RESOLUTION OF THE HUDSON COUNTY IMPROVEMENT AUTHORITY AUTHORIZING PAYMENT OF CERTAIN COSTS AND EXPENSES OF THE AUTHORITY FOR THE MONTH OF SEPTEMBER

WHEREAS, the costs and expenses set forth on the attached list, having been reviewed and authorized for payment by the Finance Committee with the Chief Executive Officer from funds available for such purpose, are herewith presented to the Authority's Board for final approval and authorization to pay.

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The foregoing is a true and complete copy of a resolution of the Hudson County Improvement Authority adopted at a meeting thereof duly called and held on Wednesday, September 25, 2013.

CARMEN LOZANO, ASSISTANT SECRETARY
(SEAL)

WHEREAS, the United States Department of Health and Human Services, Health Resources and Services Administration, has notified the County of Hudson that it has been awarded an HIV Emergency Relief Grant under the Ryan White Treatment Modernization Act of 2006 for a period of four months beginning March 1, 2013 through June 30, 2013 in the amount of One Million, Six Hundred Twenty Seven Thousand, Twenty Seven ($1,627,027.00) Dollars for the distribution to various social services agencies; and

WHEREAS, pursuant to a Resolution of the Hudson County Board of Chosen Freeholders Resolution No. 147-3-2013, Fifty Six Thousand ($56,000.00) Dollars of said Grant has been allocated to the Hudson County Improvement Authority/Planning Council Support for a period of four months beginning on March 1, 2013 through June 30, 2013; and

WHEREAS, an additional formula allocation of Thirty-Seven Thousand, Three Hundred Sixteen ($37,316.00) Dollars was approved by the Director of the Department of Health and Human Services of the County of Hudson on July 17, 2013 which was approved by a Resolution of the Hudson County Board of Chosen Freeholders; and

WHEREAS, a new Supplemental Contract Amount of Seventy-One Thousand, Six Hundred Eighty Four ($71,684.00) Dollars was also approved by the Department of Health and Human Services of the County of Hudson on July 17, 2013 which was also approved by a Resolution of the Hudson County Board of Chosen Freeholders; and

WHEREAS, as a result of the initial grant allocation and the formula allocation and the new supplemental contract amount, the total contract amount for the period March 1, 2013 through February 28, 2014 is One Hundred Sixty Five Thousand ($165,000.00) Dollars; and

WHEREAS, Resolution No. 8-2013-6 which was approved by this Board on August 14, 2013 was incomplete and should be rescinded; and

WHEREAS, Health Resources and Services Administration (HRSA) policy dictates that the staff to the HIV/AIDS Planning Council be independent of the grantee (Hudson County) and thereby necessitating the establishment of a host (sub grantee) situation; and
WHEREAS, the County of Hudson has requested this Authority to continue to act as a subgrantee for the purposes of supplying staff assistance to the HIV/AIDS Planning Council; and

WHEREAS, the Planning Council has recommended the continued employment of Marvin W. Krieger as Director of Hudson County HIV/AIDS Service Planning Council; and

WHEREAS, funding for the staff position and all related costs to the operation are covered by the Ryan White Grant Funds awarded to the County of Hudson and there will be no cost to this Authority; and

WHEREAS, this Authority shall be allowed an administrative cost, not to exceed 5% of the grant allocation; and

WHEREAS, it is the desire of this Authority to renew the Subgrant Agreement with the County of Hudson to provide for the needed staff services for the HIV/AIDS Planning Council; and

WHEREAS, it is the further desire of this Authority, subject to the execution of an Agreement with the County of Hudson, to continue the employment of Marvin W. Krieger at the position of Director of Hudson County HIV/AIDS Services Planning Council effective March 1, 2013; and

WHEREAS, the Agreement between this Authority and the County of Hudson is exempt from the bidding provisions of the Local Public Contracts Law pursuant to N.J.S.A. 40:A:11-5(2).

NOW, THEREFORE, BE IT RESOLVED by the Hudson County Improvement Authority as follows:

1. The aforesaid recitals are incorporated herein as though fully set forth at length.

2. The Chairman, Vice-Chairman, Chief Executive Office and/or the Executive Director/CFO of the Authority in consultation with the Chairman, is hereby authorized and directed to execute an Agreement with the County of Hudson to provide staff services for the HIV/AIDS Planning Council for the period of four months beginning on March 1, 2013 through February 28, 2014.

