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HUDSON COUNTY IMPROVEMENT AUTHORITY

IN THE MATTER OF : TRANSCRIPT OF
THE REGULAR MONTHLY MEETING : PROCEEDINGS
HELD ELECTRONICALLY VIA ZOOM :

THURSDAY, NOVEMBER 5, 2020
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 (ABSENT)
- FRED M. BADO, COMMISSIONER (ABSENT)
- BRIAN DELLABELLA, COMMISSIONER
- JEFFREY DUBLIN, COMMISSIONER
- MARTIN T. MARTINETTI, COMMISSIONER
- JOHN PENEDA, COMMISSIONER

A P P E A R A N C E S:

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

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

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ALSO PRESENT:

- MICHAEL O'CONNOR, ESQUIRE, HCIA
- GILLIAN HANSEN, HCIA
- JOSEPH CAPOZZOLI, HCIA
- TED DOMURACKI
- LESLIE LONDON, ESQUIRE
- DAVID DRUMELER

1 (The meeting commences at 5:34 p.m.)

2 CHAIRMAN PESTANA: Welcome, everyone, to
3 the Hudson County Improvement Authority regular
4 board meeting. Could everyone please rise to
5 absolute the flag.

6 (The Pledge of Allegiance is recited.)

7 CHAIRMAN PESTANA: Thank you. I
8 apologize my video is not working. Hopefully, I
9 can get it going at some point during the meeting,
10 but all right. Roll call, please.

11 MS. RAMOS: Commissioner Bado, not
12 present. Commissioner Dellabella.

13 COMMISSIONER DELLABELLA: Present.

14 MS. RAMOS: Commissioner Doran, not
15 present. Commissioner Dublin.

16 COMMISSIONER DUBLIN: Present.

17 MS. RAMOS: Commissioner Goldsack.

18 COMMISSIONER GOLDSACK: Present.

19 MS. RAMOS: Commissioner Lorenzo, not
20 present. Commissioner Martinetti.

21 COMMISSIONER MARTINETTI: Present.

22 MS. RAMOS: Commission Peneda.

23 COMMISSIONER PENEDA: Present.

24 MS. RAMOS: Chairman Pestana.

25 CHAIRMAN PESTANA: Present.

1 MS. RAMOS: Chairman, we have a quorum
2 with six board members present, three not present.

3 CHAIRMAN PESTANA: Okay. Thank you.
4 All right. At this time, I'm going to call for
5 approval of the minutes of the regular board
6 meeting of October 14th.

7 COMMISSIONER GOLDSACK: Motion.

8 COMMISSIONER DELLABELLA: Second.

9 CHAIRMAN PESTANA: Motion by
10 Commissioner Goldsack. Second by Commissioner
11 Dellabella, I believe.

12 COMMISSIONER DELLABELLA: Yes.

13 MS. RAMOS: Commissioner Dellabella.

14 COMMISSIONER DELLABELLA: Yes.

15 MS. RAMOS: Commissioner Dublin.

16 COMMISSIONER DUBLIN: Yes.

17 MS. RAMOS: Commission Goldsack.

18 COMMISSIONER GOLDSACK: Yes.

19 MS. RAMOS: Commissioner Martinetti.

20 COMMISSIONER MARTINETTI: Yes.

21 MS. RAMOS: Commissioner Peneda.

22 COMMISSIONER PENEDA: Yes.

23 MS. RAMOS: Chairman Pestana.

24 CHAIRMAN PESTANA: Yes.

25 MS. RAMOS: The minutes of October 14,

1 2020, are approved with six board members voting
2 yes, three not present.

3 CHAIRMAN PESTANA: Okay. Before we move
4 on, Counselor, are we in compliance with the
5 sunshine law?

6 MR. O'CONNOR: Commissioner, yes, we
7 are. This meeting was published along with the
8 schedule of all our regular meetings pursuant to
9 the Open Public Meetings Act and as amended in the
10 governor's standing executive orders related to
11 the COVID-19 emergency and public meetings, it's
12 been also -- notice of this has been published on
13 our website, along with information necessary for
14 the public to participate via Zoom. And also for
15 the public to participate related to comments
16 through the Zoom meeting or prior to the meeting
17 by email.

