



BOARD BOOK

Board Meeting

Thursday, December 15, 2022

10:00 a.m.



AGENDA

REGULAR SESSION

Thursday, December 15, 2022 - 10:00 a.m.

Remote Access Via Zoom

Zoom Link: <https://us02web.zoom.us/j/83602375593>

Zoom via phone: **929-205-6099** / Meeting ID: **836 0237 5593**

I. **PLEDGE OF ALLEGIANCE**

II. **OPENING STATEMENT**

III. **ROLL CALL**

IV. **APPROVAL OF MINUTES AND CASH DISBURSEMENTS** (Action)

- Approval of Regular Session Meeting Minutes of November 17, 2022.
- Approval of Executive Session Meeting Minutes of November 17, 2022.
- Approval and/or Ratification of Cash Disbursements over \$100,000 for the month of November 2022.

V. **PUBLIC PARTICIPATION ON RESOLUTIONS**

VI. **APPROVALS**

Resolution 2022-54 Consideration of a Resolution Authorizing the Placement of Property, General Liability, Excess Liability, Umbrella, Marine & Boat Hull, Public Officials, Crime & Fiduciary, Drone Hull Liability, Medical Professional, Heliport Liability, Cyber, Storage Tanks, and Active Assailant.

Resolution 2022-55 Consideration of a Resolution Adopting the 2023 NJSEA Budget.

Resolution 2022-56 Consideration of a Resolution Issuing a Decision on the Suitability Recommendation as Required by the NJSEA Interim Policies Governing Affordable Housing Development in the Meadowlands District.

Resolution 2022-57 Consideration of a Resolution Ratifying Extension of Authorization for Ramapo College Operation of Meadowlands Environmental Education Programming through Calendar Year 2022.

Resolution 2022-58 Consideration of a Resolution Authorizing the Staff to Bind General Liability and Umbrella (Lyndhurst Locations), and Auto and Excess Liability (All Locations)

VII. **PUBLIC PARTICIPATION**

VIII. **EXECUTIVE SESSION**

Resolution 2022-59 Consideration of a 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.

IX. **MOTION TO ADJOURN**

REGULAR SESSION MINUTES



**REGULAR SESSION
BOARD MEETING
MINUTES**

DATE: November 17, 2022

TIME: 10:00 a.m.

PLACE: Two DeKorte Park Plaza, Lyndhurst

Members in Attendance:

John Ballantyne, Chairman

Joseph Buckelew, Vice Chairman (via phone)

Vincent Prieto, President and CEO

Armando Fontoura, Member

Michael H. Gluck, Esq., Member (via phone)

Michael Griffin, NJ State Treasurer's Representative (via phone)

Woody Knopf, Member

Steven Plofker, Member

Andrew Scala, Member

Anthony Scardino, Member

Louis J. Stellato, Member

Robert Yudin, Member

Absent:

Robert Dowd, Member

Michael Gonnelli, Member

Also Attending:

Christine Sanz, Senior Vice President/Chief Operating Officer

Frank Leanza, Senior Vice President/Chief of Legal & Regulatory Affairs

Adam Levy, Vice President of Legal & Regulatory Affairs

John Duffy, Senior Vice President of Sports Complex Operations & Facilities

Sara Sundell, Director of Land Use Management and Chief Engineer

Anna Acanfora, Director of Finance

Steven Cattuna, Chief of Staff

Brian Aberback, Public Information Officer

Lauren LaRusso Governor's Authorities Unit

Robert Davidow, Governor's Authorities Unit

Colleen Mercado, Senior Operations Administrator

Chairman Ballantyne called the meeting to order.

- I. **PLEDGE OF ALLEGIANCE**
- II. **OPENING STATEMENT** – Chairman Ballantyne read the Notice of Meeting required under the Sunshine Law.
- III. **ROLL CALL**
- IV. **APPROVAL OF MINUTES AND CASH DISBURSEMENTS**

Chairman Ballantyne presented the minutes from the October 27, 2022 Regular Session Board meeting.

Upon motion made by Commissioner Stellato and seconded by Commissioner Scardino the minutes of the Regular Session Board Meeting held on October 27, 2022 were unanimously approved.

Chairman Ballantyne presented the report of cash disbursements over \$100,000 for the month of October 2022.

Upon motion by Commissioner Plofker and seconded by Commissioner Stellato the cash disbursements over \$100,000 for the month of October 2022 were unanimously approved.

V. ACKNOWLEDGEMENT

Chairman Ballantyne stated that this month marked the 40-year milestone for Richard W. DeKorte Park. He noted that on November 30, 1982, Governor Tom Kean had declared the park open to the public and said that DeKorte Park has come a tremendous way from its earliest incarnation to the environmental gem and outdoor classroom that it is today. He acknowledged Paulette Ramsey's presence and said that Paulette's late husband, Richard DeKorte, was the namesake of DeKorte Park and that he was the State Assemblyman behind the legislation that created the Hackensack Meadowlands Development Commission in 1969. Chairman Ballantyne then read Governor Kean's Proclamation into the record.

