



Board Meeting

Thursday, October 22, 2015

AGENDA



We Bring the World to New Jersey

AGENDA
REGULAR SESSION

Thursday, October 22, 2015 -10:00 a.m.
Two DeKorte Park Plaza, Lyndhurst, NJ

I. **APPROVAL OF MINUTES** - (Action)

- Approval of Regular Session Meeting Minutes of September 17, 2015

II. **PUBLIC PARTICIPATION ON RESOLUTIONS**

III. **APPROVALS** – (Action)

Cash Disbursements Approval and/or Ratification of Cash Disbursements over \$100,000 for September 2015.

Resolution 2015-54 Consideration of a Resolution approving a Form of Ordinance for the Towns of Secaucus and Kearny each having elected to assume certain zoning authority within the District.

IV. **AWARDS AND CONTRACTS** (Action)

Resolution 2015-55 Consideration of a Resolution Authorizing the President and CEO to enter into a contract for DeKorte Park General Site Improvements.

V. **CHIEF EXECUTIVE OFFICER'S REPORT**

VI. **PUBLIC COMMENTS**

VII. **EXECUTIVE SESSION**

Resolution 2015-56 Resolution authorizing the New Jersey Sports and Exposition Authority to conduct a meeting, to which the general public shall not be admitted for the purposes of discussing legal matters, personnel matters and contract negotiations.

**PLEASE CONTACT THE NJSEA OFFICE (201-460-1700) PRIOR TO MEETING IF
SPECIAL REQUIREMENTS ARE NEEDED UNDER ADA**

MINUTES



REGULAR SESSION BOARD MEETING
Thursday, September 17, 2015

DATE: September 17, 2015
TIME: 10:00 a.m.
PLACE: 2 DeKorte Park Plaza - Lyndhurst, NJ
RE: REGULAR SESSION MEETING MINUTES

Members in Attendance:

Michael Ferguson, Chairman (via phone)
Joseph Buckelew, Vice Chairman
Wayne Hasenbalg, Esq., President and Chief Executive Officer
James Wooster, NJ State Treasurer's Representative
Armando Fontoura, Member
Anthony Scardino, Member (via phone)
Robert Yudin, Member
John Ballantyne, Member (via phone)
Steven Plofker, Member
Andrew Scala, Member
LeRoy Jones, Member

Absent:

Michael H. Gluck, Esq., Member
George Kolber, Member

Also Attending:

Ralph J. Marra, Jr., Esq. Sr. Vice President, Chief of Legal and Regulatory Affairs
Christine Sanz, Sr. Vice President/Chief Operating Officer
Giuseppina Copa, Director of Information Technology & Telecommunications
Adam Levy, Vice President of Legal and Regulatory Affairs
John Duffy, Senior Vice President of Sports Complex Operations & Facilities
Helen Strus, Director of Marketing & Communications/External Affairs
Sara Sundell, Director, Land Use Management
Christine Ferrante, Executive Assistant/Paralegal
Fred Dressel, HMMC

President Hasenbalg called the meeting to order.

President Hasenbalg stated that the New Jersey Sports and Exposition Authority gave notice of the time, place, and date of this meeting by providing such notice to the Secretary of State for the State of New Jersey, The Star-Ledger, The Record, and other newspapers and by posting the notice at the offices of the Authority.

I. APPROVAL OF MINUTES

President Hasenbalg presented the minutes of the Special Board Meeting held on August 5, 2015.

Upon motion made by Commissioner Plofker and seconded by Commissioner Yudin, the minutes of the Special Board Meeting held on August 5, 2015, were unanimously approved by a vote of 11-0.

Chairman Ferguson presented the minutes of the Special Board Meeting held on August 13, 2015.

Upon motion made by Commissioner Scala and seconded by Commissioner Fontoura, the minutes of the Special Board Meeting held on August 13, 2015, were unanimously approved by a vote of 11-0.

II. PUBLIC PARTICIPATING ON RESOLUTIONS –

- Tom Bruinooge – attorney representing Wonder Realty/Wondr Meats spoke in favor of Resolution 2015-51.

III. APPROVALS

- Approval of Cash Disbursements Over \$100,000 and Professional Invoices

President Hasenbalg presented the report of cash disbursements over \$100,000 and Professional Invoices for the months of July and August 2015.

