HUDSON COUNTY IMPROVEMENT AUTHORITY

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

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WEDNESDAY, JULY 10, 2019
830 BERGEN AVENUE, 9TH FLOOR
JERSEY CITY, NEW JERSEY

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

APPEARANCES:
NORMAN M. GUERRA, CHIEF EXECUTIVE OFFICER
WILLIAM J. NETCHERT, GENERAL COUNSEL
ELIZABETH RAMOS, ASSISTANT SECRETARY TO
THE BOARD

R.J. O'CONNELL ASSOCIATES
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R.J. O'CONNELL ASSOCIATES, INC. (973) 239-7252
ALSO PRESENT:

MARY-ELLEN GILPIN, HCIA

JAMES POLICASTRO, HCIA

MICHAEL O'CONNOR, HCIA

MICHAEL COMBA, HOBOKEN STRATEGY GROUP

JEFF LANIGAN, MBI

PHIL SWIBINSKI, VISION MEDIA

LESLIE G. LONDON, ESQUIRE
McMANIMON, SCOTLAND & BAUMANN
(The meeting commences at 5:36 p.m.)

CHAIRMAN PESTANA: We'll call the meeting to order.

Everyone please rise to salute the flag.

(The Pledge of Allegiance is recited.)

CHAIRMAN PESTANA: Mr. Netchert.

MR. NETCHERT: We need to call the roll first.

CHAIRMAN PESTANA: Call the roll, Liz.

MS. RAMOS: Commissioner Bado, not present. Commissioner Dellabella, not present. Commissioner Doran, not present. Commissioner Dublin.

COMMISSIONER DUBLIN: Present.

MS. RAMOS: Commissioner Goldsack.

COMMISSIONER GOLDSACK: Here.

MS. RAMOS: Commissioner Lorenzo.

COMMISSIONER LORENZO: Present.

MS. RAMOS: Commissioner Martinetti, not present. Commissioner Peneda.

COMMISSIONER PENEDA: Here.

MS. RAMOS: Chairman Pestana.

CHAIRMAN PESTANA: Here.

MS. RAMOS: Chairman, we have a quorum with five board members present, four not present.
CHAIRMAN PESTANA: Mr. Netchert.

MR. NETCHERT: Yes, Mr. Chairman. This is a public meeting. Notice of tonight's meeting was forwarded to The Jersey Journal and The StarLedger for publication in their respective newspapers on Thursday, February 14, 2019. Notice was also forwarded to the Clerk of the County of Hudson and the Clerk of the Hudson County Board of Freeholders for posting on their respective bulletin boards. And notice was posted on the bulletin board outside of this meeting room and on the Authority's website. These notices are all in compliance with the requirements of the Open Public Meetings Act.

CHAIRMAN PESTANA: Thank you. Okay. So at this time, we'll call for approval of the minutes of the June 5th meeting.

COMMISSIONER GOLDSACK: Motion.

COMMISSIONER DUBLIN: Second.

CHAIRMAN PESTANA: We have a motion by Commissioner Goldsack, second by Commissioner Dublin.

MS. RAMOS: Commissioner Dublin.

COMMISSIONER DUBLIN: Yes.

MS. RAMOS: Commissioner Goldsack.
COMMISSIONER GOLDSACK: Yes.

MS. RAMOS: Commissioner Lorenzo.

COMMISSIONER LORENZO: Yes.

MS. RAMOS: Commissioner Peneda.

COMMISSIONER PENEDA: Yes.

MS. RAMOS: Chairman Pestana.

CHAIRMAN PESTANA: Yes.

MS. RAMOS: The minutes for June 5th, 2019, are now approved with five board members voting yes, four not present.

CHAIRMAN PESTANA: Okay. At this time, we'll take comments from the public anything related to the agenda. Seeing none, the public portion is now closed.

