ESSEX COUNTY

IMPROVEMENT AUTHORITY

ESSEX COUNTY, NEW JERSEY

: TRANSCRIPT OF RECORDED

REGULAR BOARD MEETING :

: PROCEEDINGS

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_:

27 Wright Way

Fairfield, New Jersey

January 29, 2013

Commencing at 5:05 p.m.

M E M B E R S P R E S E N T:

COMMISSIONER RONALD J. BROWN

COMMISSIONER STEVEN H. KLINGHOFFER, (Arrived at 5:09 p.m.)

COMMISSIONER GERARD M. SPIESBACH

COMMISSIONER CYNTHIA D. TORO

COMMISSIONER STEVEN C. ROTHER, Chairman,

(Via telephone)

M E M B E R S A B S E N T:

COMMISSIONER ELEONORE KESSLER COHEN,

Vice Chairperson

A L S O P R E S E N T:

JAMES R. PAGANELLI, Executive Director

NIA H. GILL, ESQ., General Counsel,

(Via telephone)

LUCY SAPINSKI, Director of Operations

SHARIFA R. SALAAM, ESQ., Deputy Freeholder Counsel

THOMAS GOMEZ, Airport Manager

BETSY WILLIAMSON, Administrative Assistant

JOSEPH CALI, Airport, Accounts Receivables

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COMMISSIONER SPIESBACH: We’re ready to begin.

Notice was duly given by regular mail and facsimile to the Essex County Executive, the Essex County Clerk, the Clerk of the Board of Chosen Freeholders, Freeholder President Watson, the News Editor of The Herald News, the News Editor of The Star-Ledger, and notice was posted on the bulletin board in the Office of the Essex County Improvement Authority stating the time, date, location of this Regular Board Meeting.

Roll call please.

MS. SAPINSKI: Commissioner Brown?

COMMISSIONER BROWN: Here.

MS. SAPINSKI: Commissioner Spiesbach?

COMMISSIONER SPIESBACH: Here.

MS. SAPINSKI: Commissioner Toro?

COMMISSIONER TORO: Here.

MS. SAPINSKI: Chairman Rother?

CHAIRMAN ROTHER: Yes.

COMMISSIONER SPIESBACH: Okay, at this point, I would like to open it up for public comment.

If there’s anyone that would like to address the Board?

Seeing no one respond, we will close public comment and move to the next item which is the Acceptance of the Minutes.

(Whereupon, the Board discussed and took action on the following items:

**ACCEPTANCE OF MINUTES**

**1.** RESOLUTION NO. 13-01 - REGULAR BOARD MEETING 12-18-12;

and

EXECUTIVE SESSION - REGULAR BOARD MEETING 12-18-12.)

COMMISSIONER SPIESBACH: We have the Acceptance of the Minutes for the Regular Board Meeting of 12/18/2012, as well as the Executive Session of the Regular Board Meeting of December 18th, 2012.

Can we have a motion accept?

COMMISSIONER BROWN: Move it.

CHAIRMAN ROTHER: Move it.

COMMISSIONER BROWN: Second.

MS. SAPINSKI: Commissioner Brown?

COMMISSIONER BROWN: Yes.

MS. SAPINSKI: Commissioner Spiesbach?

COMMISSIONER SPIESBACH: Yes.

MS. SAPINSKI: Commissioner Toro?

COMMISSIONER TORO: Yes.

MS. SAPINSKI: Chairman Rother?

CHAIRMAN ROTHER: Yes.

COMMISSIONER SPIESBACH: Okay.

Executive Session; do you need an Executive Session this evening?

MR. PAGANELLI: No.

I mean the only thing that I don’t think even warrants Executive is I don’t -- I don’t think we’re getting anywhere on the Celanese matter. So, probably at the next Board Meeting, we may have Mr. Edelstein in to bring a plan for going forward to the Board.

COMMISSIONER SPIESBACH: Okay.

Very good.

And any of the Commissioners have need for Executive Session?

No?