Upon motion by Commissioner Buckelew and seconded by Commissioner Fontoura, the cash disbursements over \$100,000 for the month of June 2015, were approved subject to the following recusals:

<u>Member</u>	<u>Recused as to</u>
Chairman Ferguson	PSE&G
Commissioner Jones	PSE&G
Commissioner Buckelew	Borough of Oceanport

Resolution 2015-51 Resolution issuing a decision on the Bulk Variance application submitted as part of the File No. 15-219 Wonder Realty/Wonder Meats – Variance/Building Addition Block 120.01, Lot 6 in Carlstadt.

Ms. Sundell explained Resolution 2015-51 to the commissioners.

President Hasenbalg presented Resolution 2015-51. Upon motion by Commissioner Yudin and seconded by Commissioner Scala, proposed resolution 2015-51 was approved by a vote of 10-0.

Resolution 2015-52 Resolution issuing a decision on the Special Exception and Bulk Variance Applications submitted as part of File No. 15-207 PSE&G/Bergen Switching phase II – Special Exception & Variance Block 4014, Lot 4 in Ridgefield.

Ms. Sundell explained Resolution 2015-52 to the commissioners. Commissioner Yudin asked if there were residential uses adjacent to the property. Ms. Sundell explained that there are no residential adjacent to the property.

President Hasenbalg presented Resolution 2015-52. Upon motion by Commissioner Yudin and seconded by Commissioner Plofker, proposed resolution 2015-52 was approved by a vote of 9-0 with Commissioners Ferguson and Jones abstaining.

V. CEO REPORT

President Hasenbalg thanked Helen Strus and staff on the success of programs like the Butterfly Festival and Moth Night held at the NJSEA. Attendance at these programs has been at an all-time high.

President Hasenbalg gave an update of the opt-out provisions of the merger law. NJSEA staff has been in meetings with Kearny and Secaucus with a final meeting to be held this month. After that meeting, the towns will be given the guidance that they will need to proceed further to adopt the model ordinance, sometime next month. President Hasenbalg thanked NJSEA staff and the towns for their cooperation.

VI. PUBLIC COMMENTS

- Marvin Donadic – resident of Cliffside Park

VII. EXECUTIVE SESSION

President Hasenbalg stated a need for the Board to enter into Executive Session to discuss contractual matters and litigation matters.

Resolution 2015-53 Resolution authorizing the NJSEA to enter into a meeting to which the general public shall not be admitted to discussing legal matters, personnel matters and contract negotiations.

Upon motion made by Commissioner Buckelew and seconded by Commissioner Fontoura, Resolution 2015-53 was approved by a vote of 11-0.

President Hasenbalg requested a motion to conclude the meeting. Upon motion made by Commissioner Yudin and seconded by Commissioner Fontoura, the public meeting was adjourned by a vote of 10-0.

I certify that this is a true and accurate transcript of the Regular Session Minutes of the New Jersey Sports and Exposition Authority Board meeting of September 17, 2015.



Ralph J. Marra, Jr., Esq.
Assistant Secretary

APPROVALS



OUTSTANDING PROFESSIONAL SERVICES
SEPTEMBER 2015

SPORTS COMPLEX

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>DESCRIPTION</u>
GIBBONS P.C.	142,423.09	LEGAL SERVICES: GENERAL COUNSEL - SEP 2015
LAW OFFICE OF PAUL J. SODERMAN, LLC	5,834.75	LEGAL SERVICES: SPECIAL COUNSEL - JUL 2015 - SEP 2015
SPORTS COMPLEX TOTAL	<u>148,257.84</u>	



CASH DISBURSEMENTS
 \$100,000 OR MORE
 SEPTEMBER 2015

SPORTS COMPLEX

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
NEW JERSEY STATE POLICE	102,853.61	A	OVERTIME CHARGES: JUL 2015 (PARTIAL)
NRG BUSINESS SOLUTIONS	396,432.19	A	ELECTRICITY CHARGES: JUL 2015
PUBLIC SERVICE ELECTRIC & GAS	195,016.36	A	ELECTRIC TRANSMISSION: JUL 2015
SPORTS COMPLEX TOTAL	<u>694,302.16</u>		

MONMOUTH PARK RACETRACK MAINTENANCE RESERVE/CAPITAL

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
BOROUGH OF OCEANPORT	226,457.67	A	CAFO SPECIAL ASSESSMENT AGREEMENT: 4TH QUARTER 2015
MPR MAINTNANCE TOTAL	<u>226,457.67</u>		



