



Board Meeting

Thursday, October 26, 2023

10:00 a.m.



**AGENDA  
REGULAR SESSION**

Two DeKorte Park Plaza, Lyndhurst, NJ  
Thursday, October 26, 2023 - 10:00 a.m.

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 September 21, 2023.
- Approval of Executive Session Meeting Minutes of September 21, 2023.
- Approval and/or Ratification of Cash Disbursements over \$100,000 for the month of September 2023.

V. **PUBLIC PARTICIPATION ON RESOLUTIONS**

VI. **APPROVALS**

Resolution 2023-41      Consideration of a Resolution Authorizing Settlement of Matters Pending in the Office of Administrative Law and Bergen County Superior Court Concerning Khanomi, LLC, located at 415 Fourteenth Street in Carlstadt.

VII. **PUBLIC PARTICIPATION**

VIII. **EXECUTIVE SESSION**

Resolution 2023-42      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: September 21, 2023

TIME: 10:00 a.m.

PLACE: Commission Meeting Room, Two DeKorte Park Plaza, Lyndhurst

**Members in Attendance:**

John Ballantyne, Chairman

Paul Juliano, President and CEO

Joseph Buckelew, Vice Chairman (via phone)

Robert Dowd, Member

Armando Fontoura, Member

Michael H. Gluck, Esq., Member

Gail B. Gordon, Esq., Member

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

Woody Knopf, Member

Tom Mullahey, Member

Eric S. Pennington, Esq., Member (via phone)

Steven Plofker, Esq., Member

Anthony Scardino, Member

Louis J. Stellato, Member

**Absent:**

Marguerite Schaffer, Esq., Member

Michael Gonnelli, Member

**Also Attending:**

Nicholas Mammano, Chief of Staff

Christine Sanz, Senior Vice President/Chief Operating Officer

Robert Davidow, Senior Vice President of Legal & Regulatory Affairs (via phone)

John Duffy, Senior Vice President of Sports Complex Operations & Facilities (via phone)

Adam Levy, Vice President of Legal & Regulatory Affairs

Sara Sundell, Director of Land Use Management and Chief Engineer

Anna Acanfora, Director of Finance and CFO

Monica Miannecki, Director of Solid Waste

Francisco Artigas, MRRI Co-Director and Chief Scientist

Teresa Doss, MRRI Co-Director and Chief Restoration Scientist

Michael Turso, MRRI Wildlife Biologist

Jamera Sirmans, Governor's Authorities Unit

Colleen Mercado, Executive Administrative Specialist

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 introduced Paul Juliano, President and CEO of the New Jersey Sports and Exposition Authority, and noted that this was his first Board meeting in his new capacity. He stated that Paul began working at the NJSEA as its Executive Vice President in March 2023 and began his tenure as President and CEO on August 1. He said that he had gotten to know Paul well over the past several months and that he was very confident in stating that the Authority was in more than good hands. He stated that Paul had the vision, leadership and experience to make a significant, positive impact on the NJSEA and Meadowlands District municipalities and residents and that he has been a dedicated public servant for nearly 30 years, serving the people of Bergen County and the Meadowlands. He highlighted President Juliano's resume which included:

- Bergen County Director of Public Works;
- Fairview Public Works Superintendent and Clean Communities Coordinator;
- Fairview Assistant to Administrator/Personnel;
- Member of the Fairview Board of Education and the Bergen County Technical School Board of Education;
- Commissioner on the Bergen County Board of Elections; and
- Commissioner for the Bergen County Board of Utilities Authority.

President Juliano thanked the Chairman for the warm welcome and said that he was humbled by the opportunity to serve the Authority with such a distinguished group of Commissioners. He said he appreciated the time and generosity of the Commissioners who had already begun sharing their insight and experience, and he looked forward to continuing the Authority's work together to benefit the residents and businesses of the Meadowlands region and the State of New Jersey. He acknowledged and thanked, the talented and dedicated staff that he had been given the privilege of leading. He stated that the staff is the engine that drives the Authority. He commented that staff had already done him a great service in growing his understanding of all aspects of the operation and assisting with a valuable transitional period leading to his current role. He said that he was committed to working tirelessly toward the preservation of the Meadowlands' natural resources, to support the maintenance and improvement of the magnificent parks and to ensure the ongoing management of the landfills. He said that the Authority will continue to deliver outstanding land use management for the District, transportation planning, and scientific research. He went on to say that the multitude of essential services that the Authority provides at the complex will continue to ensure that the Meadowlands region is the preeminent sports and entertainment destination in the country. He concluded by saying that together the NJSEA would advance the goals and objectives of the Authority and that he looked forward to the many interesting tasks ahead.