President Prieto acknowledged Paulette Ramsey. He said it was a pleasure meeting her family at this great milestone. He said that she is a great supporter of the NSJEA and that he has had the pleasure of speaking with her several times about their shared passion for the Meadowlands. He then invited Paulette Ramsey to speak.

Mrs. Ramsey thanked everyone in attendance for the 40-year milestone of this beautiful project. She recalled being in the Meadowlands when Governor Kean issued the proclamation and a few years earlier being with Governor Byrne for the groundbreaking when they stood in the mud surrounded by the garbage trucks going up and around the hill. She said it was hard to imagine this beautiful park and visitors center would ever exist. She recalled when Dick DeKorte and Richard Vanderplat campaigned for a college to be located in northern New Jersey, thus came Ramapo College. She said it is wonderful that the Authority is partnering with Ramapo College.

Commissioner Scardino stated that he attended the dedication of Richard W. DeKorte Park and it was a wonderful event. He said that he did not know Richard Dekorte personally but he did know him by reputation, and he was a dynamic young man and a visionary. He said that if it were not for Dekorte Park in his estimation of having been here as Executive Director for many years this area would still be inundated with garbage. He thanked Mrs. Ramsey, her family and Richard DeKorte's memory for having the vision to do what he did.

VI. EXECUTIVE SESSION

Chairman Ballantyne stated a need for the Board to enter into Executive Session. He then read Resolution 2022-49 into record authorizing the NJSEA to conduct a meeting to which the general public shall not be admitted to discuss:

- Legal counsel regarding World Cup host committee entity funding agreements.

Upon motion made by Commissioner Fontoura and seconded by Commissioner Scala, Resolution 2020-49 was carried by a vote of 12-0.

Executive Session commenced at 10:30 a.m.

Regular Session recommenced at 10:45 a.m.

VII. **PUBLIC PARTICIPATON ON RESOLUTIONS** – None.

VIII. **APPROVALS**

Resolution 2022-50 Consideration of a Resolution Adopting the 2023 NJSEA Annual Schedule of Meetings.

Chairman Ballantyne presented Resolution 2022-50. Upon motion by Commissioner Scardino and seconded by Commissioner Yudin, Resolution 2022-50 was unanimously approved by a vote of 12-0.

Resolution 2022-51 Consideration of a Resolution to Deem the Properties Located at Block 84, Lots 2, 3, 4, 7, 8.01, 10, and 13 in the Borough of Carlstadt as an Area in Need of Redevelopment File No. SP-770.

Ms. Sundell stated NJSEA received a petition on behalf of Russo Development, LLC, requesting that the NJSEA investigate the redevelopment potential of its property located at Block 84, Lot 2, in Carlstadt. She noted that pursuant to the regulations NJSEA staff included additional properties in the Redevelopment Investigation Area, specifically Block 84, Lots 3, 4, 7, 8.01, 10, and 13. She explained that the Board adopted Resolution No. 2021-11, which authorized the staff to conduct an investigation of the subject properties to determine whether they met the conditions to be designated an area in need of redevelopment and to hold a public hearing. She said that staff concluded the investigation, compiled the results in a report entitled, "Draft Carlstadt Block 84 In Need of Redevelopment Investigation Report," and that a public hearing was held. She stated that one verbal comment was provided at the public hearing by David Schweid, regarding access and flooding concerns in the area and that no written comments were received. She said that the staff finalized the draft report, dated November 2022, which provided findings that specific conditions supporting a redevelopment designation exist for the subject property. She explained that the matter was forwarded to the Hackensack Meadowlands Municipal Committee on October 17, 2022 for action within its 30-day statutory review period, and that the HMMC did not have a meeting during this period; however, the HMMC Executive Director provided a memo to advise the Authority that the Carlstadt Mayor and Council had indicated that they were in support of the Report. She concluded by saying that staff recommended that the Board make a determination that the subject study area be deemed an area in need of redevelopment and authorize staff to proceed with the preparation of a redevelopment plan, and to hold a public hearing on the proposed redevelopment plan.

Chairman Ballantyne presented Resolution 2022-51. Upon motion by Commissioner Yudin and seconded by Commissioner Scala, Resolution 2022-51 was unanimously approved by a vote of 12-0.

IX. **CONTRACTS/AWARDS**

Resolution 2022-52 Consideration of a Resolution Authorizing the President and CEO to enter into an Agreement for Banking Services.

Ms. Acanfora explained that this resolution was for approval to enter into a contract with TD Bank for banking services. She stated that a request for proposals was issued for banking services in early October and that responses were received from Kearny Bank and TD Bank. She explained that an evaluation committee reviewed the two proposals and scored each bank based on the factors outlined in the RFP. She stated that TD Bank received the highest score overall. She noted that the contract was for a 3-year period with the option to renew for an additional two 3-year terms.