CASH DISBURSEMENTS
\$100,000 OR MORE
September 2015

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
NJ STATE HEALTH BENEFITS	<u>\$201,024.15</u> \$161,611.33 \$ 39,412.82	D	SEPTEMBER 2015 HEALTH & PRESCRIPTI COVERAGE (EMPLOYEES) COVERAGE (RETIRES)
KEARNY MUNICIPAL UTILITIES AUTHORITY	\$543,456.62	A	3 rd QUARTER SEWER BILL- 1A, 1E AND KEEGAN LANDFILL
KEARNY, TOWN OF	\$358,900.66	A	HOST COMMUNITY – KEEGAN LANDFILL APRIL-JUNE 2015
WASTE MANAGEMENT OF NJ	\$532,254.90	A	OPERATIONS CONTRACT – KEEGAN LANDFILL- AUGUST 2015



CASH DISBURSEMENTS
\$100,000 OR MORE

<u>REFERENCE LETTER</u>	<u>TYPE</u>
A	CONTRACT ON FILE
B	PURCHASE AWARDS - APPROVED AT MONTHLY BOARD MEETING
C	STATE REQUIREMENT FOR RACING
D	STATE VENDOR
E	SOLE SOURCE
F	APPOINTED BY RACING COMMISSION
G	ADVERTISED BID
H	EXECUTIVE DIRECTOR APPROVAL
I	STATUTORY PAYMENT
K	LOWEST PROPOSAL
L	REIMBURSABLE
M	OUTSTANDING PROFESSIONAL INVOICES APPROVED AT MONTHLY BOARD MEETING
N	PURCHASES ON BASIS OF EXIGENCY
*	PURCHASES DIRECT FROM SOURCE
	EXPENDITURE TO BE CHARGED TO MAINTENANCE RESERVE FUND

RESOLUTION 2015-54

**RESOLUTION APPROVING A FORM OF ORDINANCE FOR THE TOWN OF
SECAUCUS AND THE TOWN OF KEARNY EACH HAVING ELECTED TO
ASSUME CERTAIN ZONING AUTHORITY WITHIN THE DISTRICT**

WHEREAS, the Hackensack Meadowlands Agency Consolidation Act, ("the Act"), under which the New Jersey Meadowlands Commission ("NJMC") became part of the New Jersey Sports and Exposition Authority ("NJSEA" or "the commission"), was adopted on February 5, 2015 and subsequently amended on July 6, 2015; and

WHEREAS, Section 11(a) of the Act provides that "a constituent municipality that adopts and maintains the commission's master plan, zoning regulations, codes, and standards shall review and approve or reject applications for the development, improvement, redevelopment, construction, or reconstruction on land in the district ... upon the commission's determination that the master plan, zoning regulations, codes and standards adopted by the constituent municipality conform in all material respects to those of the commission;" and

WHEREAS, as a means of implementing municipal assumption of certain zoning authority within the Hackensack Meadowlands District in accordance with the Act, NJSEA staff collaborated with the interested municipalities on the development of a suitable municipal ordinance; and

WHEREAS, the final versions of the ordinances developed for the Town of Secaucus and the Town of Kearny are attached hereto.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the New Jersey Sports and Exposition Authority that approval is given for the ordinances developed in cooperation with the Town of Secaucus and the Town of Kearny, which shall be adopted by the towns in substantially similar form as the versions attached hereto.

ADOPTED: October 22, 2015

TOWN OF SECAUCUS

**ORDINANCE ADOPTING
MEADOWLANDS REGIONAL COMMISSION
MASTER PLAN, ZONING REGULATIONS,
CODES AND STANDARDS**

WHEREAS, the Hackensack Meadowlands Agency Consolidation Act, (“the Act”), in which the New Jersey Meadowlands Commission (“NJMC”) became part of the New Jersey Sports and Exposition Authority (“NJSEA” or “the commission”), and the Hackensack Meadowlands Transportation Planning District Act of 2015, (“the TPD Act”) were adopted, effective February 5, 2015; and

WHEREAS, an amendment to the Act, which clarified and revised certain aspects of the Act, was adopted, effective July 6, 2015; and