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

Chairman Ballantyne presented the minutes from the July 27, 2023 Regular Session Board meeting.

Upon motion made by Commissioner Fontoura and seconded by Commissioner Stellato the minutes of the Regular Session Board Meeting held on July 27, 2023 were approved with a vote of 13-0, with President Juliano abstaining.

Chairman Ballantyne presented the minutes from the July 27, 2023 Executive Session.

Upon motion made by Commissioner Dowd and seconded by Commissioner Plofker the minutes of the Executive Session held on July 27, 2023 were approved with a vote of 13-0, with President Juliano abstaining.

Chairman Ballantyne presented the report of cash disbursements over \$100,000 for the months of July and August, 2023.

Upon motion by Commissioner Fontoura and seconded by Commissioner Dowd the cash disbursements over \$100,000 for the months of July and August 2023 were unanimously approved, with President Juliano and Vice Chairman Buckelew recusing .

## V. COMMITTEE ON SCIENCE AND THE ENVIRONMENT

Committee Chair Scardino provided the Board with an update of the Committee's work over the past several months and stated that the mission was to fulfill the mandate given the Authority by statute; to protect, enhance and preserve the delicate balance of nature in the District. He said that to achieve this mission the Committee's efforts were dedicated to:

- support, oversee, and highlight the work of the NJSEA's Meadowlands Research & Restoration Institute (MRRI) as they research the unique nature of the remaining wetlands, a vital environmental asset;
- protect the wetlands and open spaces of the Meadowlands for future generations;
- develop innovative approaches and solutions to environmental issues that are based in science; and
- continue, as the Authority has for the last forty years, to prove that mankind and nature can work together for survival.

He also highlighted staff's recent work:

**The Berry's Creek Study Area (BCSA).** He explained that the BCSA was part of the Ventron/Velsicol Superfund Site located in the near center of the District and was an approximately 6.5-mile-long tributary of the Hackensack River. He said that this was the largest superfund site in the state. He noted that Phase One would commence in the spring of 2024.

**EPA Funded Research Grant.** He stated that MRRI Co-Director Francisco Artigas explained that the grant was funding a study on edge erosion and on "measurements of marsh resilience under future sea-level rise conditions. He noted that the Committee received briefings on new methodologies that include the use of GIS and digital terrain models to determine if wetlands erode or accrete over time. He noted that there was concern in the increasing erosion rate of the wetlands.

**Sawmill Creek Wildlife Management Area (SCWMA)** He noted that a study was being conducted under an EPA Wetland Program Development grant of this area to better understand current conditions and to determine whether or not the wetlands can and should be restored He said that MRRI Co-Director Teresa Doss noted that recently, the two dimensional Hydrodynamic Model of the study area was completed and would help as MRRI continues to make observations about tidal elevations, wildlife use and general conditions.

**Fish Survey** He said that MRRI received a small grant from the NY-NJ Harbor and Estuary program to conduct eel migration monitoring, which had never been part of the fish survey in the past. He said that another new addition to the fish survey was the use of environmental DNA (EDNA) that MRRI scientists would explain more about to the Board in the future.

**Portal Bridge Restoration.** He explained that the Committee was informed that during construction of the five year, 2 billion dollar Portal Bridge project, over the Hackensack River, the Authority was concerned about the potential impacts to the habitats around the construction site and the species of concern that use this area. He said that it included Riverbend Marsh, a 54-acre site purchased by the Authority for preservation in 1996. He noted that MRRI received funding from the NY-NJ Harbor & Estuary program to monitor the species of concern in the area and potentially undertake restoration activities.