18 CHAIRMAN PESTANA: Okay. So thank you.
19 So any comments from the public, who were supposed
20 to be provided via email and we will respond to
21 them?

22 MR. O'CONNOR: Yes. And, in fact,
23 Commissioner, I just noticed from one of the
24 attendees is a Rutgers student named Tiffany Xu,
25 X-U. Tiffany sent me an email just before the

1 meeting emailed just asking a question about what
2 we were doing regarding COVID-19. I'm not sure if
3 that was a request to speak at the meeting or not.

4 But I'm going to ask any of the
5 attendees now who wish to speak at the meeting to
6 use the icon to raise their hand.

7 Commissioner, I do not see any of the
8 attendees raising their hand. And I'll just take
9 the opportunity to tell Tiffany Xu that I'll
10 respond to her email after the meeting. So with
11 that, I don't believe we have any other comment
12 and we can proceed.

13 CHAIRMAN PESTANA: Thank you.

14 MR. GUERRA: Item Number 4, Resolution
15 Number 11-2020-4 of the Hudson County Improvement
16 Authority authorizing payment of certain costs and
17 expenses of the Authority for the month of
18 November 2020.

19 CHAIRMAN PESTANA: Do we have any
20 motions to pay the bills?

21 COMMISSIONER DELLABELLA: Motion.

22 CHAIRMAN PESTANA: I didn't catch who
23 that was.

24 COMMISSIONER DELLABELLA: Commissioner
25 Dellabella.

1 COMMISSIONER PENEDA: Second,
2 Commissioner Peneda.

3 CHAIRMAN PESTANA: Thank you.

4 MS. RAMOS: Commissioner Dellabella.

5 COMMISSIONER DELLABELLA: Yes.

6 MS. RAMOS: Commissioner Dublin.

7 COMMISSIONER DUBLIN: Yes.

8 MS. RAMOS: Commissioner Goldsack.

9 COMMISSIONER GOLDSACK: Yes.

10 MS. RAMOS: Commission Martinetti.

11 COMMISSIONER MARTINETTI: Yes.

12 MS. RAMOS: Commissioner Peneda.

13 COMMISSIONER PENEDA: Yes.

14 MS. RAMOS: Chairman Pestana.

15 CHAIRMAN PESTANA: Yes.

16 MS. RAMOS: Resolution Number 11-2020-4
17 passes in the affirmative, six board members
18 voting yes, three not present.

19 MR. GUERRA: Item Number 5, Resolution
20 Number 11-2020-5 of the Hudson County Improvement
21 Authority authorizing execution of a subcontract
22 for Hudson TMA FY 2021 TMA work program between
23 the Hudson Transportation Management Association,
24 which is our TMA, the North Jersey Transportation
25 Planning Authority, and the New Jersey Institute

1 of Technology.

2 The resolution before you authorizes
3 again the execution of this subcontract between
4 the parties I noted in the amount of \$510,000.
5 The contract covers the period from July 1, 2020,
6 through June 30, 2021. The funding, for the most,
7 part covers the costs relating to TMA activities
8 throughout Hudson County. Jay, I know, is on the
9 call. Jay, you want to expand about the programs?

10 MR. DiDOMENICO: Yeah, this is basically
11 the same contract since our first contract with
12 the TMA. It represents the largest amount of the
13 four contracts that the TMA enjoys and it covers
14 all the work that we do regarding transportation
15 with the community, business, municipalities, and
16 all of our safety programs.