WHEREAS, Section 11a. of the Act provides that “A constituent municipality that adopts and maintains the commission’s master plan, zoning regulations, codes, and standards shall review and approve or reject applications for the development, improvement, redevelopment, construction, or reconstruction on land in the district. ..., upon the commission’s determination that the master plan, zoning regulations, codes and standards adopted by the constituent municipality conform in all material respects to those of the commission;” and

WHEREAS, Section 11a. of the Act further provides that “all fees generated by these applications and approvals shall be retained by the municipality,” and

WHEREAS, the Town of Secaucus hereby elects to assume the responsibilities of the applications specified in Section 11a. of the Act; and

WHEREAS, the NJSEA, formerly the NJMC, is the designated Floodplain

Administrator for the Hackensack Meadowlands District by the Federal Emergency Management Agency's National Flood Insurance Program ("NFIP") Community Rating System ("CRS") program; and

WHEREAS, in order for all property owners within the Hackensack Meadowlands District to continue to receive a discount on their flood insurance premiums through the CRS program (currently 15%), the Federal Emergency Management Agency ("FEMA") requires the NJSEA to maintain certain records, perform certain tasks and ensure that certain regulations are being enforced; and

WHEREAS, NJSEA is responsible for review and sign-off on FEMA Elevation Certificates by the Chief Engineer of the NJSEA, provision of map information services, maintenance of flood data records, and maintenance and enforcement of flood plain management regulations.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Town of Secaucus, that in accordance with Section 11(a) of the Act, the Town of Secaucus hereby adopts and maintains the NJSEA's master plan, zoning regulations, codes, and standards and that, further, the following documents are incorporated by reference and deemed to be part of this Ordinance:

- a. NJMC Master Plan, adopted January 2004
- b. NJMC District Zoning Regulations – N.J.A.C. 19:4
- c. NJMC Subdivision Regulations – N.J.A.C. 19:5
- d. NJMC Building Code – N.J.A.C. 19:6
- e. NJMC District Transportation Plan Rules – N.J.A.C. 19:7
- f. Hackensack Meadowlands District Official Zoning Map

g. Interim Policies Governing Affordable Housing Development in the Meadowlands District, effective July 24, 2008, last revised July 27, 2011

h. Redevelopment plans: Secaucus Transit Village Redevelopment Plan, last amended October 21, 2011

i. Pallet Racking Installation Requirements

j. Landscape & Open Space Design Guidelines

k. Open Space Requirements

l. Recommended Plant List (including Native Plants)

m. Guideline on Invasive Plants

n. Tank Checklist; and

BE IT FURTHER ORDAINED that, the Town of Secaucus shall adopt, maintain, and abide by all of the applicable rules within the District, as amended and supplemented, inclusive of the aforementioned documents, in the course of any and all land use and zoning application reviews for properties located in the Hackensack Meadowlands District; and

BE IT FURTHER ORDAINED that In the interest of continuity of review, all applications shall be first submitted to the NJSEA, and the NJSEA shall within three business days of receipt forward a complete copy of the application to the Town of Secaucus; and

BE IT FURTHER ORDAINED that the Town of Secaucus acknowledges that the NJSEA shall continue to perform the following reviews:

a. Determination of any project which requires a use variance, in accordance with Section 11d. of the Act, which shall be evaluated within five business days of

receipt, if possible; and

b. Calculation of Transportation Mitigation Assessment ("TMAN"), as required by the TPD Act; and

c. Determination of proposed Finished Floor Elevation, as required by FEMA's National Flood Insurance Program ("NFIP") Community Rating System ("CRS"); and

d. Administration of Flood Plain Management Regulations/Floodproofing, as required by FEMA's NFIP CRS; and

e. Evaluation of the State's riparian interest, as required by N.J.S.A. 13:1B-13.8 regarding the New Jersey Department of Environmental Protection Bureau of Tidelands; and

f. Evaluation of development's conformance with the New Jersey Coastal Zone Management Program, as required by N.J.A.C. 7:7-9.43; and

g. Conformance with the Interim Policies Governing Affordable Housing Development in the Meadowlands District; and

BE IT FURTHER ORDAINED that the Town of Secaucus shall provide the commission with "all documentation, plans, and information regarding all applications," as required by Section 11a. of the Act; and