3. The Authority, subject to the execution of an Agreement with the County of Hudson, hereby authorizes the continuation of employment with Marvin W. Krieger in the position of Director of Hudson County HIV/AIDS Services Planning Council effective March 1, 2013.

4. Resolution No. 8-2013-6 adopted on August 14, 2013 is hereby rescinded.
5. A copy of this Resolution together with a copy of the Agreement shall be forwarded to the Clerk of the Board of Chosen Freeholders for public inspection. The Resolution and the Agreement are also available for public inspection at the offices of the Authority located at 830 Bergen Avenue, 9th floor, Jersey City, New Jersey from 9:00 a.m. to 5:00 p.m.

6. This resolution shall take effect immediately.

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The foregoing is a true and complete copy of a resolution of the Hudson County Improvement Authority adopted at a meeting thereof duly called and held on Wednesday, September 25, 2013.

CARMEN LOZANO, ASSISTANT SECRETARY
(SEAL)
RESOLUTION OF THE HUDSON COUNTY IMPROVEMENT AUTHORITY MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:5A-6

WHEREAS, the Hudson County Improvement Authority (the "Authority") desires to make application to the Local Finance Board for its review and/or approval of a proposed project financing, collectively on behalf of the cities of Hoboken, Jersey City and Union City, the Township of Weehawken, the Town of West New York, and the Parking Authority of the Township of Weehawken, through the Authority's $300,000,000 County-Guaranteed Pooled Note Local Unit Loan Program, in accordance with Sections 54(a) of the county improvement authorities law (N.J.S.A. 40:37A-54(a)); and

WHEREAS, the Authority believes that:

(a) it is in the public interest to accomplish such purpose;

(b) said purpose or improvements are for the health, welfare, convenience or betterment of the inhabitants of the local unit or units;

(c) the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant;

(d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the local unit or units and will not create an undue financial burden to be placed upon the local unit or units;

NOW THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF THE HUDSON COUNTY IMPROVEMENT AUTHORITY AS FOLLOWS:

Section 1. The application to the Local Finance Board is hereby approved, and the Authority’s Bond Counsel and financial advisor, along with other representatives of the Authority, are hereby authorized to prepare such application and to represent the Authority in matters pertaining thereto.

Section 2. The Secretary or Assistant Secretary of the Authority is hereby directed to prepare and cause bond counsel to the Authority to file a copy of this resolution with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute.
Section 4. This resolution shall take effect immediately.

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CARMEN LOZANO, ASSISTANT SECRETARY (SEAL)
RESOLUTION OF THE HUDSON COUNTY IMPROVEMENT
AUTHORITY APPROVING A CONTRACT WITH
HUDSON COMMUNITY ENTERPRISES, INC.
FOR BUILDING MAINTENANCE SERVICES
AS A SHELTERED WORKSHOP UNDER THE
NEW JERSEY LOCAL PUBLIC CONTRACTS LAW

WHEREAS, the Hudson County Improvement Authority (the "Authority") requires a labor force to perform a range of building maintenance services for the Authority's main office at 830 Bergen Ave., Jersey City, New Jersey; and

WHEREAS, these services had previously been performed for the Authority at its prior offices as part of the lease obligation of the Landlord at 574 Summit Avenue, Jersey City, New Jersey; and

WHEREAS, the Hudson County Enterprises Inc., 68-70 Tuers Avenue, Jersey City, New Jersey, is a non-profit company dedicated to providing special needs persons with opportunities to gain valuable work experience and has the ability to perform the building maintenance services required as set forth in their proposal to Norman Guerra, Chief Executive Office, a copy of which is available at the Authority's offices; and

WHEREAS, Hudson Community Enterprises, Inc. is a sheltered workshop as the term is defined under the New Jersey Public Contracts Law at N.J.S.A. 40A:11-5(n); and

WHEREAS, the Contract term will be from September 9, 2013 to September 8, 2014 in an amount not to exceed Thirty-two Thousand Four Hundred ($32,400.00) Dollars; and

WHEREAS, this contract is not subject to the "Pay to Play" regulations of N.J.S.A. 19:44A:20.4 as the award is being made to a not-for-profit agency providing sheltered workshop training and employment services for eligible persons; and

WHEREAS, the Authority's Chief Financial Officer has certified that sufficient funds are available for this purpose in the Authority's Budget; and

WHEREAS, N.J.S.A. 40A:11-5(n) of the Local Public Contracts Law authorizes the awarding of a contract to a sheltered workshop employing handicapped persons without advertising for bids and bidding.