Chairman Ballantyne presented Resolution 2022-52. Upon motion by Commissioner Plofker and seconded by Commissioner Fontoura, Resolution 2022-52 was unanimously approved by a vote of 11-0, with Vice Chairman Buckelew recusing.

Resolution 2022-53 Consideration of a Resolution Relating to Initial Funding for a Dedicated Host Committee Entity for the Hosting of the 2026 FIFA World Cup and Stadium Construction.

Mr. Levy said as the Board is aware, FIFA selected the City of New York and New Jersey through the NJSEA to serve as joint host city for 2026 World Cup matches to be held at MetLife Stadium. He stated that in support of this effort Resolution 2022-53 authorizes the NJSEA to enter a construction authorization agreement with MetLife Stadium for the initial design work for stadium renovations required by FIFA that will have an estimated cost of approximately \$1.1 million dollars. He noted the design work would begin as soon as possible so as to meet the tight construction timelines. He explained that FIFA also requires the host city to form a host committee, which will undertake many of the host city's obligations as it relates to planning and preparing for World Cup including fund raising for the event. He said that given the host committee's inability to generate its own revenue until 2023, initial funding would be drawn from appropriated funds and made available to the host committee in the form of one or more revolving loans in a totaling approximately \$5 million dollars. These loans have a maturity date of 12/31/2026. He went on to say that this resolution authorizes a loan agreement between NJSEA and the host committee, which will provide the start-up funding that will enable the host committee to move forward as soon as it is formed until it can begin fundraising and start generating its own revenue. With respect to these costs along with additional costs related to the hosting of the World Cup in 2026, it is anticipated that the host committee will become primarily responsible once it begins generating revenue through its own fundraising efforts. In advance of the fund raising by the host committee for both the construction agreement and the host committee loan agreement, funding is being made available through FY2023 appropriations and subject to terms of an MOU between the Authority and Treasury, which is currently being drafted by the parties. He concluded by saying that as always the New York City host partners will be sharing equally with New Jersey in the overall costs incurred by the two entities for the hosting of the 2026 FIFA World Cup.

Chairman Ballantyne stated that Resolution 2022-53. Upon motion by Commissioner Plofker and seconded by Commissioner Scala Resolution 2022-53 was unanimously approved by a vote of 12-0.

IX. PUBLIC PARTICIPATION

Mr. Marvin Donadic of Cliffside Park made the following comments:

- He addressed President Prieto and asked if he could provide an update on whether the USFL would be coming to MetLife Stadium. President Prieto advised Mr. Donadic that as far as he knew MetLife Stadium did not have anything on their books with the USFL and that there has not been any announcement of them coming to New Jersey.
- Donadic commented that the owners of the New Jersey Devils are also the owners of the Philadelphia 76er's NBA franchise; and that he is aware that the 76'ers are looking for a new arena in Philadelphia. He said that the owners of the New Jersey Devils own the arena in Newark so they should be reaching out to bring the 76er's to their own building. He commented that if he was member of this Board he would take it upon himself, in consultation with the Governor's office, to speak with the owners and have them bring their team to Newark.

- He commented that as previously stated it is his opinion that the World Cup is not good for New Jersey. He said that he had asked President Prieto how much of the \$500 million economic impact would be split across New Jersey and that President Prieto had responded that he had no way of knowing that. Donadic also asked Commissioner Yudin why he took umbrage to one of his remarks. Commissioner Yudin replied that he did not owe Mr. Donadic an explanation.

Mr. Edward Faulk of Kearny inquired as to whether there was anything on the map regarding a redevelopment plan in Kearny. He said he was not sure of the specific redevelopment plan in Kearny but he would look into further and come back to the Board.

President Prieto advised Mr. Faulk that if it was the Koppers Coke project that he was referring to, this was moving through the system. He also advised Mr. Faulk that he could reach out to Sara Sundell in Land Use Management with any questions.

XI. ADJOURNMENT

With no further business, motion was made to adjourn by Commissioner Scardino seconded by Commissioner Yudin followed by all in favor.

Meeting adjourned at 10:55 a.m.

I certify that on information and belief this is a true and accurate transcript of the Minutes of the Regular Session of the New Jersey Sports and Exposition Authority Board Meeting held on November 17, 2022.



Christine Sanz
Assistant Secretary

November 17, 2022

Commissioner	Roll Call	2022-49	2022-50	2022-51	2022-52	2022-53
Ballantyne, Chairman	P	Y	Y	Y	Y	Y
Buckelew, Vice Chairman	P	Y	Y	Y	R	Y
Prieto	P	Y	Y	Y	Y	Y
Dowd	--	--	--	--	--	--
Fontoura	P	Y	Y	Y	Y	Y
Gluck	P	Y	Y	Y	Y	Y
Gonnelli	--	--	--	--	--	--
Knopf	P	Y	Y	Y	Y	Y
Plofker	P	Y	Y	Y	Y	Y
Scala	P	Y	Y	Y	Y	Y
Scardino	P	Y	Y	Y	Y	Y
Stellato	P	Y	Y	Y	Y	Y
Yudin	P	Y	Y	Y	Y	Y
Treasury Rep Griffin	P	Y	Y	Y	Y	Y

