



**REGULAR SESSION
BOARD MINUTES**

DATE: May 26, 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

Woody Knopf, Member – via phone

Steven Plofker, Member – via phone

Andrew Scala, Member

Anthony Scardino, Member

Louis J. Stellato, Member

Robert Yudin, Member

Absent:

Robert Dowd, Member

Michael Gonnelli, Member

Michael Griffin, NJ State Treasurer's Representative

Also Attending:

Christine Sanz, Senior Vice President/Chief Operating Officer

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

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

Terry Doss, Co-Director MRRI

Steven Cattuna, Chief of Staff

Brian Aberback, Public Information Officer

Noreen Giblin, Governor's Authorities Unit – via phone

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

Chairman Ballantyne noted that earlier this month, Meadowlands Research and Restoration Institute Co-Director Terry Doss was interviewed by NJ Spotlight News about the critical wetland restoration work conducted by MRRI to help prepare the Meadowlands to best combat climate change, sea level rise and other environmental matters. He said that the interview is expected to be online early next month at njspotlightnews.org.

President Prieto advised that on Sunday, May 15, the NJSEA and Bergen County Audubon Society co-hosted Native Plant Day at DeKorte Park with 150 people in attendance. He noted that Butterfly Day would be held on Sunday, July 17, also at DeKorte Park. He also updated the Board on the various sporting events that the Authority has been actively bidding on:

- 2026 FIFA World Cup;
- 2025 Army/Navy game;
- 2024 Army/Notre Dame;
- 2030/2031 Men and Women's Rugby World Cup;
- Concacaf – Caribbean Soccer Championships;
- The Authority is also in discussion with World Cup Cricket.

IV. **APPROVAL OF MINUTES AND CASH DISBURSEMENTS**

Chairman Ballantyne presented the minutes from the April 21, 2022 Regular Session Remote Board meeting.

Upon motion made by Commissioner Gluck and seconded by Commissioner Stellato the minutes of the Regular Session Remote Board Meeting held on April 21, 2022, were unanimously approved.

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

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

V. **PUBLIC PARTICIPATION ON RESOLUTIONS** - None

VI. **APPROVALS**

<u>Resolution 2022-18</u>	Consideration of a Resolution Issuing a Decision on the Bulk Variance Application Submitted as Part of File No. 21-289 Transco/PSE&G Gas M & R Station-New Buildings/VariANCES Block 107.03, Lot 10 in the Borough of East Rutherford.
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Ms. Sundell explained that the NJSEA received a zoning certificate application from PSE&G for the proposed reconstruction of portions of its East Rutherford Gas Metering and Regulating Station located along Paterson Plank Road, within the District's Waterfront Recreation zone. She said that the unmanned facility takes high pressure natural gas from Transco and lowers the pressure for distribution to local gas mains. As part of PSE&G's Energy Strong II (ESII) flood mitigation program, the applicant is proposing to upgrade the facility by demolishing two existing buildings and constructing a new regulator building and a new electrical control building along with associated equipment and site improvements. She noted that the project intent is to elevate critical natural gas metering and regulation equipment at least one-foot above FEMA base flood elevations to improve gas transmission reliability. She stated that PSE&G has requested two bulk variances – the first to construct an electrical control building with a minimum setback of 7.9 feet from the easterly property line along Paterson Plank Road, where a 25-foot front yard setback is required; and the second to construct a regulator building with a minimum setback of 22.1 feet from the northerly property line, where a 25-foot side yard setback is required. She explained that the placement and configuration of each of the proposed buildings are dictated by existing structures to remain and the minimum clearances required for safety and maintenance purposes, which present exceptional practical difficulties in the ability to comply with the front and side yard setback requirements. She went on to say that the areas of encroachment within the easterly and northerly side yards will occur within the existing fenced compound

and will not have a negative impact on surrounding properties. She said that the requested variance will not substantially impair the intent and purpose of the regulations and in addition, the proposed improvements will promote general welfare of the public through enhanced energy resiliency. She concluded by saying that there were no public comments received at or prior to the hearing. Staff is recommending the approval of the requested bulk variances.