NOW THEREFORE, BE IT RESOLVED, by the Hudson County Improvement Authority as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Authority hereby authorizes the Chairman, Vice-Chairman, Chief Executive Officer and/or Executive Director/CFO in consultation with the Chairman to execute a Contract with the Hudson County Enterprises Inc., located at 68-70 Tuers Avenue, Jersey City, New Jersey for compensation not to exceed Thirty-two Thousand Four Hundred ($32,400.00) Dollars in accordance with the proposal submitted to the Authority, subject to the availability of funds, commencing on September 9, 2013 and terminating on December 31, 2013 consistent with the Local Public Contracts Law and any other law.

3. Notice of this action shall be published as required by law.

4. A copy of this Resolution together with a copy of the executed Contract shall be forwarded to the Clerk of the Board of Chosen Freeholders for public inspection and will also be available for public inspection at the offices of the Authority located at 574 Summit Avenue, 5th floor, Jersey City, New Jersey between the hours of 9:00 a.m. and 5:00 p.m.

5. This resolution shall take effect immediately.

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The foregoing is a true and complete copy of a resolution of the Hudson County Improvement Authority adopted at a meeting thereof duly called and held on Wednesday, September 25, 2013.

[Signature]

CARMEN LOZANO, ASSISTANT SECRETARY
(SEAL)
RESOLUTION OF THE HUDSON COUNTY IMPROVEMENT AUTHORITY RECOMMENDING THE NAME CHANGE BY ADMINISTRATIVE ACTION OF IESI NJ CORP. FACILITY PLAN INCLUSION

WHEREAS, the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. (the "Act"), designated each of the 21 Counties in the State of New Jersey and the Hackensack Meadowlands District, as solid waste management districts, and required each such district to adopt a solid waste management plan; and

WHEREAS, on November 18, 1985, the Board of Chosen Freeholders of the County of Hudson has designated the Hudson County Improvement Authority (the "Authority") as the implementing agency for the Hudson County Solid Waste Management Plan (the "Plan") and the Authority has been charged with implementing, updating and amending the aforesaid Plan from time to time; and

WHEREAS, the Authority has received an application from Sims Municipal Recycling stipulating the change of operators of the Facility, owned by Simsmetal East LLC, formerly operated by IESI NJ Corp., located at 5 Linden Avenue East, Jersey City, New Jersey; Block 1507, Lots 2L-6; and

WHEREAS, the applicant desires to have the facility's name changed to reflect said change of operators by means of an Administrative Action; and

WHEREAS, the Authority by this resolution, adopts by Administrative Action the change to the facility's name to Sims Municipal Recycling.

NOW, THEREFORE, BE IT RESOLVED, by the Hudson County Improvement Authority, as follows:

1. The aforesaid recitals are incorporated herein as if fully set forth at length.

2. The Authority hereby recommends that the facility formerly known as IESI NJ Corp. located at 5 Linden Avenue East, Jersey City, New Jersey; Block 1507, Lots 2L-4 be amended to reflect the change of operator to Sims Municipal Recycling.
3. A copy of this Resolution shall be forwarded to the New Jersey Department of Environmental Protection.

4. Notice of this action shall be published as required by law.

5. A copy of this Resolution together with a copy of the executed Contract, shall be forwarded to the Clerk of the Board of Chosen Freeholders for public inspection and is also available for public inspection at the offices of the Authority located at 830 Bergen Avenue, 9th floor, Jersey City, New Jersey between the hours of 9:00 a.m. and 5:00 p.m.