BE IT FURTHER ORDAINED that if a TMAN is determined by the NJSEA to be required, the Town of Secaucus agrees to refrain from issuance of any approval until such time that the TMAN is paid to the NJSEA or the appropriate agreement with the NJSEA for future payments is signed and filed in the County Registrar's office; and

BE IT FURTHER ORDAINED that 30% of any funds collected in accordance with

the TMAN for any project in the Town of Secaucus shall be used within the Town of Secaucus as required by Section 74k. of the Act; and

BE IT FURTHER ORDAINED that the Town of Secaucus acknowledges that the NJSEA shall independently enforce the Hackensack Meadowlands Transportation Planning District Act of 2015, if an approval is issued by the Town of Secaucus prior to the payment of the TMAN to the NJSEA; and

BE IT FURTHER ORDAINED that the Town of Secaucus shall retain all fees generated by the applications handled by the municipality in accordance with the fee schedule set forth in N.J.A.C. 19:4-11; and

BE IT FURTHER ORDAINED, that the Town of Secaucus shall provide all necessary information to and cooperate with the NJSEA to ensure the continuity of the FEMA NFIP CRS program for the benefit of the constituent property owners within the Town of Secaucus as well as within the Hackensack Meadowlands District, including, but not limited to, the following:

1. As-built plans for completed building and/or addition construction prior to the issuance of any temporary or final certificate of completion and/or occupancy approval or certificate of occupancy;
2. A link on the municipal website, listing the NJSEA as the Flood Plain Administrator for all District properties and directing inquiries to the NJSEA.
3. The records for all construction, maintenance and inspections regarding drainage structures located within the District portion of the municipality; and

BE IT FURTHER ORDAINED that the Town of Secaucus hereby agrees that, as the NJSEA is the Flood Plain Administrator for the FEMA NFIP CRS program and is

responsible for enforcement of the Flood Plain Management Regulations, all applications involving a request for a variance from the NJSEA's required finished floor elevation shall be submitted to the NJSEA for review and approval or rejection; and

BE IT FURTHER ORDAINED that, to the extent that the New Jersey Administrative Code regulations permit an appeal to the Executive Director of the NJMC (by way of example, but not by way of limitation, N.J.A.C. 19:4-4.19), said appeal shall be made to the Zoning Code Official of the Town of Secaucus; and

BE IT FURTHER ORDAINED that, to the extent that the New Jersey Administrative Code regulations permit the Executive Director of the New Jersey Meadowlands Commission to waive or reduce any application fee (by way of example, but not by way of limitation, N.J.A.C. 19:4-11.1), said request for a waiver or reduction of the application fee shall be made to the Zoning Code Official of the Town of Secaucus; and

BE IT FURTHER ORDAINED that this Ordinance is limited to that portion of the Town of Secaucus within the Hackensack Meadowland District, as delineated on the Hackensack Meadowlands District Official Zoning Map. For the remaining portion of the Town of Secaucus, which is outside of the Hackensack Meadowlands District Boundaries, all existing development regulations shall remain in full force and effect; and

BE IT FURTHER ORDAINED that if any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to that section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed to be valid and effective; and

BE IT FURTHER ORDAINED that this Ordinance is hereby referred to the Town of Secaucus Planning Board, pursuant to N.J.S.A. 40:55D-64 for a report, if any, pursuant to N.J.S.A. 40:55D-26(a); and

BE IT FURTHER ORDAINED that should the Town of Secaucus Planning Board fail to transmit said report within the required 35-day period provided for in said statute, then the governing body shall be relieved from the requirements of N.J.S.A. 40:55D-26; and

BE IT FURTHER ORDAINED that after completion of the second reading, this Ordinance shall be adopted by the Town of Secaucus.

Approved: _____
Michael J. Gonnelli, Mayor

Attest: _____
David Drumeler, Town Administrator

Introduction _____

Motion	Yes	No	Abstain	Absent
Second				
Councilman Jeffas				
Councilwoman Pirro				

Councilman Costantino				
Councilman McKeever				
Councilman Clancy				
Councilman Dehnert				
Mayor Gonnelli				

Adoption _____

Motion	Yes	No	Abstain	Absent
Second				
Councilman Jeffas				
Councilwoman Pirro				
Councilman Costantino				
Councilman McKeever				
Councilman Clancy				
Councilman Dehnert				
Mayor Gonnelli				