P = Present A = Abstain -- Absent

R = Recuse Y = Affirmative N = Negative

APPROVALS



CASH DISBURSEMENTS
\$100,000 OR MORE
NOVEMBER 2022

EAST RUTHERFORD - SPORTS COMPLEX

	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
GIBBONS P.C.	205,554.15	A	LEGAL SERVICES - AUTHORITY TRANSACTIONS COUNSEL: OCT 2022
MOTOROLA SOLUTIONS, INC.	145,493.49	A	MEADOWLANDS FIRE DEPT. PURCHASE OF RADIO EQUIPMENT
NEW MEADOWLANDS STADIUM CO., INC.	2,740,003.44	A	GRANDSTAND DEMOLITION REIMBURSEMENT: NOV 2022
PUBLIC SERVICE ELECTRIC & GAS	612,261.45	J/L	ELECTRIC TRANSMISSION: OCT 2022
EAST RUTHERFORD - SC TOTAL	<u>3,703,312.53</u>		

LYNDHURST

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
JERSEY CITY, CITY OF	368,631.00	I	TAX SHARING: NOV 2022
KEARNY, TOWN OF	2,284,530.00	I	TAX SHARING: NOV 2022
NORTH ARLINGTON, BOROUGH OF	400,031.00	I	TAX SHARING: NOV 2022
RIDGEFIELD, BOROUGH OF	281,993.00	I	TAX SHARING: NOV 2022
LYNDHURST TOTAL	<u>3,335,185.00</u>		



CASH DISBURSEMENTS
\$100,000 OR MORE

REFERENCE LETTER	TYPE
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	PRESIDENT/CEO APPROVAL
I	STATUTORY PAYMENT
J	UTILITIES
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 2022-54

**RESOLUTION AUTHORIZING THE PLACEMENT OF PROPERTY, TERRORISM,
GENERAL LIABILITY, EXCESS LIABILITY, UMBRELLA, MARINE & BOAT
HULL, PUBLIC OFFICIALS, CRIME & FIDUCIARY, DRONE HULL LIABILITY,
MEDICAL PROFESSIONAL, HELIPORT LIABILITY, CYBER, STORAGE TANKS,
AND ACTIVE ASSAILANT**

WHEREAS, the New Jersey Sports and Exposition Authority ("Authority") utilized the services of its Insurance Broker, Willis Towers Watson Northeast, Inc. ("Willis") to obtain liability and property insurance coverage; and

WHEREAS, Willis solicited quotes from multiple insurers for the above referenced policies, and

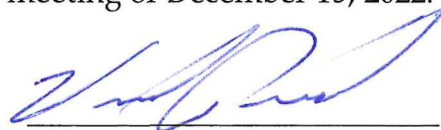
WHEREAS, as a result of its solicitation, Willis is recommending that the Authority bind the following policies.

Coverage	Carrier	Quote
Property (Sports Complex)	AIG	\$ 475,557
Property (Wildwood)	Core/AXIS/ AIG Lex/Markel/RSUI	\$ 420,600
Property (Lyndhurst Locations)	Allianz (McKee)	\$ 34,394
Property Terrorism	Liberty Mutual	\$ 22,000
Crime & Fiduciary	Chubb	\$ 14,177
Marine & Boat Hull	Argonaut/Markel/Beazley/Liberty Mutual	\$ 43,874
Public Officials	AXA XL	\$ 96,153
Excess Public Officials	RSUI/Nexus	\$ 96,308
General Liability (Sports & WW)	Philadelphia	\$ 347,084
Commercial Umbrella (Sports & WW)	Philadelphia/ AIG	\$ 190,810
Medical Professional	MedPro	\$ 10,000
Helicopter Liability	Chubb	\$ 24,885
Drone Hull & Liability	Global Aerospace	\$ 1,607
Storage Tank	Chubb	\$ 11,276
Cyber	Cowbell	\$ 20,917
Active Assailant	Hiscox	\$ 18,500
Total		\$1,828,142

WHEREAS, the Authority staff has evaluated the insurance premium quotation options submitted by Willis and concurs with its recommendation.

NOW THEREFORE BE IT RESOLVED that the Board of Commissioners of the New Jersey Sports and Exposition Authority hereby authorize Willis to bind the policies that will be effective January 1, 2023 through January 1, 2024 at a total cost of \$1,828,142.00.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Sports and Exposition Authority at their meeting of December 15, 2022.