6. This Resolution shall take effect immediately.

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CARMEN LOZANO, ASSISTANT SECRETARY
(SEAL)
RESOLUTION OF THE HUDSON COUNTY IMPROVEMENT AUTHORITY AUTHORIZING AN AMENDMENT TO THE CONTRACT FOR LEGAL SERVICES WITH SEDITA, CAMPISANO & CAMPISANO, LLC

WHEREAS, the Authority and Sedita, Campisano & Campisano, a limited liability corporation (hereinafter referred to as the “Attorneys”) entered into a contract to provide legal services; and

WHEREAS, throughout the course of this year, the Authority has been actively engaged in the development of the Lincoln Park West Site consisting of the closure of the existing landfill area, a New Jersey Department of Environmental Protection Wetland Restoration Project; and construction of a nine-hole golf course (the “Project”); and

WHEREAS, as part of the development of the Project certain issues arose necessitating legal services that were both greater in scope than originally anticipated and unforeseen; and

WHEREAS, additional legal services were, and continue to be, required to ensure that the vendor awarded contracts by the Authority to complete the Containment Dewatering Facility, as well as Transition Area and Earthwork Services fulfilled its obligations to the Authority; and

WHEREAS, the Authority required additional legal services with respect to the acquisition of the requisite volume of fill material needed for the Project; and

WHEREAS, litigation captioned Hudson County Improvement Authority vs. Green Construction, Inc. (Docket No. HUD-L-1242-12) involving a dispute regarding payment for fill material supplied by the Authority to Green Construction, Inc. has been significantly more active as the parties attempted to resolve the matter through non-binding mediation and will agree to binding arbitration; and

WHEREAS, as a result of the foregoing circumstances, the Authority has determined that the previous authorized amount is insufficient for the legal services required from the Attorneys; and

WHEREAS, the services being provided by the Attorneys constitute exception to the Local Public Contracts Law under N.J.S.A. 40A:11-5(1)(a); and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. requires that the resolution authorizing an Amendment to a Contract for professional legal services without competitive bids and the Amendment itself, be available for public inspection; and

WHEREAS, the Executive Director/Chief Financial Officer has certified that sufficient funds are available in the 2013 Operating Budget:
NOW, THEREFORE, BE IT RESOLVED, by the Hudson County Improvement Authority as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.

2. The Authority hereby authorizes the Chairman, the Vice Chairman and/or the Chief Executive Officer in consultation with the Chairman of the Authority to execute and Amendment to the Contract between the Authority and Sedita, Campisano & Campisano in order to increase the contract amount by $100,000 for a total contract amount of $150,000, all work to be provided on the time and expense basis in accordance with the conditions of the current Contract for the project.

3. A copy of this Resolution shall be available for public inspection in the office of the Clerk of the Board of Chosen Freeholders and the offices of the Authority located at 830 Bergen Avenue, 9th floor, Jersey City, New Jersey between the hours of 9:00 a.m. and 5:00 p.m.

4. This resolution shall take effect immediately.

5. This resolution shall be published as required by law.

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CARMEN LOZANO, ASSISTANT SECRETARY
(SEAL)
RESOLUTION OF THE HUDSON COUNTY IMPROVEMENT AUTHORITY AUTHORIZING AN AMENDMENT TO THE CONTRACT FOR CONSULTING SERVICES WITH TERRACON CONSULTING ENGINEERS

WHEREAS, the Authority and Terracon Consulting Engineers, a professional corporation (hereinafter referred to as the "Consultant") entered into a contract to provide Consulting Services; and

WHEREAS, throughout the course of this year, the Authority has been actively engaged in the development of the Lincoln Park West Site consisting of the closure of the existing landfill area, a New Jersey Department of Environmental Protection ("NJDEP") Wetland Restoration Project, and construction of a nine-hole golf course (the "Project"); and

WHEREAS, as detailed in following paragraphs, during the development of the Project issues arose that were greater in scope than anticipated resulting in an on-going need by the Authority for a Third Party Review Engineer; and

WHEREAS, the volume of fill material required for the Project was significantly more than the originally estimated 600,000 cubic yards and, at this time, has exceeded 1,000,000 cubic yards; and

WHEREAS, as a result of the increased volume of fill material needed for the Project, the requisite Consulting Services necessary to ensure that the additional sources of fill material met Project specifications likewise increased; and

WHEREAS, the increased volume of fill material needed to complete the Project required extensions of the time period during which the Authority would accept the fill material and similarly extended the time that the Authority required a Third Party Review Engineer's Consulting Services; and

WHEREAS, as a result of the foregoing circumstances, the Authority has determined that the previous authorized amount is insufficient for the Consulting Services required from the Consultant; and

WHEREAS, the Executive Director/CFO has certified that sufficient funds are available in the 2013 Operating Budget; and

NOW, THEREFORE, BE IT RESOLVED, by the Hudson County Improvement Authority as follows:
1. The aforementioned recitals are incorporated herein as though fully set forth at length.