MR. GUERRA: Item Number 4, Resolution Number 7-2019-4 of the Hudson County Improvement Authority authorizing payment of certain costs and expenses of the Authority for the month of July 2019.

COMMISSIONER DUBLIN: Motion.

COMMISSIONER PENEDA: Second.

CHAIRMAN PESTANA: We have a motion by Commissioner Dublin, second by Commissioner Peneda.

MS. RAMOS: Commissioner Dublin.
COMMISSIONER DUBLIN: Yes.
MS. RAMOS: Commissioner Goldsack.
COMMISSIONER GOLDSACK: Yes.
MS. RAMOS: Commissioner Lorenzo.
COMMISSIONER LORENZO: Yes.
MS. RAMOS: Commissioner Peneda.
COMMISSIONER PENEDA: Yes.
MS. RAMOS: Chairman Pestana.
CHAIRMAN PESTANA: Yes.
MS. RAMOS: Resolution Number 7-2019-4
passes, as amended, with five board members voting
yes, four not present.
MR. GUERRA: Item Number 5, Resolution
Number 7-2019-5 of the Hudson County Improvement
Authority authorizing prequalification regulations
for public works projects with the value of
$250,000 or more, exclusive of land acquisition
costs and the performance of which will require
the use of craft workers.

At the request of the county
administration, we were asked to adopt the
prequalification regulations for public works
projects. With us this evening is Leslie London
from McManimon and Scotland who will outline the
program, the process that needs to be followed,
and also conduct the public hearing that we're required to have. Leslie.

MS. LONDON: Yes, good evening, everyone. Hopefully, my voice will not give out.

MR. NETCHERT: Leslie, if you think you don't have enough and if Mike can help with some of the preliminary, I'm serious, or myself.

MS. LONDON: Okay. We'll play it by ear.

Good evening again. As the Executive Director mentioned, we are moving forward to adopt public works projects prequalification regulations that are required under the Local Public Contracts Law. The Local Public Contracts Law requires that prior to adopting such regulations, you must hold a public hearing. And notice of the public hearing has to be given 20 days prior to the hearing. So tonight will be the public hearing prior to your taking action on the resolution to adopt the regulations.

The first item before we open the public hearing is to read the notice that was published in the two newspapers into the record.

"Notice is hereby given that pursuant to N.J.S.A. 40A:11-25, the Hudson County Improvement
Authority shall hold a Public Hearing on the adoption of Public Works Projects Prequalification Regulations which provide: (1) that all bidders on Authority public works projects valued in excess of $250,000 shall be required to employ craft workers who are currently enrolled in or have graduated from a federal or state approved apprenticeship program or who have equivalent work experience as determined by the Authority; and (2) that all bidders on Authority public works projects valued in excess of $250,000 shall be required to employ workers who have undergone appropriate OSHA-certified or equivalent safety training.

"The purpose of the public hearing tonight is to provide an opportunity for the public to be heard regarding the Proposed Public Works Projects Prequalification Regulations.

"Please take further notice that the Hudson County Improvement Authority may take action by way of Resolution after the public hearing on the Proposed Public Works Projects Prequalification Regulations at the meeting tonight, which is July 10th, 2019."

First, we should have a motion to open a
public hearing on the regulations.

CHAIRMAN PESTANA: Need a motion to open
the public hearing.

COMMISSIONER PENEDA: I'll make the
motion.

CHAIRMAN PESTANA: Motion by
Commissioner Peneda.

COMMISSIONER GOLDSACK: Second.

CHAIRMAN PESTANA: Second by
Commissioner Goldsack. Roll call, Liz.

MS. RAMOS: Commissioner Dublin.

COMMISSIONER DUBLIN: Yes.

MS. RAMOS: Commissioner Goldsack.

COMMISSIONER GOLDSACK: Yes.

MS. RAMOS: Commissioner Lorenzo.

COMMISSIONER LORENZO: Yes.

MS. RAMOS: Commissioner Peneda.