**Floating Least Tern Island with Remote Camera.** He said that staff shared some amazing photos of the floating Least Tern Island pilot project that MRRI scientists constructed and installed in Kearny Freshwater Marsh. He pointed out that Least Terns were also on the endangered species list up to 1985 and the Least Tern populations have been in decline, due in part to a loss of breeding habitat and yet they are often observed in the Meadowlands, but there are no known breeding areas. He explained that the floating islands include tern decoys and nesting shelters constructed by volunteers, and a remote camera which is monitored by MRRI. He said that staff will also be installing a sound box to assist in attracting the terns to the site and provide a small island habitat where least tern might breed.

**Edge Morphology Study.** He said that MRRI Co. Director Dr. Artigas briefed the Committee on the progress of the EPA-funded Edge Morphology study. He explained that the Edge Morphology entails measuring the landform or profiles of mud flats and how mud flat profiles are used to determine whether wetlands are eroding or accreting. He said that the study was a baseline for the long-term monitoring of erosion and accretion using drones and digital terrain models from 33 locations. He stated that the results of the study will indicate which marshes in District are the most resilient to, and those that are most vulnerable to erosion.

**Hurricane Season and Tide Gates.** He said that Dr. Artigas reported on the status of the NJSEA's tide gate monitoring system. He explained that the Committee was informed that there are eight (8) critical tide gates in the Meadowlands District instrumented and configured to report water elevation every 15 minutes on landside and seaside. He said that a log is maintained on their operational status and that the tide gate monitoring system is 100% operational.

**Proposed Study Measuring Tidal Movements of Contaminants.** He explained that according to the Army Corps of Engineers, the levels of contaminants in the main channel of the Hackensack River are twice as high when compared to connecting marsh surfaces. He said that Dr. Artigas proposed that the NJSEA conduct a study using a time-integrated sediment sampler to verify if contaminants from the river are accumulating on the marsh surfaces from the natural movement of the tides.

**Other Initiatives.** MRRI staff are monitoring and tackling conservation issues such as illegal dumping, trespassing, property damage, invasive species management, and misuse of ATV's on sensitive sites. Additionally, staff continues its successful efforts to provide educational and recreational activities at NJSEA's parks including Native Plant Day, the Eagle Festival, Butterfly Day and the Birding Festival. You will hear more about this in the Chairman's upcoming report. These programs are a collaborative effort between the Authority and our partners at the Bergen County Audubon Society. They are provided free of charge. We also acknowledge the support of the Hackensack Riverkeeper and our educational partners from Ramapo College.

Committee Chair Scardino concluded by saying that the sampling of projects that he reported on were just some of the exciting and essential work that was being done by the Authority and carried out by MRRI. He thanked the entire NJSEA staff, in every facet of the Authority, who were working together to fulfill the Authority's mission to preserve, protect and enhance our natural environment. He thanked his Committee members and all of his fellow board members for supporting the efforts of NJSEA's amazing staff.

## **V. SPECIAL PRESENTATION**

Mr. Michael Turso, MRRI Wildlife Biologist provided the Board with a video presentation that highlighted some of the research projects MRRI focused on this summer, specifically mentioning the Saltmarsh sparrow survey, and their new bat survey on bat activity in specific sites. He also touched on a couple of public outreach events.

Chairman Ballantyne spoke about the Meadowlands Birding Festival scheduled to be held on Sunday, October 1, in DeKorte Park and hosted by NJSEA and the Bergen County Audubon Society. He provided some highlights of the event.

President Juliano said that the Meadowlands Birding Festival provides a valuable opportunity for people of all ages to learn about birds and how to help them thrive. He commented that he had the opportunity soon after arriving at the Authority to take a guided walk of the Marsh Discovery Trail and witness many species up close.

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

**VII. APPROVALS**

Resolution 2023-37                      Consideration of a Resolution Electing the Secretary and Appointing an Assistant Secretary of the Authority.

Chairman Ballantyne presented Resolution 2023-37. Upon motion by Commissioner Scardino and seconded by Commissioner Fontoura, Resolution 2023-37 was approved by a vote of 14-0.

**VII. CONTRACTS/AWARDS**

Resolution 2023-38                      Consideration of a Resolution Authorizing a Contract with Triumvirate Environmental Company/Emilcott Environmental, Health & Safety Experts for Hydrogen Sulfide Monitoring Services at the Keegan Landfill.