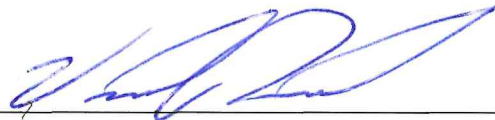
Vincent Prieto
Secretary

RESOLUTION 2022-55

**RESOLUTION ADOPTING THE
2023 NEW JERSEY SPORTS AND EXPOSITION AUTHORITY BUDGET**

BE IT RESOLVED by the New Jersey Sports and Exposition Authority that the attached Operations budget is hereby approved and adopted as the 2023 New Jersey Sports and Exposition Authority Budget.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Sports and Exposition Authority at their meeting of December 15, 2022.



Vincent Prieto
Secretary

RESOLUTION 2022-55 ATTACHMENT



NEW JERSEY SPORTS & EXPOSITION AUTHORITY

2023 PROPOSED BUDGET

DRAFT DELIBERATIVE

	Approved 2022 Budget	Proposed 2023 Budget	Proposed v. Prior Year
REVENUES			
NMSCO Ground Lease	\$ 6,300,000.00	\$ 6,300,000.00	\$ -
NMR Shared Services/Ground Lease	\$ 7,700,000.00	\$ 8,580,000.00	\$ 880,000.00
MP Shared Services/Interest Income	\$ 2,520,000.00	\$ 2,177,000.00	\$ (343,000.00)
Lease Revenue	\$ 1,273,451.00	\$ 1,583,176.00	\$ 309,725.00
Land Use Fee Income	\$ 650,000.00	\$ 650,000.00	\$ -
Market Place	\$ 440,000.00	\$ 440,000.00	\$ -
Wireless	\$ 400,000.00	\$ 350,000.00	\$ (50,000.00)
Wildwood Management Fees	\$ 315,000.00	\$ 315,000.00	\$ -
Arena Revenue	\$ 1,200,000.00	\$ 2,600,000.00	\$ 1,400,000.00
AD Shared Services	\$ 1,400,000.00	\$ 1,400,000.00	\$ -
Misc. Other	\$ 640,965.00	\$ 670,823.00	\$ 29,858.00
TOTAL REVENUES	\$ 22,839,416.00	\$ 25,065,999.00	\$ 2,226,583.00
EXPENSES			
Salaries/Fringe-Administrative & Retirees	\$ 13,026,774.00	\$ 13,929,311.00	\$ 902,537.00
Salaries/Fringe-Union	\$ 7,364,268.00	\$ 7,696,955.00	\$ 332,687.00
Supplies	\$ 694,376.00	\$ 848,675.00	\$ 154,299.00
Services - Non Discretionary	\$ 14,795,399.00	\$ 13,243,180.00	\$ (1,552,219.00)
Services - Discretionary	\$ 4,473,925.00	\$ 4,794,812.00	\$ 320,887.00
Repairs/Maintenance	\$ 1,785,675.00	\$ 1,951,770.00	\$ 166,095.00
Utilities	\$ 3,739,052.00	\$ 4,923,430.00	\$ 1,184,378.00
Other	\$ 19,194,337.00	\$ 18,714,563.00	\$ (479,774.00)
TOTAL EXPENSES	\$ 65,073,806.00	\$ 66,102,696.00	\$ 1,028,890.00
OPERATING GAIN/(LOSS)	\$ (42,234,390.00)	\$ (41,036,697.00)	\$ 1,197,693.00
NON-OPERATING INCOME/(EXPENSE)			
Solid Waste Closure Fund	\$ 3,986,220.00	\$ 1,092,021.00	\$ (2,894,199.00)
Solid Waste Rec. Fund Reserve	\$ 2,227,500.00	\$ 608,010.00	\$ (1,619,490.00)
Capital Fund Reserve	\$ 2,086,670.00	\$ 3,122,733.00	\$ 1,036,063.00
State Police Relocation Reserve	\$ 934,000.00	\$ -	\$ (934,000.00)
State Appropriation	\$ 33,000,000.00	\$ 33,000,000.00	\$ -
TOTAL NON-OPERATING INCOME/(EXPENSE)	\$ 42,234,390.00	\$ 37,822,764.00	\$ (4,411,626.00)
CHANGE IN NET POSITION	\$ -	\$ (3,213,933.00)	\$ (3,213,933.00)
Solid Waste Closure Shortfall	\$ -	\$ (3,213,933.00)	\$ (3,213,933.00)
Operating Shortfall	\$ -	\$ -	\$ -

RESOLUTION 2022-56

**RESOLUTION ISSUING A DECISION ON THE
SUITABILITY RECOMMENDATION AS REQUIRED BY THE
NJSEA INTERIM POLICIES GOVERNING AFFORDABLE HOUSING
DEVELOPMENT IN THE MEADOWLANDS DISTRICT
FILE No. 22-439, SOF/Dawn US Holdings, LLC/Evoque - New Building/Site
Improvement (Variances)
BLOCK 56, LOT 2
IN THE TOWN OF SECAUCUS**

WHEREAS, in a decision dated May 21, 2007 (A-4174-03T3; A-3107-04T1), the Appellate Division of the New Jersey Superior Court determined, among other things, that the New Jersey Meadowlands Commission (NJMC) should consider whether new development in the Meadowlands District should be avoided until the Commission implements new rules concerning affordable housing; and