COMMISSIONER PENEDA: Yes.

MS. RAMOS: Chairman Pestana.

CHAIRMAN PESTANA: Yes.

MS. LONDON: Just briefly, as the
Executive Director had mentioned, the County of
Hudson had reached out to the Authority and also
to the other Hudson County authorities and
agencies requesting that they implement
prequalification regulations on certain public works projects. As I had mentioned in the notice, this -- these regulations have been adopted by the County of Hudson, they did so in 2018. And they were approved by DCA last year.

So what is being proposed tonight is to be consistent with the process that is being followed by the County with respect to these public work projects. As mentioned, they affect projects that exceed $250,000 and are public work projects under the Local Public Contracts Law.

In order to have prequalification regulations, you must first go through the process of having a public hearing. And then we need to submit certain certifications and a copy of the regulations to DCA for approval. And we will have a transcript of the proceeding this evening, which will also go down to Trenton with the documentation. And we will not be able to implement the regulations until receiving approval from the DCA, which can take anywhere up to maybe 30 days or so.

So, in general, the regulations will require that contractors, subcontractors that are interested in bidding on contracts issued by the
Authority in excess of $250,000, that involve
public works and require the use of craft workers,
that they be prequalified. There will be a
questionnaire that will be required for them to
fill out to provide their qualifications. There
will be an evaluation process, which is
specifically set forth in the regulations what
type of information will be required and how they
will be evaluated.

If they are determined to meet those
qualifications, they will be considered a
qualified bidder and then will be able to bid on
these particular type of contracts.

For purposes of the record, public works
project is defined as any work performed for or on
behalf of the Authority for the construction,
reconstruction, demolition, alteration, repair are
or maintenance work on any Authority property.

Apprenticeship program refers to a
structured system of workplace and classroom
training under the supervision of experienced
workers designed to prepare individuals for
occupations and lifelong careers in skilled trades
and crafts.

And, finally, a craft worker, what is a
craft worker? It means manual workers of relatively high skill level having a thorough and comprehensive knowledge of the processes involved in their work. Craft workers exercise considerable independent judgment and manual dexterity. Craft workers ordinarily acquire their skills through an extensive period of training or from a formal apprenticeship program. Examples of craft workers include, but are not limited to, buildings trades, hourly paid supervisors, lead operators who are not members of management, mechanics, repairers, skilled machine operations, electricians, and like trades.

So as I mentioned the process will require prospective bidders to complete a questionnaire. The questionnaire will solicit various information from them. If they don't have an apprenticeship program for their workers, if the workers have sufficient experience, there can be an exception to that requirement. And that is laid out in the regulations.

The process, as I mentioned, will require the approval of the Resolution this evening and the submission of the regulations and a certification from the Executive Director and
the transcript of tonight's proceeding to go to
the Department of Community Affairs, who will then
review the process that has been followed and the
regulations to make sure that they comply with the
Local Public Contracts Law. And then if they
agree that it does, the regulations will be
approved and the Authority will be able to
implement them going forward with respect to
public work contracts that exceed $250,000. Are
there any questions?

COMMISSIONER GOLDSACK: This is a
requirement in order to receive approval from the
division, that we pass this resolution; is that
correct?

MS. LONDON: It's not something that you
have to do, but if you want to impose any type of
prequalifications in your bid specifications, yes.
Under local public contracts law, you have to get
approval to do so. And the County is requesting
that each of the county agencies, consistent with
what they did, to also adopt such regulations. In
fact the regulations are verbatim of the County.

COMMISSIONER GOLDSACK: Thank you.

CHAIRMAN FESTANA: Any other questions?

Do we have to vote on this now?
MS. LONDON: If there's any member of
the public that would like to speak?

CHAIRMAN PESTANA: Nobody from the
public on this?

We have to close the hearing.

COMMISSIONER DUBLIN: Chairman, this is
just for county agencies, only county agencies?