Ms. Mianeki stated that the hydrogen sulfide monitoring at Keegan Landfill was an ongoing requirement of a NJDEP Administrative Consent Order. She provided the Board with an overview of the existing customized system. She said that the current contract was set to expire on October 28, 2023 and explained that in order to comply with the Administrative Consent Order and applicable NJDEP permits, staff was recommending an extension of the current contract with Triumvirate Environmental at a proposed cost of \$486,000.00 for a 2-year contract.

Chairman Ballantyne presented Resolution 2023-38. Upon motion by Commissioner Dowd and seconded by Commissioner Fontoura, Resolution 2023-38 was unanimously approved by a vote of 14-0.

Resolution 2023-39                      Consideration of a Resolution Authorizing a Contract with Joseph M. Sanzari, Inc. of New Jersey for Installation of a New Oil Water Separator Vehicle Wash Pad for the Meadowlands Maintenance Building in East Rutherford.

Mr. Duffy explained that the Authority was required to update the vehicle wash pad for the maintenance building in order to be in compliance with the NJDEP storm water regulations. He stated that a bid was issued in July 2023 and that two firms submitted pricing. He said that Joseph M. Sanzari was the lowest responsible bidder at a cost of \$190,000.00.

Chairman Ballantyne presented Resolution 2023-39. Upon motion by Commissioner Dowd and seconded by Commissioner Fontoura Resolution 2023-39 was unanimously approved by a vote of 12-0, with President Juliano and Vice Chairman Buckelew recusing.



## VIII. PUBLIC PARTICIPATION

Mr. James Kirkos, Meadowlands Regional Chamber of Commerce. Mr. Kirkos made the following comments:

- He congratulated President Juliano.
- He commented that he wanted to remind the Board and the entity of the importance that they play in positively affecting the outcomes of the many people of the region.
- He commented that the Authority and the Chamber have worked as great collaborators over the years and he pledged the continued support of the Chamber of Commerce.
- He commented that there was a lot of work still to be done but the important work that the Authority does in creating that balance between economic development and environmental protection the Chamber has always been an equal partner in both of those.
- He commented that seeing the beauty of the Meadowlands and the wildlife from a pontoon boat or nature walk changes your entire perspective and he agreed with the Authority that more people should do this.
- He commented that the Chamber would continue to support all of the environmental events that are run by the Authority.

Mr. Bill Sheehan, Hackensack Riverkeeper. Mr. Sheehan made the following comments:

- He congratulated President Juliano and said that he looked forward to working with him in the coming years. He addressed the Board and said to keep up the good work.
- He complimented Commissioner Scardino on his Committee report and said that he was glad to see his committee was taking an interest in the future of the area's natural resources.
- He commented that for too many years there was a push to develop most of the Meadowlands. He commented that people now realize how important it is for flood control and the community and how important it is to have outdoor areas and a sense of place.
- He commented that too many people around the county do not know about this area and we are going to continue to teach them.

Mr. Marvin Donadic, Cliffside Park, NJ made the following comments:

- He commented on President Prieto's retirement.
- Mr. Donadic addressed President Juliano and commented that he and nine million other people were his boss.
- Mr. Donadic commented that the Board needs to make decisions in the best interest of the people of New Jersey.
- Mr. Donadic commented that he had previously asked why the NJSEA would not consider reaching out to the owners of the Philadelphia 76'ers to relocate their franchise to Newark. He asked if anyone from the Board would like to explain that to him.
- He commented on the 2026 World Cup and asked the Board if they could provide him with any information on how much New York would be compensating New Jersey for the cost of police, traffic, and the cleanup of the mess that he believes will be generated at the Meadowlands.

## IX. EXECUTIVE SESSION

### Resolution 2023-40

Consideration of a Resolution Authorizing the 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 Advice Concerning Lease Negotiations on Development at Monmouth Park Racetrack.

Chairman Ballantyne presented Resolution 2023-40. Upon motion by Commissioner Fontoura and seconded by Commissioner Scardino, Resolution 2023-40 was unanimously approved by a vote of 14-0.

Executive Session commenced at 10:48 a.m.

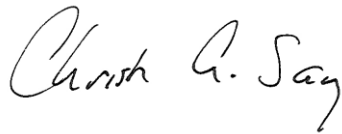
Regular Session recommenced at 11:30 am.

X. **ADJOURNMENT**

With no further business, motion was made to adjourn by Commissioner Dowd and seconded by Commissioner Fontoura followed by all in favor.

