA: Because you guys utilize that facility.

COMMISSIONER DUBLIN: Yes.

CHAIRMAN PESTANA: So are you going to abstain?

COMMISSIONER DUBLIN: Yes.

CHAIRMAN PESTANA: Are there any motions?

COMMISSIONER DORAN: Motion.

CHAIRMAN PENDERA: I'll second it Commissioner Doran, seconded by Commissioner Peneda.

MS. LOZANO: Commissioner Bado.

COMMISSIONER BADO: Yes.

MS. LOZANO: Commissioner Doran.

COMMISSIONER DORAN: Yes.

MS. LOZANO: Commissioner Dublin.

COMMISSIONER DUBLIN: Abstain.

MS. LOZANO: Commissioner Goldsack.

COMMISSIONER GOLDSACK: Yes.

MS. LOZANO: Commissioner Loreno.

COMMISSIONER LORENO: Yes.

MS. LOZANO: Commissioner Peneda.

COMMISSIONER PENEDA: Yes.

MS. LOZANO: Commissioner Pestana.

CHAIRMAN PESTANA: Yes.

MS. LOZANO: Resolution 1-2018-11 passes in the affirmative by six board members voting yes, one abstention, and two not present.

MR. GUERRA: Chairman, one other item under finance, and I know Kurt has a couple of comments on the budget.

MR. Cherry.

MR. CHERRY: Thank you.

The budget was originally scheduled to be adopted at tonight's meeting.

COMMISSIONER DORAN: I was wondering where it was.

MR. CHERRY: So the budget is not being presented tonight because the Authority finance regulations require that the Division give their approval to the budget prior to your final approval, and we have not received that. We had some information that we needed to get to them. So I would anticipate that that budget will be presented to you for final adoption in the February meeting.

Thank you.

CHAIRMAN PESTANA: Thank you.

MR. GUERRA: Other than that, Chairman

-- Frank.

COMMISSIONER LORENZO: I want to know about the schedule for the meetings.

MR. GUERRA: That will be February's meeting. That's our regular meeting in February.

We schedule the dates for the meeting then.

COMMISSIONER LORENZO: For the whole year or just the --

MR. GUERRA: For the whole year.

MS. LOZANO: Are we still looking to do it on the --

MR. GUERRA: Same day.

MS. LOZANO: -- second Wednesday of the month?

COMMISSIONER LORENZO: To me that sounds good.

MR. GUERRA: So we will probably keep it the same, but that will all be in the packet for the next meeting.

A VOICE: Is that Valentine's Day?

MS. LOZANO: Yes, it is Valentine's Day.

COMMISSIONER DUBLIN: I make a motion
to change that date.

CHAIRMAN PESTANA: Anything else?

(No response)

CHAIRMAN PESTANA: Is there a motion to adjourn?

COMMISSIONER DORAN: Motion to adjourn.

CHAIRMAN PESTANA: Motion by Commissioner Doran.

COMMISSIONER GOLDSACK: Second.

CHAIRMAN PESTANA: Second by Commissioner Goldsack.

All in favor.

COMMISSIONER BADO: Aye

COMMISSIONER DORAN: Aye.

COMMISSIONER DUBLIN: Aye.

COMMISSIONER GOLDSACK: Aye.

COMMISSIONER LORENZO: Aye.

COMMISSIONER PENEDA: Aye.

CHAIRMAN PESTANA: Aye.

The meeting is adjourned.

(The meeting is concluded at 6:25)

CERTIFICATION

I, Sharon Palmer Lynch, C.C.R., License Number X100796, a Certified Court Reporter of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of my stenographic notes of the within proceedings to the best of my knowledge and ability.

Sharon Palmer Lynch, C.C.R.

Dated: January 12, 2018