MS. LONDON: Your regulations will deal
only with the Authority.

COMMISSIONER DUBLIN: Not the
municipalities, right?

MS. LONDON: Correct.

COMMISSIONER DUBLIN: Okay.

CHAIRMAN PESTANA: Okay.

MR. NETCHERT: Need to close the public.

COMMISSIONER DUBLIN: Motion.

CHAIRMAN PESTANA: Motion by
Commissioner Dublin to close the public meeting.

COMMISSIONER GOLDSACK: Second.

CHAIRMAN PESTANA: Second by
Commissioner Goldsack. Roll call, please.

MS. RAMOS: Commissioner Dublin.

COMMISSIONER DUBLIN: Yes.

MS. RAMOS: Commissioner Goldsack.

COMMISSIONER GOLDSACK: Yes.
MS. RAMOS: Commissioner Lorenzo.

COMMISSIONER LORENZO: Yes.

MS. RAMOS: Commissioner Peneda.

COMMISSIONER PENEDA: Yes.

MS. RAMOS: Chairman Pestana.

CHAIRMAN PESTANA: Yes.

CHAIRMAN PESTANA: We have to take a motion --

MS. RAMOS: So we're now back to the caption of the resolution, which the Executive Officer read into the record, which you can read it again.

MR. GUERRA: I'll read it Item Number 5 again, Resolution Number 7-2019-5 of the Hudson County Improvement Authority authorizing prequalification regulations for public works projects with a value of $250,000 or more, exclusive of land acquisition costs and the performance of which will require the use of craft workers.

MR. NETCHERT: And, Commissioners, as explained to you by counsel, you could not vote on this until such time as there was a public hearing on the board's intent to adopt this Resolution. We just went through and created a public record
of the public hearing on this matter, which now
authorizes you to take a vote and proceed with
this.

CHAIRMAN PESTANA: Okay. Can I have a
motion?

COMMISSIONER GOLDSACK: Motion.

COMMISSIONER PENEDA: I'll second it.

CHAIRMAN PESTANA: Motion by
Commissioner Goldsack, second by Commissioner
Peneda.

MS. RAMOS: Commissioner Dublin.

COMMISSIONER DUBLIN: Yes.

MS. RAMOS: Commissioner Goldsack.

COMMISSIONER GOLDSACK: Yes.

MS. RAMOS: Commissioner Lorenzo.

COMMISSIONER LORENZO: Yes.

MS. RAMOS: Commissioner Peneda.

COMMISSIONER PENEDA: Yes.

MS. RAMOS: Chairman Pestana.

CHAIRMAN PESTANA: Yes.

MS. RAMOS: Resolution 7-2019-5 passes
in the affirmative with five board members voting
yes, four not present.

CHAIRMAN PESTANA: Thank you, Leslie.

MS. LONDON: Thank you.
MR. GUERRA: Thank you, Leslie. Item Number 6, Resolution Number 7-2019-6 of the Hudson County Improvement Authority authorizing the purchase of workers compensation insurance through Scirocco Financial Group. Liberty Mutual's renewal proposal is actually $3,697 less than the expiring contract, which was in the amount of $204,788. The renewal premium amount is $201,091. There was a change in the governing class of the workers' comp policy as it relates to the municipal employees code, that had a reduction and a premium discount, which we believe lowered the rates. The renewal premium with Liberty Mutual began July 7, 2019, and will continue through July 7, 2020.

And there was -- Liz, did you hand out the new? There is a typo on the resolution at the bottom. It said it would commence on July 7, 2019, and continue through July 7, 2019, that's been corrected. It should read, for the record, continue through July 7, 2020.

CHAIRMAN PESTANA: Okay. Any questions?

Any motions?

COMMISSIONER PENEDA: I'll make the motion.
CHAIRMAN PESTANA: Motion by Commissioner Peneda.

COMMISSIONER GOLDSACK: I'll second.