WHEREAS, on July 25, 2007, the Commission adopted Resolution No. 07-68, which approved the "Policy Statement Regarding the NJMC's Expanded Responsibilities to Plan and Zone for Affordable Housing"; and

WHEREAS, on May 6, 2008, COAH adopted new rules, which became effective upon publication in the New Jersey Register on June 2, 2008 and, in addition, adopted new rules on September 22, 2008, which became effective on October 20, 2008; and

WHEREAS, on July 17, 2008, P.L. 2008, Chapter 46 became law, revising various parts of the statutory law concerning affordable housing; and

WHEREAS, on July 23, 2008, the Commission adopted Resolution No. 08-80, which approved the "*Interim Policies Governing Affordable Housing Development in the Meadowlands District*," in order to govern the review of and restraints upon applications for further development in the Meadowlands District in a manner consistent with these regulatory and statutory changes, prior to the implementation of new regulations regarding same; and

WHEREAS, pursuant to Public Law 2015, Chapter 19, the New Jersey Meadowlands Commission (NJMC) has become part of the New Jersey Sports and Exposition Authority (NJSEA), effective February 5, 2015; and

WHEREAS, the *Interim Policies*, last revised by Resolution No. 11-29 on July 27, 2011, govern all zoning certificate applications, petitions to amend the Official Zoning Map, new redevelopment plans, and proposed amendments to a

redevelopment plan pertaining to new proposed uses or changes to existing uses, received on or after July 24, 2008, and remain in effect until the NJSEA promulgates new regulations concerning affordable housing, or the *Interim Policies* are withdrawn or rescinded by Commission action or court order, whichever occurs first; and

WHEREAS, the *Interim Policies* set forth the criteria for a Review Team, comprised of three NJSEA staff members including one New Jersey-licensed professional engineer and one New Jersey-licensed professional planner, and also a professional planner representing the municipality in which the proposed development is located, to review each applicable application to determine the suitability of the subject site for residential use; and

WHEREAS, a zoning certificate application was submitted to the NJSEA on November 1, 2022, by Michael Miceli, Esq., of Prime & Tuvel, representing Dawn US Holdings, LLC, for the premises identified as 15 Enterprise Avenue North, Block 56, Lot 2, in the Town of Secaucus, New Jersey, which is located in the District's Light Industrial A zone; and

WHEREAS, the subject application proposes the construction of a 24,604-square-foot data center building, and, as such, is not exempt from the *Interim Policies*; and

WHEREAS, the application was forwarded to the Review Team for review of the application in accordance with the *Interim Policies*; and

WHEREAS, the Review Team evaluated the suitability of the subject property taking into consideration the specific application submitted for construction of a 24,604-square-foot data center building; and

WHEREAS, a suitability review, dated December 5, 2022, and attached hereto, has been prepared, indicating the recommendation of the Review Team in this matter; and

WHEREAS, the suitability review recommends that the subject property is unsuitable for residential use; and

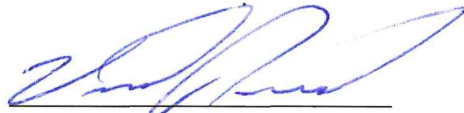
WHEREAS, the Board of Commissioners of the NJSEA has reviewed the suitability review and recommendation prepared by the Review Team, regarding the subject property; and

WHEREAS, the Board of Commissioners of the NJSEA concurs with the recommendation of the Review Team; and

WHEREAS, the Board of Commissioners of the NJSEA hereby determines that the subject property is unsuitable for residential use.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the New Jersey Sports and Exposition Authority that the property located at 15 Enterprise Avenue North, Block 56, Lot 2, in the Town of Secaucus, New Jersey, is deemed to be unsuitable for residential use.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Sports and Exposition Authority at their meeting of December 15, 2022.



Vincent Prieto
Secretary



MEMORANDUM

To: NJSEA Board Members and Vincent Prieto, President/CEO

From: Sara J. Sundell **Date:** December 15, 2022

Subject: Site Suitability Recommendation for 15 Enterprise Avenue, Block 56, Lot 2, in the Town of Secaucus (File No. 22-439)

In a decision dated May 21, 2007 (A-4174-03T3; A-3107-04T1), the Appellate Division of the New Jersey Superior Court determined, among other things, that the New Jersey Meadowlands Commission (NJMC or Commission) should consider whether new development in the Meadowlands District should be avoided until the Commission implements new rules concerning affordable housing. The Commission followed up by adopting Resolution No. 07-68, on July 25, 2007, which approved the "Policy Statement Regarding the NJMC's Expanded Responsibilities to Plan and Zone for Affordable Housing." Thereafter, on July 23, 2008, the Commission adopted Resolution No. 08-80, which approved the "*Interim Policies Governing Affordable Housing Development in the Meadowlands District*," which was last revised by Resolution No. 11-29 on July 27, 2011, in order to govern the review of and restraints upon applications for further development in the Meadowlands District in a manner consistent with regulatory and statutory changes regarding affordable housing, prior to the implementation of new regulations regarding same.