Town of Kearny

"Hackensack Meadowlands Agency Consolidation Act" Ordinance

WHEREAS, the Hackensack Meadowlands Agency Consolidation Act, ("the Act"), in which the New Jersey Meadowlands Commission ("NJMC") became part of the New Jersey Sports and Exposition Authority ("NJSEA"), and the Hackensack Meadowlands Transportation Planning District Act of 2015, ("the TPD Act") were signed into law on February 5, 2015; and

WHEREAS, an amendment to the Act, which clarified and revised certain aspects of the Act, was signed into law on July 6, 2015; and

WHEREAS, Section 11a. of the Act states that "a constituent municipality that adopts and maintains the commission's master plan, zoning regulations, codes, and standards shall review and approve or reject applications for the development, improvement, redevelopment, construction, or reconstruction on land in the district..., upon the commission's determination that the master plan, zoning regulations, codes and standards adopted by the constituent municipality conform in all material respects to those of the commission," in addition to stating that "all fees generated by these applications and approvals shall be retained by the municipality;" and

WHEREAS, in accordance with the Act, and pursuant to Resolution 2015-114 adopted on February 10, 2015, and Ordinance 2015-17 passed on May 12, 2015, the Town adopted the master plan, zoning regulations, codes and standards of the NJSEA, and the within Ordinance is in furtherance of those prior actions by the Town of Kearny.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Town of Kearny, that the municipality hereby agrees to the following:

1. In accordance with Section 11(a) of the Act, the Town of Kearny hereby adopts and maintains the NJSEA's master plan, zoning regulations, codes, and standards.
2. The following documents are incorporated by reference and deemed to be part of this Ordinance:
 - a. NJMC Master Plan - adopted January 2004
 - b. NJMC District Zoning Regulations - N.J.A.C. 19:4
 - c. NJMC Subdivision Regulation - N.J.A.C. 19:5
 - d. NJMC Building Code - N.J.A.C. 19:6
 - e. NJMC District Transportation Plan Rules - N.J.A.C. 19:7
 - f. Hackensack Meadowlands District Official Zoning Map
 - g. Interim Policies Governing Affordable Housing Development in the Meadowlands District, effective 7/24/08, last revised 7/27/11
 - h. Redevelopment plans: Kearny Area Redevelopment Plan, Kingsland Redevelopment Plan, Belleville Turnpike Redevelopment Plan, Koppers Coke Peninsula Redevelopment Plan

- i. Pallet Racking Installation Requirements
 - j. Landscape & Open Space Design Guidelines
 - k. Open Space Requirements
 - l. Recommended Plant List (including Native Plants)
 - m. Guideline on Invasive Plants
 - n. Tank Checklist
3. The municipality shall hereby adopt, maintain, and abide by all of the applicable rules within the District, as amended and supplemented, inclusive of the aforementioned documents, in the course of review of any and all land use and zoning applications ("Land Use Applications") for properties located in the Hackensack Meadowlands District; and
 4. In the interest of continuity of review, all Land Use Applications shall be first submitted to the NJSEA and the NJSEA shall promptly, within three business days of receipt, forward a complete copy of the Land Use Application to the municipality.
 5. The Town of Kearny acknowledges that the NJSEA shall continue to perform the following reviews:
 - a. Determination of proposed use, to ascertain whether a use variance request is required as per Section 11d. of the Act, which shall be evaluated within five business days of receipt, if possible; and
 - b. Calculation of Transportation Mitigation Assessment ("TMAN"), as required by the TPD Act; and
 - c. Determination of proposed Finished Floor Elevation, as required by Federal Emergency Management Agency's ("FEMA") National Flood Insurance Program ("NFIP") Community Rating System ("CRS"); and
 - d. Administration of Flood Plain Management Regulations/Floodproofing, as required by FEMA's NFIP CRS; and
 - e. Evaluation of the State's riparian interest, as required by N.J.S.A. 13:1B-13.8 regarding the NJDEP Bureau of Tidelands; and
 - f. Evaluation of development's conformance with the New Jersey Coastal Zone Management Program, as required by N.J.A.C. 7:7-9.43; and
 - g. Conformance with the Interim Policies Governing Affordable Housing Development in the Meadowlands District; and
 6. As required by Section 11a. of the Act, "the municipality shall provide the commission all documentation, plans, and information regarding all applications," which shall include, but not be limited to, applications, plans, correspondence, reports, meeting minutes, emails, review memos, photographs, decision documents, inspection reports, and finalization documents; and
 7. If a TMAN is determined by the NJSEA to be required, the Town of Kearny agrees to refrain from issuance of any approval until such time that the TMAN is paid to the NJSEA or the appropriate agreement with the NJSEA for future payments is signed and filed in the County Registrar's office; and