2. The Authority hereby authorizes the Chairman, the Vice Chairman, the Chief Executive Officer and/or the Executive Director/CFO in consultation with the Chairman of the Authority to execute an Amendment to the Contract between the Authority and Terracon Consulting Engineers in order to increase the contract amount by $75,000 for a total contract amount of $150,000, all work to be provided on the time and expense basis in accordance with the conditions of the current Agreement for the project.

3. A copy of this Resolution shall be available for public inspection in the office of the Clerk of the Board of Chosen Freeholders and the offices of the Authority located at 830 Bergen Avenue, 8th floor, Jersey City, New Jersey between the hours of 9:00 a.m. and 5:00 p.m.

4. This resolution shall take effect immediately.

5. This resolution shall be published as required by law.

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The foregoing is a true and complete copy of a resolution of the Hudson County Improvement Authority adopted at a meeting thereof duly called and held on Wednesday, September 25, 2013.

Carmen Lozano, Assistant Secretary
(SEAL)
RESOLUTION OF THE HUDSON COUNTY IMPROVEMENT
AUTHORITY AUTHORIZING EXECUTION OF AN AGREEMENT
WITH NEW JERSEY DEPARTMENT OF TRANSPORTATION
AND HUDSON TMA / HCIA FOR SAFE ROUTES TO SCHOOL
NON-INFRASTRUCTURE PROGRAM

WHEREAS, the New Jersey Department of Transportation, in fulfilling its obligations
with the Federal Highway Administration under the provisions of Section 104(f) and Section
123 of 23 U.S.C. has established the 2013-2015 Safe Routes to School Non-Infrastructure
Program as specified in the TMA's 2013 - 2015 Work Program; and

WHEREAS, the New Jersey Department of Transportation has requested the Hudson
Transportation Management (TMA) Association through the Hudson County Improvement
Authority (HCIA) to provide support services necessary for the accomplishment of the 2013-
2015 Safe Routes to School Non-Infrastructure Program as specified in the TMA’s 2013-2015
Work Program; and

WHEREAS, the New Jersey Department of Transportation is desirous of entering into
a cost reimbursement agreement to be known as Task Order No. 3 for Support of the 2013-
2015 Safe Routes to School Non-Infrastructure Program under and as part of the New 2009
Basic Agreement No. TMA-8(09) dated February 2, 2010, with the TMA through the HCIA;
and

WHEREAS, Task Order No. 3 shall be for the time period of September 1, 2013
through August 31, 2015 and shall be for an amount not to exceed Two Hundred Thirteen
Thousand, Three Hundred Fifty Nine Dollars and Thirty Nine Cents ($213,359.39), which
funds shall be provided from the Federal Highway Administration Funds Agreement with the
Department of Transportation; and

WHEREAS, the TMA through the HCIA is desirous of entering into the Task Order No.
3 reimbursement agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Hudson County Improvement
Authority as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at
length.
2. The Authority hereby authorizes the Chairman, the Vice Chairman, Chief Executive Officer and/or the Executive Director/CFO in consultation with the Chairman of the Authority to execute the costs reimbursement agreement entitled Task Order No. 3 for the support of the 2013-2015 Safe Routes to School Non-Infrastructure Program with the New Jersey Department of Transportation on behalf of the Hudson Transportation Management Association in the amount of Two Hundred Thirteen Thousand, Three Hundred Fifty Nine Dollars and Thirty Nine Cents ($213,359.39) for the period of September 1, 2013 through and including August 31, 2015.

3. Notice of this action shall be published as required by law.

4. A copy of this Resolution shall be available for public inspection in the office of the Clerk of the Board of Chosen Freeholders and the offices of the Authority located at 830 Bergen Avenue, 9th floor, Jersey City, New Jersey between the hours of 9:00 a.m. and 5:00 p.m.