Commissioner Yudin stated that he was uncomfortable with approval of an almost 75% reduction in the setback on Paterson Plank Road and asked if staff was okay with this exception. He also asked what the actual distance was from the building to the travel lane.

Ms. Sundell replied that she was okay with this and explained that in this area Paterson Plank Road has a very wide right-of-way, as there is kind of a gore section and the actual travel way of Paterson Plank Road is further away from the PSE&G facility. She stated that in reality the 7.9 feet from the right-of-way is not 7.9 feet from the travel lane and that the distance from the building to the travel lane is approximately 70 feet.

Chairman Ballantyne presented Resolution 2022-18. Upon motion by Commissioner Scardino and seconded by Commissioner Yudin, Resolution 2022-18 was unanimously approved by a vote of 11-0.

<u>Resolution 2022-19</u>	Consideration of a Resolution Authorizing the Execution of an Access and Easement Agreement Between New Jersey Sports and Exposition Authority and Berry's Creek Study Area Cooperating Potentially Responsible Party Group.
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Mr. Leanza explained that Berry's Creek Study Area Group has developed a cutting edge remediation plan for this USEPA Superfund designated estuary which runs through the heart of the Meadowlands District and that the USEPA has approved Phase 1 of the remediation plan. He said that an Access and Easement Agreement is required by the USEPA to assure that the group has the necessary access to the Creek through and on NJSEA property to prosecute the remediation. He stated that the executed agreement will allow the Group to commence the contracting procedure for the remediation work, which has an 18-24 month lead time and is seasonally dependent. He noted that the only site which will be occupied by the remediation contractors is the former United Oil property, which the NJSEA acquired to allow construction of the NJ Transit rail spur to the Stadium. He stated that the NJSEA has no current use of this property and development of the property is precluded by the contamination thereon. He said that Honeywell remains responsible for its cleanup which will be coordinated with the Group's remediation. He concluded by saying that to the extent environmentally sensitive NJSEA properties beyond Berry's Creek proper will require remediation under USEPA orders, the Group will be required to obtain written approval from the NJSEA for access to such properties.

Chairman Ballantyne presented Resolution 2022-19. Upon motion by Commissioner Plofker and seconded by Commissioner Scala, Resolution 2022-19 was unanimously approved by a vote of 11-0.

<u>Resolution 2022-20</u>	Consideration of a Resolution Relating to the Review and Approval of Redevelopment Proposals at the Monmouth Park Racetrack Site.
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Mr. Leanza explained that at the time of privatization of NJSEA racetracks, they were operating at a \$17 million loss and this year's NJSEA's costs for the tracks are \$1.7 million. He stated that the Authority's lease with the Monmouth Park operator provides for development

of the NJSEA property adjacent to the track as a potential additional revenue source for the horse racing industry. He said that the lessee has proposed a Phase 1 development of a 150-room hotel and 367 age-restricted residential units with onsite commercial convenience space. He went on to say that it is anticipated that the net revenue from this development will be shared with the NJSEA to offset racing costs with the balance being applied to improving New Jersey's racing industry through increased purses and track improvements. He said that the development should also stimulate the economy by creating both temporary and permanent jobs and boosting tourism in Monmouth County and local businesses. He noted that unlike other projects, no NJSEA bonding would be required, as the lessee will joint venture with a private developer who will supply the necessary funding. He concluded by saying that this resolution does not approve the proposal, but allows staff to review detailed development plans, impact studies, etc., reserving approvals for the Board of Commissioners.

Chairman Ballantyne presented Resolution 2022-20. Upon motion by Commissioner Fontoura and seconded by Commissioner Gluck, Resolution 2022-20 was unanimously approved by a vote of 11-0.