8. The municipality acknowledges that the NJSEA shall independently enforce the Hackensack Meadowlands Transportation Planning District Act of 2015, if an approval is issued by the Town of Kearny prior to the payment of the TMAN to the NJSEA; and
9. The municipality shall retain all fees generated by the Land Use Applications handled by the municipality in accordance with the fee schedule at N.J.A.C. 19:4-11.
10. For Land Use Applications handled by the municipality, the Town shall be responsible for all building plan reviews and other reviews under the Uniform Construction Code (the "Building Plan Review") and the Town shall retain 100% of those Building Plan Review fees.

IN ADDITION, WHEREAS, the NJSEA, formerly the NJMC, is the designated Floodplain Administrator for the Hackensack Meadowlands District by FEMA's NFIP CRS program; and

WHEREAS, in order for all property owners within the Hackensack Meadowlands District to continue to receive a discount on their flood insurance premiums through the CRS program (currently 15%), FEMA requires the NJSEA to maintain certain records, perform certain tasks and ensure that certain regulations are being enforced; and

WHEREAS, the services for which the NJSEA is responsible include, but are not limited to, the following:

1. Review and sign-off on FEMA Elevation Certificates by the Chief Engineer of the NJSEA,
2. Provision of map information services,
3. Maintenance of flood data records, and
4. Maintenance and enforcement of flood plain management regulations.

NOW, THEREFORE, BE IT FURTHER ORDAINED, that the Town of Kearny hereby agrees to provide all necessary information to and cooperate with the NJSEA to ensure the continuity of the FEMA NFIP CRS program for the benefit of the constituent property owners within the municipality as well as within the entirety of the Hackensack Meadowlands District, including, but not limited to, the following:

1. As-built plans for completed building and/or addition construction prior to the issuance of any temporary or final certificate of completion and/or occupancy approval or certificate of occupancy.
2. A link on the municipal website listing the NJSEA as the Flood Plain Administrator for all District properties and directing inquiries to the NJSEA.
3. The records for all construction, maintenance and inspections regarding drainage structures located within the District portion of the municipality; and

BE IT FURTHER ORDAINED, that the Town of Kearny hereby agrees that, as the NJSEA is the Flood Plain Administrator for the FEMA NFIP CRS program and is responsible for enforcement of the Flood Plain Management Regulations, all applications involving a request for a variance

from the NJSEA's required finished floor elevation shall be submitted to the NJSEA for review and approval or rejection; and

BE IT FURTHER ORDAINED that, to the extent that the New Jersey Administrative Code regulations, set forth in section 1b through 1e above, permit an appeal to the Executive Director of the NJMC (by way of example, but not by way of limitation, N.J.A.C. 19:4-4.19), said appeal shall be made to the New Jersey Superior Court; and

BE IT FURTHER ORDAINED that, to the extent that the New Jersey Administrative Code regulations, set forth in section 1b above, permit the Executive Director of the New Jersey Meadowlands Commission to waive or reduce any application fee (by way of example, but not by way of limitation, N.J.A.C. 19:4-11.1), said request for a waiver or reduction of the application fee shall be made to the Mayor of the Town of Kearny; and

BE IT FURTHER ORDAINED that this Ordinance is limited to that portion of the Town of Kearny within the Hackensack Meadowland District, as delineated on the Hackensack Meadowlands District Official Zoning Map, as set forth in section 1b above. For the remaining portion of the Town of Kearny which is outside of the Hackensack Meadowlands District boundaries, all existing development regulations, including, but not limited to, Chapters 14, 27, 28, 29, 35, 36 and 38 of the Town Code, as in effect on the date hereof on as hereafter amended, shall remain in full force and effect; and

BE IT FURTHER ORDAINED that if any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to that section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed to be valid and effective; and

BE IT FURTHER ORDAINED that this Ordinance is hereby referred to the Kearny Planning Board pursuant to N.J.S.A. 40:55D-64 for a report, if any, pursuant to N.J.S.A. 40:55D-26(a); and

BE IT FURTHER ORDAINED that should the Kearny Planning Board fail to transmit said report within the required 35-day period provided for in said statute, then the governing body shall be relieved from the requirements of N.J.S.A. 40:55D-26; and

BE IT FURTHER ORDAINED that after completion of the second reading, this Ordinance shall be adopted by the Town of Kearny.