17 MR. GUERRA: Thank you, Jay.

18 CHAIRMAN PESTANA: Thanks, Jay. Anybody
19 have any questions on this? Any motions?

20 COMMISSIONER GOLDSACK: Motion.

21 CHAIRMAN PESTANA: Motion by
22 Commissioner Goldsack.

23 COMMISSIONER PENEDA: I'll second.

24 CHAIRMAN PESTANA: Second by
25 Commissioner Peneda.

1 MS. RAMOS: Commissioner Dellabella.

2 COMMISSIONER DELLABELLA: Yes.

3 MS. RAMOS: Commissioner Dublin.

4 COMMISSIONER DUBLIN: Yes.

5 MS. RAMOS: Commissioner Goldsack.

6 COMMISSIONER GOLDSACK: Yes.

7 MS. RAMOS: Commissioner Martinetti.

8 COMMISSIONER MARTINETTI: Yes.

9 MS. RAMOS: Commissioner Peneda.

10 COMMISSIONER PENEDA: Yes.

11 MS. RAMOS: Chairman Pestana.

12 CHAIRMAN PESTANA: Yes.

13 MS. RAMOS: Resolution 11-2020-5 passes
14 in the affirmative, six board members voting yes,
15 three not present.

16 MR. GUERRA: Item Number 6, Resolution
17 Number 11-2020-6 of the Hudson County Improvement
18 Authority authorizing the acquisition of certain
19 properties located within the town of Kearny
20 identified as Block 287, Lot 79.

21 As you're aware, although we closed on
22 the Koppers sites, we're still pursuing the
23 acquisition of properties to provide access to the
24 entire peninsula. Again, the property referred to
25 in the resolution as Lot 79, is owned by James A.

1 Salerno Enterprises, and is also known as the
2 Pulesa property.

3 If you recall in 2018, the Board
4 provided the necessary authorization to pursue
5 this acquisition. And through our professionals,
6 they have negotiated a fair market value for the
7 parcel. And in accordance with the terms outlined
8 in the amendment, the purchase sales agreement
9 between the Authority and the MKA, which is the
10 Morris Kearny Associates Group, is responsible to
11 fund the acquisition costs. The resolution before
12 you just authorizes our professionals to execute
13 the contract relating to this acquisition.

14 Mike, do you have anything you need to
15 add to that?

16 MR. O'CONNOR: I don't believe so.

17 CHAIRMAN PESTANA: All right. Does
18 anybody have any questions on this?

19 COMMISSIONER PENEDA: How much was the
20 acquisition cost?

21 MR. GUERRA: Approximately \$2,000,000, I
22 believe?

23 MR. O'CONNOR: Yes. So it's \$2,000,000
24 and so that the \$2,000,000 will be put in escrow.

25 MR. NETCHERT: Yeah, it's only the fees,

1 Commissioner. It's not a fee for purchase.

2 MR. O'CONNOR: It's for a right-of-away.
3 The so \$2,000,000 purchase price will be put into
4 escrow pursuant to our agreement by Morris with us
5 prior to entering into the contract with the sale.
6 And then beyond that, any of our expenses related
7 to that are attorneys' fees, any of the other
8 expenses related to the acquisition of the
9 right-of-way will be borne by Morris as part of
10 their agreement with us that was entered into
11 prior to closing.

12 And the purpose of this is a public
13 purpose, it's to provide access to New Jersey
14 Transit and whatever facility they ultimately
15 build on the site, as well as Morris, as well as
16 anything else that goes on on that entire
17 peninsula. So it's providing access to the entire
18 peninsula. It's one of the access points.

19 CHAIRMAN PESTANA: Okay. Any other
20 questions? Any motions?

21 COMMISSIONER GOLDSACK: Motion.

22 COMMISSIONER DELLABELLA: Second.

23 CHAIRMAN PESTANA: Okay. We have a
24 motion by Commissioner Goldsack, second by
25 Commissioner Dellabella.

1 MS. RAMOS: Commissioner Dellabella.

2 COMMISSIONER DELLABELLA: Yes.

3 MS. RAMOS: Commissioner Dublin.

4 COMMISSIONER DUBLIN: Yes.

5 MS. RAMOS: Commissioner Goldsack.

6 COMMISSIONER GOLDSACK: Yes.

7 MS. RAMOS: Commissioner Martinetti.

8 COMMISSIONER MARTINETTI: Yes.

9 MS. RAMOS: Commissioner Peneda.

10 COMMISSIONER PENEDA: Yes.

11 MS. RAMOS: Chairman Pestana.

12 CHAIRMAN PESTANA: Yes.

13 MS. RAMOS: Resolution 11-2020-6 passes
14 in the affirmative, six board members voting yes,
15 three not present.

16 MR. GUERRA: Item Number 7, Resolution
17 Number 11-2020-7 of the Hudson County Improvement
18 Authority authorizing further negotiations
19 regarding the construction of the Honorable Frank
20 J. Guarini Justice Complex.