VII. CONTRACTS/AWARDS

Resolution 2022-21 Consideration of a Resolution Authorizing a Contract to Develop a Hydrodynamic and Sediment Transport Model.

Ms. Doss stated that staff is currently working under an EPA grant to study the Sawmill Creek Wildlife Management Area and to determine if it is possible to restore the salt water marshes that were once there. She explained that it is essential to have a better understanding of the hydrodynamic and sediment transport that move through the site in order to determine the best approach for restoration. She said that the EPA grant provides funding to complete a 2D hydrodynamic and sediment transport model of the site. She stated that an RFP was prepared seeking a vendor to prepare this model and in response one proposal was received. After evaluation of the proposal staff is recommending award of the contract to Biohabitats, Inc. to develop the model.

Chairman Ballantyne presented Resolution 2022-21. Upon motion by Commissioner Yudin and seconded by Commissioner Scala, Resolution 2022-21 was unanimously approved by a vote of 11-0.

Resolution 2022-22 Consideration of a Resolution Authorizing the President and CEO to Enter into a Contract with FCS Group of New Jersey for Painting of the Arena Exterior Stair Tower Enclosures.

Mr. Duffy explained that an RFP was prepared in April 2022 to paint the towers at the Arena that are fading and in response, three bids were received. He said that FCS Group, LLC was the low proposer at \$129,000.00 and staff is recommending award of the contract to FCS.

Chairman Ballantyne presented Resolution 2022-22. Upon motion by Commissioner Fontoura and seconded by Commissioner Stellato, Resolution 2022-22 was unanimously approved by a vote of 10-0, with Commissioner Scala recusing.

Resolution 2022-23 Consideration of a Resolution Authorizing the Purchase of a 2022 Caterpillar 908m Compact Wheel Loader.

Mr. Duffy said that there is a need to replace a front-end loader which is used for snow removal and marketplace clean-up. He said that staff reached out to Sourcewell CO-OP, of which the NJSEA is a member, and they were able to obtain competitive pricing and immediate availability

from Foley Incorporated at a price of \$115,073.00.

Chairman Ballantyne presented Resolution 2022-23. Upon motion by Commissioner Scala and seconded by Commissioner Stellato, Resolution 2022-23 was unanimously approved by a vote of 11-0.

Resolution 2022-24 Consideration of a Resolution Authorizing the President and CEO to Enter into a Contract with Paino Roofing of New Jersey for a Roof Replacement for the Meadowlands Firehouse in East Rutherford.

Mr. Duffy explained that the firehouse roof is an older roof that has had a lot of problems. He said that there was a bid walk-through in April 2022 at which nine companies attended. He stated that four proposals were received of which Paino Roofing was the lowest bidder at \$139,000.00.

Chairman Ballantyne presented Resolution 2022-24. Upon motion by Commissioner Yudin and seconded by Commissioner Gluck, Resolution 2022-24 was unanimously approved by a vote of 11-0.

VIII. PUBLIC PARTICIPATION

Marvin Donadic - resident of Cliffside Park.

- Mr. Donadic stated that bringing 2026 World Cup soccer games to New Jersey so New Yorkers can enjoy it and reap the economic benefits is a bad idea. President Prieto respectfully disagreed and said that the World Cup is not a one-day event like the Super Bowl. He said the World Cup is made up of several games and it attracts people from around the world who just want to be close to the event. He noted that there will be various fan experiences planned for around New Jersey.
- Mr. Donadic asked about the current state of the Arena and if the Authority was looking to partner with a private enterprise to attract a professional basketball franchise and bring the Arena back to its former glory. President Prieto stated that the Arena was used for a brief time for acts to rehearse and that NJSEA currently has a contract with AMC theatres for production of television shows. He said this is currently the best use and that the Authority is always looking for a better opportunity.
- He also asked if the Authority is in talks with Triple Five in regards to American Dream utilizing the Arena. President Prieto responded "no, not at this point in time."

Donald Smith - resident of Gloversville, New York.