Pursuant to Public Law 2015, Chapter 19, the New Jersey Meadowlands Commission (NJMC) has become part of the New Jersey Sports and Exposition Authority (NJSEA), effective February 5, 2015.

The *Interim Policies* apply to all zoning certificate applications, petitions to amend the Official Zoning Map, new redevelopment plans, and proposed amendments to a redevelopment plan pertaining to new proposed uses or changes to existing uses, received on or after July 24, 2008, and will remain in effect until the NJSEA promulgates new regulations concerning affordable housing, or the *Interim Policies* are withdrawn or rescinded by Authority action or court order, whichever occurs first. The *Interim Policies* set forth the criteria for a Review Team, comprised of three NJSEA staff members, including one New Jersey-licensed professional

engineer and one New Jersey-licensed professional planner, and also a professional planner representing the municipality in which the proposed development is located, to review each applicable application to determine the suitability of the subject site for residential use.

The NJSEA received an application for the construction of a 24,604-square-foot data center building, on the premises identified as 15 Enterprise Avenue North, Block 56, Lot 2, in the Town of Secaucus, New Jersey. The subject property is located within the District's Light Industrial A zone and is currently the site of an existing data center facility.

The matter was forwarded to the Review Team for review of the proposed site in accordance with the *Interim Policies*. A suitability review, dated December 5, 2022, has been prepared, indicating that the Review Team recommends that the subject property is not suitable for residential use.

At this time, the NJSEA staff is recommending that the members of the NJSEA concur with the site suitability recommendation prepared by the Review Team, which determines that the subject property is not suitable for residential use.

Suitability Review – Summary

File No. 22-439

SOF/Dawn US Holdings, LLC/Evoque - New Building/Site Improvement (Variances)

Block 56, Lot 2, in the Town of Secaucus

December 5, 2022

The NJSEA received a zoning certificate application for the proposed construction of a 24,604-square-foot data center building, proposed to be located at 15 Enterprise Avenue North, Block 56, Lot 2, in Secaucus, New Jersey. The subject property is located in the Commission's Light Industrial A zone and, as such, is not exempt from the site suitability review process. In keeping with the review process, the site characteristics of the property have been evaluated in accordance with the "Interim Policies Governing Affordable Housing Development in the Meadowlands District," adopted by the NJMC on July 24, 2008, and last revised on July 27, 2011.

In accordance with Section IV(c)1 of the Interim Policies, the criteria to deem a site suitable for housing are as follows:

- i. The site is adjacent to compatible land uses and has access to appropriate streets.**
 - The subject property is adjacent to land uses that are not compatible with a residential development.
 - The subject property contains an existing data center facility, which is situated within a portion of Secaucus that contains predominantly warehouse/distribution, commercial and industrial uses.
 - The subject property is located on Enterprise Avenue, which connects to Secaucus Road and Meadowland Parkway via American Way. All of these streets are within the warehouse/distribution, commercial and industrial center of Secaucus.
 - The location of the proposed building is adjacent to a large utility compound containing emergency generators utilized by the existing main data center building on the subject property. Noise from the generators, including during regular exercise of the equipment, would be detrimental to an adjacent residential use.
 - The nearest residential area is located further north of the subject property along Enterprise Avenue; however, there is a gate separating the residential neighborhood from the warehouse and industrial area.
 - This criterion is not met by the subject property.

- ii. **The site has access to water and sewer infrastructure with sufficient capacity.**
 - This criterion is met by the subject property.
- iii. **The site can be developed consistent with the rules of the NJSEA.**
 - This criterion can be met by the subject property.
- iv. **Former and existing land uses, either on the site or in the vicinity, may not expose residents to environmental hazard. Alternatively, the site shall be remediated to NJDEP residential standards as a condition of the Board's approval.**
 - The subject property is not listed on the NJDEP's Known Contaminated Site List for New Jersey.
 - As such, this criterion is met by the subject property.
- v. **The size, shape, or layout of any existing structure that shall remain, or other physical limitation(s) not listed previously, do not preclude residential use.**
 - The subject property is fully developed with an active and operational data center, including the building structure and necessary parking and loading facilities. A significant number of generators, cooling equipment and other exterior equipment associated with the data center, are located within a utility compound adjacent to the existing building.
 - The existing data center structure on the subject property is not proposed to be removed, but instead to be expanded by the addition of a new building.
 - The proposed building is proposed to be constructed in an area of the property that includes both a paved surface parking lot and an area of open space.
 - The subject property does not have significant areas of excess contiguous open space or vacant area on which to construct a residential structure. The location of the proposed building is adjacent to the utility equipment area that contains a significant number of generators. There is very limited area on Lot 2 for any new construction with the exception of the existing surface parking lot.
 - With a limited quantity of open space, there is not sufficient space to construct residential uses on the subject property in a manner that would provide a reasonable separation distance and appropriate

buffering between the different uses. There is also insufficient area available to develop a critical mass of housing.