Meeting adjourned at 11.32 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 September 21, 2023.**



**Christine A. Sanz**  
**Assistant Secretary**

September 21, 2023

Commissioner	Roll Call	2023-37	2023-38	2023-39	2023-40
Ballantyne, Chairman	P	Y	Y	Y	Y
Buckelew, Vice Chairman -via phone	P	Y	Y	R	Y
Juliano	P	Y	Y	R	Y
Dowd	P	Y	Y	Y	Y
Fontoura	P	Y	Y	Y	Y
Gluck	P	Y	Y	Y	Y
Gonnelli	--	--	--	--	--
Gordon	P	Y	Y	Y	Y
Knopf	P	Y	Y	Y	Y
Mullahey	P	Y	Y	Y	Y
Pennington - via phone	P	Y	Y	Y	Y
Plofker	P	Y	Y	Y	Y
Scardino	p	Y	Y	Y	Y
Schaffer	--	--	--	--	--
Stellato	P	Y	Y	Y	Y
Treasury Rep Griffin - via phone	P	Y	Y	Y	Y

P = Present A = Abstain -- Absent

R = Recuse Y = Affirmative N = Negative

APPROVALS



CASH DISBURSEMENTS  
\$100,000 OR MORE  
SEPTEMBER 2023

**EAST RUTHERFORD - SPORTS COMPLEX**

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
ENERGO POWER & GAS, LLC	585,163.03	J/L	ELECTRICITY CHARGES: AUG 2023
NEW MEADOWLANDS STADIUM CO., LLC	1,751,165.73	A	GRANDSTAND DEMOLITION & WORLD CUP REIMBURSEMENTS: SEP 2023
PUBLIC SERVICE ELECTRIC & GAS	209,761.30	J/L	ELECTRIC TRANSMISSION CHARGES: AUG 2023
SCHINDLER ELEVATOR CORP.	101,709.16	A	ARENA ELEVATOR INSTALLATION & TRAIN STATION MAINTENANCE: SEP 2023
<b>EAST RUTHERFORD - SC TOTAL</b>	<u>2,647,799.22</u>		

**MONMOUTH PARK RACETRACK**

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
BOROUGH OF OCEANPORT	197,070.17	A	CAFO SPECIAL ASSESSMENT AGREEMENT: 4TH QTR 2023
<b>MP RACETRACK TOTAL</b>	<u>197,070.17</u>		



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	PURCHASE OF 9 POLICE PATROL VEHICLE - 2023 CHEVY TAHOE STATE VENDOR
E	SOLE SOURCE*
F	APPOINTED BY RACING COMMISSION
G	ADVERTISED BID
H	PRESIDENT/CEO APPROVAL
I	SALARIES & FRINGE - JAN-MAR 2023 AND OVERTIME CHARGES - FEB 25, 2023 - APR 21, 2023 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 2023-41**

**RESOLUTION AUTHORIZING SETTLEMENT OF MATTERS PENDING IN  
BERGEN COUNTY SUPERIOR COURT AND THE OFFICE OF  
ADMINISTRATIVE LAW CONCERNING KHANOMI, LLC, LOCATED AT  
415 FOURTEENTH STREET IN CARLSTADT**

**WHEREAS**, Khanomi, LLC, a New Jersey limited liability company, (hereinafter, "Khanomi") is the owner of property located at 415 Fourteenth Street, Block 99, Lot 1, in the Borough of Carlstadt, ("the Property"); and

**WHEREAS**, the Property is approximately 1.14 acres located in Carlstadt, New Jersey within the Light Industrial Center zone in the Paterson Plank Road Redevelopment Area, with permitted uses that include warehouse facilities and office space among others; and

**WHEREAS**, in early 2021, the New Jersey Sports and Exposition Authority ("NJSEA") determined that unauthorized site work, including placement of an unauthorized gravel driveway, and interior alterations, had been undertaken at the Property without the necessary approvals from the NJSEA; and

**WHEREAS**, the NJSEA also determined that Khanomi allowed unregistered vehicles to park on the Property and leased space to multiple tenants, all without permits or approval from the NJSEA; and

**WHEREAS**, initially, the NJSEA sent Khanomi multiple Non-Compliance Warnings regarding the unpermitted work, interior alterations, and tenancy issues along; and