21 On October 29th, we did receive new
22 final value engineered price proposals from
23 Gilbane Construction in the amount of \$344,000,000
24 and Terminal Construction Corp. in the amount of
25 \$314,000,000. As a result, the project technical

1 team and the county selection committee reviewed
2 and discussed the price proposals for design/build
3 services. While both proposals were deemed not to
4 be acceptable by the selection committee, in that
5 they exceeded the estimated budget, the lowest
6 price proposal submitted by Terminal Construction
7 was \$30,000,000 less than that of Gilbane.

8 With that said, the recommendation
9 received from the county selection committee was
10 for the project technical team to engage in
11 further discussions with Terminal Construction to
12 negotiate an agreement, which would be
13 satisfactory to the selection committee.

14 Therefore, the resolution before you
15 authorizes the negotiations with Terminal
16 Construction for construction of the justice
17 complex. I know on the call is Dave Drumeler,
18 who's been working as part of the project team,
19 with the selection committee, also Leslie London,
20 and also Ted Domuracki of MAST Construction, if
21 you have any questions related to this item.

22 CHAIRMAN PESTANA: Any board members
23 have any questions?

24 COMMISSIONER GOLDSACK: Yes. My
25 question is we're not rejecting the bids, what

1 we're doing is we're negotiating with just one
2 vendor?

3 MR. GUERRA: Leslie, you want to answer?

4 MS. LONDON: Actually, you are rejecting
5 in the sense that you're not accepting either one
6 because they exceed -- they both exceeded the
7 amount, the estimated amount. So because of the
8 difference, as it was just stated, between the
9 two, the negotiations will continue with the
10 lowest of the two, which was Terminal.

11 COMMISSIONER GOLDSACK: Does the other
12 vendor have any issue with this? That we're only
13 negotiating with one and not the other as far as
14 the price?

15 MS. LONDON: Well, it's not their
16 decision, it's the decision of the Authority via
17 the recommendation of the selection committee.
18 Under the redevelopment law, you are authorized to
19 negotiate directly with one, two, or three, it
20 doesn't have a specific amount or number of people
21 that you need to negotiate with. And Ted will
22 probably add into it about the difference, there
23 was a significant difference between the two
24 respondents. So it didn't make reasonable sense
25 to continue with both at this point because

1 Terminal has consistently be the lowest respondent
2 in the three times that we've gone back out on
3 this.

4 COMMISSIONER GOLDSACK: Okay, thank you.

5 CHAIRMAN PESTANA: Any other questions?

6 All right. So do we have a motion then to
7 approve?

8 COMMISSIONER GOLDSACK: Motion.

9 COMMISSIONER DELLABELLA: Second.

10 CHAIRMAN PESTANA: Motion by
11 Commissioner Goldsack, second by Commissioner
12 Dellabella.

13 MS. RAMOS: Commissioner Dellabella.

14 COMMISSIONER DELLABELLA: Yes.

15 MS. RAMOS: Commissioner Dublin.

16 COMMISSIONER DUBLIN: Yes.

17 MS. RAMOS: Commissioner Goldsack.

18 COMMISSIONER GOLDSACK: Yes.

19 MS. RAMOS: Commissioner Martinetti.

20 COMMISSIONER MARTINETTI: Yes.

21 MS. RAMOS: Commissioner Peneda.

22 COMMISSIONER PENEDA: Yes.

23 MS. RAMOS: Chairman Pestana.

24 CHAIRMAN PESTANA: Yes.

25 MS. RAMOS: Resolution 11-2020-7 passes

1 in the affirmative, six board members voting yes,
2 three not present.

3 MR. GUERRA: Chairman, that's all I have
4 for this evening for tonight's agenda.

5 CHAIRMAN PESTANA: If there's no other
6 business, do we have a motion to adjourn?

7 COMMISSIONER GOLDSACK: Motion.

8 COMMISSIONER DELLABELLA: Motion.

9 CHAIRMAN PESTANA: All in favor?

10

11 (All board members indicate their vote.)

12

13 (Whereupon the meeting was adjourned at
14 5:49 p.m.)

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C E R T I F I C A T E

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

11
12
13 *Susan Bischoff*

14 SUSAN BISCHOFF, CCR, RPR
15 LICENSE NO. 30XI00233700
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