5. This resolution shall take effect immediately.

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CARMEN LOZANO, ASSISTANT SECRETARY
(SEAL)
RESOLUTION OF THE HUDSON COUNTY IMPROVEMENT
AUTHORITY AUTHORIZING EXECUTION OF A SUBCONTRACT
FOR FY 2014 BETWEEN THE TRANSPORTATION MANAGEMENT
ASSOCIATION AND THE NORTH JERSEY TRANSPORTATION
PLANNING AUTHORITY AND THE NEW JERSEY
INSTITUTE OF TECHNOLOGY

WHEREAS, the Hudson Transportation Management Association through the
Hudson County Improvement Authority is desirous of and agrees to furnish and deliver
certain supplies and perform certain services on behalf of the North Jersey Transportation
Planning Authority, Inc. and the New Jersey Institute of Technology (NJIT) and of entering
into a subcontract to perform these services; and

WHEREAS, this subcontract would be under the prior contract No. 2011-NJIT-C01
between the New Jersey Department of Transportation (NJDOT); and

WHEREAS, the subcontract between the Hudson TMA and NJIT and NJTPA is
entitled “Hudson TMA FY 2014 TMA Work Program” and is in the amount of Four Hundred
Seventy Thousand ($470,000.00) Dollars and is for the period of July 1, 2013 through June
30, 2014 for which period these funds are available and allotted.

NOW, THEREFORE, BE IT RESOLVED by the Hudson County Improvement
Authority as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at
   length.

2. The HCIA Board of Commissioners hereby authorizes the Chairman, Vice
   Chairman, Chief Executive Officer and/or Executive Director/CFO, in consultation with the
   Chairman of the Authority, and, if required, the Director of the TMA to execute the sub-
   contract entitled “Hudson TMA FY 2014 TMA Work Program” in the amount of Four
   Hundred Seventy Thousand ($470,000.00) Dollars for the period of July 1, 2013 through
   June 30, 2014.

3. A copy of this Resolution together with a copy of the Sub-contract shall be
   forwarded to the Clerk of the Board of Chosen Freeholders for public inspection. The
   resolution and the Agreement are also available for public inspection at the offices of the
   Authority located at 830 Bergen Avenue, 9th Floor, Jersey City, New Jersey between the
   hours of 9:00 a.m. through 5:00 p.m.
4. Notice of the action shall be published as required by law.

5. This resolution shall take effect immediately.

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CARMEN LOZANO, ASSISTANT SECRETARY (SEAL)
RESOLUTION OF THE HUDSON COUNTY IMPROVEMENT
AUTHORITY AUTHORIZING THE SETTLEMENT OF LITIGATION
WITH GREEN CONSTRUCTION, INC. (DOCKET NO. HUD-L-1242-12)
THROUGH BINDING ARBITRATION

WHEREAS, the Hudson County Improvement Authority (the “Authority”) was duly
created by resolution of the Board of Chosen Freeholders of the County of Hudson (the “County”),
State of New Jersey, duly adopted September 25, 1974, as a public body corporate and politic of the
State of New Jersey pursuant to and in accordance with the County Improvement Authorities Law,
N.J.S.A. 40:37A-44 et seq.; and

WHEREAS, the County created the Authority for the express purpose, among other things,
of facilitating the development and financing of public facilities and development projects within
the County; and

WHEREAS, the County is the fee simple owner of approximately 160 acres of property
located along the Hackensack River near the intersection of Duncan Avenue and Routes 1 & 9 (also
known as Route 440), known as Block 16002, Lot 1 in Jersey City, New Jersey (the “Lincoln Park
West Site”); and

WHEREAS, the Lincoln Park West Site Project consists of two separate, but related,
projects: Project A includes the closure of a former landfill and construction of a public golf course;
and, Project B includes the restoration of wetlands and construction of a public waterfront walkway;
and

WHEREAS, the Authority was responsible for completion of Project A and the State of
New Jersey, as overseen and directed by the Department of Environmental Protection (“NJDEP”)
was responsible for the completion of Project B; and

WHEREAS, on or about March 22, 2010 Green Construction, Inc. (“GCI”) entered into
Contract No. 4232-10 with the NJDEP to restore wetlands associated with Project B at the Site (the
“NJDEP Contract”); and

WHEREAS, the NJDEP Contract required GCI to excavate material from two areas at the
known as the Wetlands and Pond Areas, followed by the placement of enough fill material to raise
the elevation by 2 feet in those two areas; and