**WHEREAS**, when the violations continued unabated, the NJSEA, along with the Borough of Carlstadt, issued Violation Notices including fines; and

**WHEREAS**, Khanomi appealed the Violation Notices issued by the NJSEA to the Office of Administrative Law ("OAL"), while it continued to allow tenancy on the Property without approvals and failed to correct the numerous other ongoing violations; and

**WHEREAS**, the NJSEA and the Borough of Carlstadt continued to identify new, unauthorized tenants, including those that created an ongoing public safety hazard, including the improper storage of tires on the Property resulting in fire, building code, and zoning violations in and around the buildings on the Property; and

**WHEREAS**, because Khanomi continued to ignore the Violation Notices and fines, the NJSEA and the Borough of Carlstadt commenced an action seeking Preliminary Injunction to stop Khanomi from continuing the unlawful activities until the OAL actions and/or all of the outstanding violations are resolved; and

**WHEREAS**, on November 22, 2022 the Court entered an order granting Preliminary Injunction, directing Khanomi and its tenants to immediately vacate all structures on the Property, and ordering Khanomi to cease all unauthorized construction, interior alterations, and parking of unauthorized vehicles on the Property; and

**WHEREAS**, during the pendency of the action in Superior Court, the parties worked to resolve the ongoing violations, with the NJSEA and the Borough of Carlstadt re-inspecting the Property and communicating with Khanomi on a continuous basis in an effort to achieve compliance; and

**WHEREAS**, in the interest of avoiding further litigation and to resolve this long-standing matter, the parties desire to enter into a Consent Order, in substantially similar form as the draft attached hereto, which includes detailed terms and conditions for resolution of the open violations, timelines for compliance, and settlement of outstanding fines.

**NOW, THEREFORE, BE IT RESOLVED** that the President and CEO, to resolve Docket Number: BER-C-181-22 pending in Bergen County Superior Court, is hereby authorized to execute a Consent Order in substantially similar form as the draft attached hereto, and otherwise in such form and substance as shall be approved by the President and CEO;

**BE IT FURTHER RESOLVED** that the President and CEO is hereby authorized to take such action, and to execute and deliver the instruments and documents necessary to resolve all of the related matters pending in the Office of the Administrative Law, including Docket Numbers: HMD-04764-2022N; HMD-04765-2022N; HMD-04766-2022N; HMD-04767-2022N; and HMD-03128-2022N.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Sports and Exposition Authority at its meeting of October 26, 2023.



Christine Sanz  
Secretary

**RESOLUTION 2023-41  
ATTACHMENT**

Frederick W. Alworth (Attorney No. 045811988)  
Kevin Weber (Attorney No. 020612008)  
Marwan M. Rashed (Attorney No. 238132018)

**GIBBONS P.C.**

One Gateway Center  
Newark, New Jersey 07102-5310  
(973) 596-4500

*Attorneys for Plaintiff  
New Jersey Sports and Exposition Authority*

Joseph R. Donahue (Attorney No. 041131990)

**JOSEPH R. DONAHUE, LLC**

135 Prospect Street  
Ridgewood, New Jersey 07450

*Attorneys for Plaintiff Borough of Carlstadt*

NEW JERSEY SPORTS AND EXPOSITION  
AUTHORITY and BOROUGH OF  
CARLSTADT,

Plaintiffs,

v.

KHANOMI LLC, a New Jersey limited  
liability company,

Defendant.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION – GENERAL EQUITY  
BERGEN COUNTY

DOCKET NO.: BER-C-181-22

Civil Action

**CONSENT ORDER**

**THIS MATTER** having been presented to the Court upon the application of Plaintiffs, the New Jersey Sports and Exposition Authority (the “Authority”) and the Borough of Carlstadt (“the Borough”), by and through their attorneys, Gibbons P.C. and Joseph R. Donahue, Esq., and Defendant, Khanomi, LLC (“Khanomi”), by its counsel, Melvin R. Solomon, Esq., for the entry of a Consent Order and good cause having been shown,

**IT IS** on this \_\_\_\_\_ day of \_\_\_\_\_ 2023, **STIPULATED AND SO ORDERED** that Khanomi shall take the following actions at 415 Fourteenth Street, Carlstadt, New Jersey (the “Property”):

1. **The Authority’s File No.: 21-036:**



- a. Khanomi shall obtain permits from the Borough for the construction of two (2) walls on either side of a new storage bay in the existing warehouse area and emergency lighting as per the drawing entitled, “New Partition Plan,” Sheet A1.0, prepared by Notis Professional Services, dated August 9, 2021, last revised September 16, 2021, which received plan release approval from the Authority on October 6, 2021, within 10 days.
- b. Upon completion of the work, Khanomi shall contact the Borough and the Authority within 10 days, for final inspection.