AWARDS/ CONTRACTS

RESOLUTION 2015-55

**RESOLUTION AUTHORIZING THE PRESIDENT/CEO OF THE
NEW JERSEY SPORTS AND EXPOSITION AUTHORITY
TO ENTER INTO A CONTRACT FOR
DEKORTE PARK GENERAL SITE IMPROVEMENTS**

WHEREAS, the New Jersey Sports & Exposition Authority (NJSEA) has long provided public access within DeKorte Park for purposes of recreation and environmental education; and

WHEREAS, paved areas, foam foundation support, stone veneers and one staircase were damaged during Hurricane Sandy on October 29, 2012; and

WHEREAS, the Federal Emergency Management Administration (FEMA) has agreed to pay 90% of an estimated cost of \$65,200; and

WHEREAS, contract documents were prepared and publicly bid with seven bids received on October 14, 2015; and

WHEREAS, Quality 1st Contracting was the lowest responsive bidder with a bid in the amount of \$65,200 which results in an NJSEA obligation to pay \$6,520, which is 10% of the contract price; and

WHEREAS, staff review of the bid indicates that the bid is reasonable, proper and in the best interest of the NJSEA, as outlined in the attached memorandum

NOW, THEREFORE, BE IT RESOLVED by the New Jersey Sports & Exposition Authority that the President/CEO is hereby authorized to enter into a contract with Quality 1st Contracting for the DeKorte Park General Site Improvements Project at a cost not to exceed \$65,200.

ADOPTED: October 22, 2015



MEMORANDUM

To: NJSEA Commissioners and Wayne Hasenbalg, President/CEO

From: Thomas Marturano, Director of Solid Waste & Nat. Resources *Date:* October 22, 2015

Subject: Contract LA-15-01: DeKorte Park General Site Improvements - *Sandy Recovery Project*

This resolution authorizes the President/CEO to enter into a contract as described in the bid documents issued on September 3, 2015. Under the contract, the work shall include all labor, equipment, materials, tools, and services needed to renovate concrete paving, granite curbing, pile cap veneers and one steel staircase damaged by Hurricane Sandy in October of 2012. All the work is located within Richard W. DeKorte Park in Lyndhurst.

In 2012 the NJSEA applied to FEMA for funds to make these repairs. FEMA approved these repairs in the amount of \$109,886.33; with a maximum NJSEA cost of \$10,988.63, or 10% of the Actual Project Cost.

Prior to bid document release the contract documents were reviewed and approved by the State Comptroller's Office.

During the bid period, a total of fourteen prospective bidders purchased the contract documents. On October 14, 2015, seven bids were received and opened; the bids ranged in price from \$65,200 to \$221,700.

The lowest responsive bidder was Quality 1st Contracting of Cliffwood, NJ with a bid of \$65,200. Their supporting documents were found to be in order.

Therefore, we submit for your consideration and approval, a resolution authorizing the President/CEO to enter into a contract with Quality 1st Contracting for the DeKorte Park General Site Improvements Project at a cost not to exceed \$65,200.

Be it known that this contract is subject to the provisions of Executive Order #125, requiring transparency in Sandy-related expenditures.

EXECUTIVE SESSION

RESOLUTION 2015-56

**RESOLUTION AUTHORIZING THE
NEW JERSEY SPORTS AND EXPOSITION AUTHORITY
TO CONDUCT A MEETING TO WHICH
THE GENERAL PUBLIC SHALL NOT BE ADMITTED**

BE IT RESOLVED by the New Jersey Sports and Exposition authority (“Authority”) that it shall conduct a meeting to which the general public shall not be admitted to discuss personnel matters, the status of pending and anticipated litigation and other matters within the attorney client privilege, contract negotiations, and, if necessary, to act upon pending contracts.

BE IT FURTHER RESOLVED that the time when such discussions may be disclosed to the public shall be when and as such disclosure may be made without adversely affecting the Authority’s pending and/or anticipated legal, personnel, contractual matters and other matters within the exceptions provided for by the statute.

ADOPTED: October 22, 2015