WHEREAS, the terms and conditions of the NJDEP Contract and underlying project plans
and specifications further required GCI to purchase the fill material from the Authority, so long as it
was accessible and available at the time needed; and

WHEREAS, on or about April 20, 2010, GCI and the Authority executed a contract
outlining the terms and conditions under which the Authority would provide GCI with the fill
material required to complete Project B (the “HCIA Contract”); and
WHEREAS, in pertinent part, the HCIA Contract provided that GCI would pay $15.48 (fifteen dollars and forty eight cents) for every cubic yard of fill material supplied by the Authority; and

WHEREAS, a dispute arose over the quantity of fill material supplied and how that quantity was to be calculated which, in March 2012, resulted in the Authority filing of a lawsuit against GCI for amounts outstanding (Docket No. HUD-L-1242-12); and

WHEREAS, GCI has paid the Authority $1,694,626.56 for 109,472 cubic yards of fill material, but according to the Authority’s calculations 160,948 cubic yards were supplied to GCI resulting in a difference of $796,848.48 plus finance charges; and

WHEREAS, in an effort to settle the litigation, thereby limiting further litigation costs, the parties participated in non-binding mediation on August 29, 2013; and

WHEREAS, although the non-binding mediation did not in and of itself settle the litigation, the parties agreed to consider entering into binding, non-appealable arbitration with a single arbitrator that would effectively settle the litigation; and

WHEREAS, as a condition of entering into binding arbitration, notwithstanding the amount of any arbitration award, GCI shall pay the Authority no less than One Hundred Fifty Thousand Dollars ($150,000) and no more than Five Hundred and Fifty Thousand Dollars ($550,000) and in the event that the arbitrator awards an amount between the two dollar figures, then GCI shall make payment to the Authority in the exact amount of the award; and

WHEREAS, the decision by the parties to limit the arbitration award to between One Hundred Fifty Thousand Dollars ($150,000) and Five Hundred and Fifty Thousand Dollars ($550,000) shall not be disclosed to the arbitrator; and

WHEREAS, unlike the non-binding mediation, participating in binding arbitration would definitively settle the litigation, thereby assuring significant savings in both litigation costs and time, as well as the inherent risks of litigation should this matter go to trial; and

WHEREAS, the terms of binding arbitration would further assure that the Authority would recoup at least some portion of the amounts owed by GCI; and

WHEREAS, the Authority, therefore wishes to enter into binding arbitration with GCI in accordance with terms and conditions described herein.

NOW, THEREFORE, BE IT RESOLVED BY THE HUDSON COUNTY IMPROVEMENT AUTHORITY, as follows:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.
Section 2. The Authority is hereby authorized to enter into binding arbitration with GCI for the express purpose of settling the litigation captioned Hudson County Improvement Authority v. Green Construction, Inc. (Docket No. HUD-L-1242-12) where as a condition of the arbitration, the arbitrator's award to the Authority shall be no less than $150,000 and no more than $550,000.

Section 3. Consistent with terms and conditions recited herein, the Authority hereby authorizes the Chief Executive Officer and/or Executive Director/Chief Financial Officer to draft and/or execute the necessary documents and agreements required to participate in the binding arbitration.

Section 4. A copy of this Resolution together with a copy of the executed Contract, shall be forwarded to the Clerk of the Board of Chosen Freeholders for public inspection and is also available for public inspection at the offices of the Authority located at 830 Bergen Avenue, 9th floor, Jersey City, New Jersey between the hours of 9:00 a.m. and 5:00 p.m.

Section 5. This resolution shall take effect immediately in accordance with Law.

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The foregoing is a true and complete copy of a resolution of the Hudson County Improvement Authority adopted at a meeting thereof duly called and held on Wednesday, September 25, 2013.

CARMEN LOZANO, ASSISTANT SECRETARY (SEAL)
CERTIFICATE

I, Carmen Lozano, Assistant Secretary of The Hudson County Improvement Authority, a public body corporate and politic of the State of New Jersey, HEREBY CERTIFY, that the foregoing resolution entitled "RESOLUTION OF THE HUDSON COUNTY IMPROVEMENT AUTHORITY AUTHORIZING THE SETTLEMENT OF LITIGATION WITH GREEN CONSTRUCTION, INC. (DOCKET NO. HUD-L-1242-12) THROUGH BINDING ARBITRATION" is a true copy of an original resolution which was duly adopted by said Authority at a meeting thereof which was duly called and held on September 25, 2013, and at which a quorum was present and acted throughout, and that said copy has been compared by me with the original resolution recorded in the records of the Authority and that it is a correct transcript thereof and of the whole of said resolution, and that said original resolution has not been altered, amended or repealed but is in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Authority this 25th day of September, 2013.