2. **The Authority’s File No.: 22-136:**

- a. Khanomi shall submit (i) a construction code plan review application and (ii) plans (signed and sealed by a New Jersey licensed architect), for the removal of the unpermitted rollup drive-in loading door on the subject premise, within 60 days.
- b. After the Authority approves the necessary permits, Khanomi shall remove the illegal rollup drive-in loading door and repair the wall in accordance with the construction permits/plan review approvals, within 60 days.
- c. Khanomi shall submit (i) a construction code plan review application and (ii) plans (signed and sealed by a New Jersey licensed architect), to the Authority regarding the construction of the adjacent unpermitted interior personnel door on the subject premise within 60 days.
- d. Subject to the submission of acceptable (i) construction code plan review application and (ii) plans (signed and sealed by a New Jersey licensed

architect), the Authority shall allow the personnel door to remain on the premise.

- e. Should the Authority have any questions regarding the proposed plans for either the removal of the drive-in loading door or the personnel door, the Authority will promptly schedule a meeting with Khanomi and its architect. Khanomi's architect must attend any meeting regarding these items.
- f. Khanomi shall remove the boom from the adjacent drainage ditch within 20 days. All remaining debris and/or glass, if any, shall also be removed within 20 days.
- g. Upon completion of the work, Khanomi shall contact the Borough and the Authority within 5 days, for final inspection.

3. **The Authority's File No.: 22-140:**

- a. Khanomi shall submit a zoning certificate application and site plan (signed and sealed by a New Jersey licensed architect or engineer) to the Authority within 30 days: (1) depicting the extent of the unpermitted gravel fill area located at the rear of the building within the waterway buffer; and (2) indicating the removal of same unpermitted gravel fill and the restoration of the affected area(s) with top soil and appropriate seed mix.
- b. After Khanomi receives a zoning certificate from the Authority, Defendant shall remove the unpermitted gravel fill and restore the subject area with topsoil and appropriate seed mix, within 60 days.

- c. Upon completion of the work, Khanomi shall contact the Authority within 10 days, for final inspection.

4. **The Authority's File No.: 22-330:**

- a. Khanomi shall submit (i) a construction code plan review application and (ii) plans (signed and sealed by a New Jersey licensed architect), to the Authority for the interior personnel door in the tenant space formerly occupied by FV La Esquina Latino Americana Corporation within 30 days.
- b. Subject to the submission of acceptable (i) construction code plan review application and (ii) plans (signed and sealed by a New Jersey licensed architect), the Authority shall allow the interior personnel door to remain on the premise.
- c. Upon completion of the work, Khanomi shall contact the Borough and the Authority within 10 days, for final inspection.

5. **The Authority's File No.: 22-373:**

- a. Khanomi shall remove and vacate all vehicles from the Property, including but not limited to those belonging to Castle Transportation, KXX Transport, and 2nd Chance Trucking Corporation, and all unpermitted trailers and truck chassis from the Property within 10 days.
- b. Khanomi acknowledges that off-street parking of registered and operational vehicles is only permitted at the Property when associated with an authorized tenant.

6. **The Authority's File No.: 22-468:**

- a. Khanomi shall submit construction code plan review application and corresponding plan (signed and sealed by a New Jersey licensed architect or engineer) to the Authority within 30 days for the: (1) ejector pump; and (2) associated electrical work.
- b. Khanomi shall submit a zoning certificate application and site plan (signed and sealed by a New Jersey licensed architect or engineer) to the Authority for the installation of the proposed chain link fence along the easterly property line, between the subject property and the unimproved Fifteenth Street right of way to prevent further utilization of the Borough's right of way for outdoor storage by the subject property owner within 30 days. The fence shall be permitted to have a gate, which shall be used for emergency access only, and not for regular day-to-day use.
- c. Upon the Authority's approval of the zoning certificate, Khanomi shall install the chain link fence and contact the Authority for final inspection, within 60 days.
- d. Upon completion of work, Khanomi shall contact the Borough and the Authority within 10 days, for final inspection.