- Mr. Smith stated his concerns regarding the Authority's oversight of the District - describing it as becoming lax over the years. He specifically referred to the Guarini property. He said that truckloads of illegal fill were brought onto the property without the owner's knowledge. He stated that the property owner is actively removing the fill as required by an agreement with the Army Corps of Engineers so that when all obligations are met the property can be donated to the Meadowlands Conservation Trust. He said that the Authority should be monitoring sites in the District more closely.
- Mr. Smith mentioned that he had witnessed herbicide spraying on both sides of Valley Brook Avenue, which he said killed all of the cattails and duckweed. He stated that he reached out to NJDEP about this matter. Mr. Smith said that the NJDEP inspector who came to the site said that the contractor of the properties in question should have known exactly what permits were needed and that the contractor did not have the appropriate permits. Mr. Smith said that the Authority needs to build a better rapport

- with the NJDEP; and that the Authority should be notified whenever a spraying permit is issued in the District. He noted that he had also witnessed mowing currently taking place on the old Avon Landfill while mocking birds were nesting there. He said that this is a Federal violation and should never be done at the height of nesting season.
- Mr. Smith concluded by stating that the many people fishing at River Barge Park Marina in Carlstadt is positive as it indicates that the fish have come back to the Meadowlands, the Eagles have come back, and now, the people have come back.

Chairman Ballantyne thanked Mr. Smith for his participation and said that he appreciated his passion for protecting environmentally sensitive areas. He noted that a meeting of the NJSEA Committee on Science and the Environment, chaired by Commissioner Scardino, is scheduled for next week and that each of his comments made today would be addressed.

Commissioner Scardino said that there is no one that he knows of who is alive today that knows as much about the District than Mr. Smith. He said that he worked with Mr. Smith for many years and he's learned from him and that he was not here for any other reason than to do good. He stated that the Authority needs to take the comments made by Mr. Smith to heart and follow up on each of the points he made, particularly as they relate to potential violations. He thanked Mr. Smith and said that he appreciated everything that he has done for the District. He said he was a good friend not only to him but to many people in the District.

X. EXECUTIVE SESSION

Chairman Ballantyne read the Closed Session Resolution in the record.

Resolution 2022-25 - 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 the following:

- New Jersey Meadowlands Commission v. SVD Family Associates, LP

Executive Session commenced at 11:00 a.m.

Regular Session recommenced at 11:50 a.m.

XI. ADJOURNMENT

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

Meeting adjourned at 11:51 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 Remote Board Meeting held on May 26, 2022.



Christine Sanz
Assistant Secretary

May 26, 2022

Commissioner	Roll Call	2022-18	2022-19	2022-20	2022-21	2022-22	2022-23	2022-24	2022-25
Ballantyne, Chairman	P	Y	Y	Y	Y	Y	Y	Y	Y
Buckelew, Vice Chairman	P	Y	Y	Y	Y	Y	Y	Y	Y
Prieto	P	Y	Y	Y	Y	Y	Y	Y	Y
Dowd	--	--	--	--	--	--	--	--	--
Fontoura	P	Y	Y	Y	Y	Y	Y	Y	Y
Gluck	P	Y	Y	Y	Y	Y	Y	Y	Y
Gonnelli	--	--	--	--	--	--	--	--	--
Knopf	P	Y	Y	Y	Y	Y	Y	Y	Y
Plofker	P	Y	Y	Y	Y	Y	Y	Y	Y
Scala	P	Y	Y	Y	Y	R	Y	Y	Y
Scardino	P	Y	Y	Y	Y	Y	Y	Y	Y
Stellato	P	Y	Y	Y	Y	Y	Y	Y	Y
Yudin	P	Y	Y	Y	Y	Y	Y	Y	Y
Treasury Rep Griffin	--	--	--	--	--	--	--	--	--

P = Present A = Abstain -- Absent

R = Recuse Y = Affirmative N = Negative