[SEAL] THE HUDSON COUNTY IMPROVEMENT AUTHORITY

By: Carmen Lozano, Assistant Secretary
RESOLUTION OF THE HUDSON COUNTY IMPROVEMENT AUTHORITY AUTHORIZING AN AMENDMENT TO THE CONTRACT WITH KEY ENVIRONMENTAL INCORPORATED FOR ENVIRONMENTAL CONSULTING SERVICES REMEDIAL ACTION WORK PLAN AMENDMENT KOPPERS SEABORAD SITE – KEARNY, NEW JERSEY

WHEREAS, the Hudson County Improvement Authority as the owner of property known as the Koppers site in Kearny, New Jersey and Beazer East, Inc., the responsible party for environmental cleanup of the site, entered into a settlement agreement whereby a Remedial Action Work Plan of remediation of the site was submitted to the New Jersey Department of Environmental Protection for review and approval, such plan having been reviewed and approved by both parties; and

WHEREAS, as a result of Hurricane Sandy and projected new flood plane elevation for the site, the Authority, as owner of the site, is desirous of importing fill material to the site in addition to that approved by the DEP in the existing Remedial Action Work Plan in order to bring the site into compliance with the projected new Federal Emergency Management Agency standards; and

WHEREAS, in order to do so an Amendment to the approved Remedial Action Work Plan is needed; and

WHEREAS, Key Environmental Incorporated, 200 Third Avenue, Carnegie, Pennsylvania, 15106, prepared the September 2007 Remedial Action Work Plan submitted to and approved by the DEP; and

WHEREAS, this Board authorized an initial contract with Key Environmental Inc. by Resolution No. 6-2013-7 to perform these services; and

WHEREAS, after review of the above by Beazer East, Inc., the responsible party for the site, they have made comments to the Remedial Action Work Plan Addendum which require revisions to this Addendum; and

WHEREAS, in response to a request by the Chief Executive Officer, Key has submitted a proposal dated September 19, 2013 in which they agree to provide the Response to the Beazer comments and to provide additional services if needed in connection with the proposed Redevelopment of the Site; and
WHEREAS, the amount required for the additional services for the response to Beazer East, Inc. comments is Five Thousand ($5,000.00) Dollars and the amount budgeted for future Redevelopment assistance is Seven Thousand Five Hundred ($7,500.00) Dollars; and

WHEREAS, as a result the total authorized contract amount will be Fifty Five Thousand, Three Hundred Thirty Two ($55,332.00) Dollars; and

WHEREAS, the Authority desires to authorize and retain Key Environmental, Inc. in accordance with the above recitals; and

WHEREAS, Key Environmental, Inc. will provide professional engineering consulting services, which services constitute exception to the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a); and

WHEREAS, the Executive Director/CFO has indicated that sufficient funds are available for this purpose in the 2013 Authority’s Budget.

NOW, THEREFORE, BE IT RESOLVED by the Hudson County Improvement Authority as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.

2. The Authority hereby authorizes the Chairman, Vice-Chairman, Chief Executive Officer and/or Executive Director/CFO in consultation with the Chairman to execute an Amendment to the Contract with Key Environmental, Inc. to perform services set forth in their proposal for a total contract amount of Fifty Five Thousand, Three Hundred Thirty Two ($55,332.00) Dollars.

3. Notice of this action shall be published as required by law.

4. A copy of this Resolution together with a copy of the executed Contract, shall be forwarded to the Clerk of the Board of Chosen Freeholders for public inspection and is also available for public inspection at the offices of the Authority located at 830 Bergen Avenue, 9th floor, Jersey City, New Jersey between the hours of 9:00 a.m. and 5:00 p.m.
5. This Resolution shall take effect immediately.

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\[Signature\]

CARMEN LOZANO, ASSISTANT SECRETARY
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