CHAIRMAN PESTANA: Second by Commissioner Goldsack.

MS. RAMOS: Commissioner Dublin.

COMMISSIONER DUBLIN: Yes.

MS. RAMOS: Commissioner Goldsack.

COMMISSIONER GOLDSACK: Yes.

MS. RAMOS: Commissioner Lorenzo.

COMMISSIONER LORENZO: Yes.

MS. RAMOS: Commissioner Peneda.

COMMISSIONER PENEDA: Yes.

MS. RAMOS: Chairman Pestana.

CHAIRMAN PESTANA: Yes.

MS. RAMOS: Resolution 7-2019-6 passes the in affirmative with five board members voting yes, four not present.

MR. GUERRA: Item Number 7, Resolution Number 7-2019-7 of the Hudson County Improvement Authority making application to the local finance board pursuant to N.J.S.A. 40A:5A-6 and N.J.S.A. 40:37A-80. This resolution before you relates to the financing for the Casino in the Park project in the amount not to exceed 7.5 million. This
covers the costs for the site preparation, soft
costs, and the construction of the new facility.
As you recall, we had this -- we've discussed this
at prior meetings. The County is committed to
putting approximately $6 million into the core and
shell of the facility and the operator will
finance the rest of the construction for the
building.

But this resolution is to make
application to the local finance board, the
authority will issue the bonds, with a county
guarantee behind it. That's pretty much where we
are with it right now.

COMMISSIONER DUBLIN: Did they come up
with a copy of the shell?

MR. GUERRA: No. Right now, we're
negotiating the lease, we're negotiating with the
one company, which is Landmark Hospitality. And
their professional team is meeting with our
professional team to start talking about design
and concepts. When they submitted their
original -- their response to the RFQ/RFP, they
had a conceptual in there, just as the other
company did. So now we're getting into talking
about the design.
COMMISSIONER DUBLIN: Once they come up with a design --

MR. GUERRA: First, we have to finish negotiating the lease, then we do the design. Once we get that, you know, we'll be back here, present it to you.

COMMISSIONER DUBLIN: All right.

MR. GUERRA: To the board.

CHAIRMAN PESTANA: Any other questions? Any motions?

COMMISSIONER GOLDSACK: Motion.

CHAIRMAN PESTANA: Motion by Commissioner Goldsack.

COMMISSIONER PENEDA: I'll second.

CHAIRMAN PESTANA: Second by Commissioner Peneda.

MS. RAMOS: Commissioner Dublin.

COMMISSIONER DUBLIN: Yes.

MS. RAMOS: Commissioner Goldsack.

COMMISSIONER GOLDSACK: Yes.

MS. RAMOS: Commissioner Lorenzo.

COMMISSIONER LORENZO: Yes.

MS. RAMOS: Commissioner Peneda.

COMMISSIONER PENEDA: Yes.

MS. RAMOS: Chairman Pestana.
CHAIRMAN PESTANA: Yes.

MS. RAMOS: Resolution 7-2019-7 passes in the affirmative with five board members voting yes, four not present.

MR. GUERRA: Chairman, I don't have anything else. Maryellen, anything? Chairman, that's all we have for this evening.

CHAIRMAN PESTANA: So we have a motion to adjourn?

COMMISSIONER DUBLIN: Yes.

COMMISSIONER PENEDA: Second.

CHAIRMAN PESTANA: Motion by Commissioner Dublin, second by Commissioner Peneda. All in favor?

(All Commissioners indicate their vote.)

CHAIRMAN PESTANA: Motion carried.

(The meeting adjourned at 5:56 p.m.)
CERTIFICATE

I HEREBY CERTIFY that the foregoing is a true and accurate transcript of the testimony and proceedings as taken stenographically by me at the time, place, and on the date hereinbefore set forth.

[Signature]

SUSAN BISCHOFF, CCR, RPR
LICENSE NO. 30XI00233700

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