- The existing layout of the existing data center building, parking fields, loading area, utility field, open space, and setbacks precludes residential use.
- As such, this criterion is not met by the subject property.

vi. The site is suitable for residential use pursuant to sound planning principles.

- The site is surrounded by warehouse and industrial development. There are no adjacent residential or other supportive uses that could, from a planning perspective, create a cohesive neighborhood. The site is remote from public schools, local retail stores, and other public amenities. Pedestrian access to the rest of the community requires traveling through an active warehouse and industrial area, which is heavily utilized by trucks.
- The site is substantially built-out, including an active data center, parking and loading areas, and exterior equipment. The largest expanse of open space on the subject property is adjacent to the utility compound, which includes many emergency generators. No vacant area remains on the site of sufficient size to construct residential units that could be effectively separated from the existing data center use.
- When in operation, the exterior equipment associated with the data center, including the generators and cooling equipment in the existing utility compound, produce noise at levels that are regulated for industrial areas, but not for residential areas. Such noise would be detrimental to a residential use located on the subject property.
- While a data center does not generate significant truck or personal vehicle traffic, the property is surrounded by warehouse and industrial uses with loading facilities that require significant truck movements. The adjacent property to the south has loading doors and tractor trailer parking that faces the area proposed for the new building. Other proximate loading areas are located across Enterprise Avenue to the east. Loading areas for truck traffic generate noise during both on- and off-peak hours, which is detrimental to residential uses.
- As such, this criterion is not met by the subject property.

In summary, only three (3) of the above criteria, as per Section IV(c)1 of the Interim Policies, apply to the subject property.

Conclusion

The subject property, located at 15 Enterprise Avenue North, Block 56, Lot 2, in the Town of Secaucus, is recommended to be deemed unsuitable for housing.

Contingent upon the approval of this recommendation by the NJSEA Board of Commissioners, the review by the Town of Secaucus of the submitted zoning certificate application for the proposed construction of a 24,604-square-foot data center building may proceed for this site. As a condition of zoning certificate approval, the applicant shall be required to satisfy the project's affordable housing requirements as per Section VII(a) of the Interim Policies or as required by law.

RESOLUTION 2022-57

**Resolution Ratifying Extension of Authorization for Ramapo College Operation
of Meadowlands Environmental Education Programming
through Calendar Year 2022**

WHEREAS, the New Jersey Sports and Exposition Authority (NJSEA) is committed to providing quality environmental education programming for K-12 students in the State of New Jersey; and

WHEREAS, the NJSEA authorized the operation of the aforementioned programming on its behalf by Ramapo College through December 31, 2021; and

WHEREAS, to allow for the continuation of such programming in an uninterrupted fashion, the operation by Ramapo College was extended under the same terms and conditions through CY2022;

NOW, THEREFORE BE IT RESOLVED that the NJSEA ratifies the extension of the operation of Meadowlands Environment Center educational programs by Ramapo College under the same terms and conditions previously authorized by the NJSEA through CY2022.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Sports and Exposition Authority at their meeting of December 15, 2022.



Vincent Prieto
Secretary

RESOLUTION 2022-58

**RESOLUTION AUTHORIZING THE STAFF TO BIND GENERAL LIABILITY AND
UMBRELLA (LYNDHURST LOCATIONS), AND AUTO AND EXCESS LIABILITY
(ALL LOCATIONS)**

WHEREAS, the New Jersey Sports and Exposition Authority (" Authority") utilized the services of its Insurance Broker, Willis Towers Watson Northeast, Inc. ("Willis") to obtain liability and property insurance coverage; and

WHEREAS, Willis solicited quotes from multiple insurers for the following policies; and

Coverage: G/L (Lyndhurst Locations)
 Umbrella (Lyndhurst Locations)
 Auto Package (All)
 Excess (All)

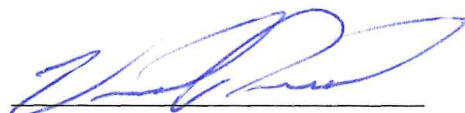
WHEREAS, as a result of the difficulties in the current market conditions, Willis requires additional time to complete the solicitation process and finalize pricing; and

WHEREAS, the Authority must obtain coverage prior to the expiration of the existing policies on January 1, 2023; and

WHEREAS, given the time constraints associated with the expiration of existing policies and to protect against a lapse in coverage, the Authority desires to provide Authority staff with the ability to bind the above policies immediately upon Willis completing the process of soliciting quotes and finalizing pricing; and

NOW THEREFORE BE IT RESOLVED that the Board of Commissioners of the New Jersey Sports and Exposition Authority hereby authorize Authority staff to work with its broker to obtain and bind the above policies that will be effective January 1, 2023 through January 1, 2024.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Sports and Exposition Authority at their meeting of December 15, 2022.



Vincent Prieto
Secretary