7. The current cumulative fine amount for all Authority violations is \$53,000 (the "Authority Total Fine Amount").

8. The Borough Zoning Department generated two violation notices against Khanomi: Violation No. 202100002/0, dated January 15, 2021, charged Khanomi with working without a permit and Violation No. 20220029, dated August 15, 2022, charged Khanomi with maintaining an unsafe structure. The Borough Fire Department, Bureau of Fire Safety charged Khanomi with

twenty-three charges on August 12, 2022 related to maintaining an unsafe structure and creating an imminent hazard along with numerous other violations of the fire code; charged Khanomi on August 22, 2022 with failure to comply with a lawful order; and on November 22, 2022 charged Khanomi with four charges related to the misuse of multi-plug adapters, improper maintenance of exit discharges, excessive height for idle pallets and improper attachments to fire sprinklers.

9. The total cumulative fine amount for all Borough violations (excluding interest and penalties) is \$8,000.00 from the Borough's Zoning Department and \$35,000.00 from the Borough's Bureau of Fire Safety for a total of \$43,000.00 ("Total Borough Fine Amount").

10. Within ten (10) days of the entry of this Order, Khanomi shall pay the Authority \$20,000 and shall pay the Borough \$17,500.00 (the "Initial Payments").

- a. If Khanomi completes all actions in Paragraphs 1-6 within 120 days, the Authority and the Borough shall accept the Initial Payments in full satisfaction of the Total Authority Fine Amount and the Total Borough Fine Amount, and no further payments shall be due or owing.
- b. If Khanomi fails to complete all actions in Paragraphs 1-6 of this Consent Order within 120 days, then the Total Authority Fine Amount and the Total Borough Fine Amount (less the Initial Payments and any other payments made) shall immediately be due and payable, and Khanomi consents to the entry of judgments against it for any unpaid portion of the Total Authority Fine Amount and the Total Borough Fine Amount. If Khanomi is unable to complete all actions in Paragraphs 1-6 of this Consent Order within 120 days for reasons entirely outside of Khanomi's control, Khanomi shall

apply to the Court for an extension of the deadline in this paragraph, which the Court may grant for good cause shown.

11. No structure on the property located at 415 Fourteenth Street, Carlstadt, New Jersey (the “Property”) shall be occupied until Khanomi has completed all actions set forth in Paragraphs 1-6 of this Consent Order and paid the fines in Paragraph 10.

12. Within two (2) days of the entry of this Order, Khanomi shall dismiss, with prejudice, all pending matters against the Authority and the Borough in the Office of the Administrative Law (“OAL”) and the Bergen County Construction Board of Appeals, which are:

- a. HMD-04764-2022N
- b. HMD-04765-2022N
- c. HMD-04766-2022N
- d. HMD-04767-2022N
- e. HMD-03128-2022N
- f. UFC-22-28

13. The Clerk of the Court shall mark this matter SETTLED and CLOSED. The Court shall retain jurisdiction for any motion to enforce the terms of this Consent Order.

14. In accordance with New Jersey Court Rule 1:10-3, if the Authority files a motion to enforce the terms of this Consent Order, Khanomi shall pay the Authority’s attorneys fees and costs for such motion.

[SIGNATURES ON FOLLOWING PAGE]

**STIPULATED AND AGREED TO BY:**

<b>NEW JERSEY SPORTS &amp; EXPOSITION AUTHORITY</b>  <b>By:</b> _____ <b>Paul Juliano,</b> <b>President &amp; CEO</b>  <b>Dated:</b> _____, 2023	<b>BOROUGH OF CARLSTADT</b>  <b>By:</b> _____ <b>Joseph Crifasi,</b> <b>Borough Administrator</b>  <b>Dated:</b> _____, 2023
<b>KHANOMI LLC</b>  <b>By:</b> _____ <b>Hersel Benji,</b> <b>Authorized Representative</b>  <b>Dated:</b> _____, 2023	

**SO ORDERED:**

\_\_\_\_\_  
Honorable Edward A. Jerejian, P.J.Ch.