COMMISSIONER BROWN: No.

COMMISSIONER SPIESBACH: Okay.

Very good.

Then we’ll just go to the Resolutions.

(Whereupon, the Board discussed and took action on the following items:

**ADMINISTRATIVE**

**1.** RESOLUTION NO. 13-001 - RESOLUTION ADOPTING THE AUTHORITY’S 2013 ANNUAL OPERATING BUDGET INCLUDING APPENDED SUPPLEMENTAL SCHEDULES, AND THE CAPITAL BUDGET;

**2.** RESOLUTION NO. 13-002 - RESOLUTION RATIFYING PAYMENT TO AUDIO-DIGITAL TRANSCRIPTION SERVICES, LLC FOR TRANSCRIPTION OF BOARD MEETING ON 12-18-12;

**3.** RESOLUTION NO. 13-003 - RESOLUTION RATIFYING PAYMENT OF RECURRING BILLS (BILL LIST);

**4.** RESOLUTION NO. 13-004 - RESOLUTION AUTHORIZING PAYMENT TO CHIOLI TECHNOLOGIES IN THE AMOUNT OF $5,000.00 FOR ANNUAL MAINTENANCE INCLUDING HOSTING, SUPPORT, DISASTER RECOVERY, EMAIL MARKETING GATEWAY; and

**5.** RESOLUTION NO. 13-005 - RESOLUTION AUTHORIZING PURCHASE OF ECIA INSURANCE POLICIES: GENERAL LIABILITY, PROPERTY, AUTOMOBILE, UMBRELLA, BOILER & MACHINERY, AND EQUIPMENT FLOATER FOR THE PERIOD 1-1-13 TO 12-31-13.)

COMMISSIONER SPIESBACH: Under Administrative, we have items 13-001 through 13‑005.

Are there any questions on any of these Resolutions?

MR. PAGANELLI: Just on number 5. The Board should note that the premium was reduced.

This year’s premium was listed as one fifty four two sixty-five. After going back and forth it’s been reduced now to one fifty two sixty-five.

So, as amended.

COMMISSIONER SPIESBACH: Okay.

If there are no other questions, can we have a motion to move items 13-001 through 13-005?

COMMISSIONER TORO: I’ll move.

COMMISSIONER BROWN: Second.

CHAIRMAN ROTHER: Second.

MS. SAPINSKI: Commissioner Brown?

COMMISSIONER BROWN: Yes.

MS. SAPINSKI: Commissioner Spiesbach?

COMMISSIONER SPIESBACH: Yes.

MS. SAPINSKI: Commissioner Toro?

COMMISSIONER TORO: Yes.

MS. SAPINSKI: Chairman Rother?

CHAIRMAN ROTHER: Yes.

(Whereupon, the Board discussed and took action on the following items:

**NEWARK RIVERFRONT PROJECT**

**6.** RESOLUTION NO. 13-006 - RESOLUTION RATIFYING PAYMENT OF $4,750.69 TO DE COTIIS, FITZPATRICK & COLE, LLP FOR LEGAL SERVICES REGARDING NEWARK RIVERFRONT PROJECT FOR THE PERIOD ENDING 12-31-12; and

**7.** RESOLUTION NO. 13-007 - RESOLUTION AUTHORIZING AN AGREEMENT WITH DE COTIIS, FITZPATRICK & COLE, LLP IN AN AMOUNT OF $50,000.00 FOR LEGAL SERVICES IN CONNECTION WITH THE NEWARK RIVERFRONT PROJECT FROM 1-1-13 THROUGH 12-31-13.)

COMMISSIONER SPIESBACH: Okay, the next items are related to the Newark Riverfront Project.

Item 13-006 and 13-007.

Any questions or comments?

If not, can we have a motion?

COMMISSIONER TORO: I have --

CHAIRMAN ROTHER: Just one quick question. One quick question.

COMMISSIONER SPIESBACH: Certainly.

CHAIRMAN ROTHER: The -- the DeCotiis bill, for what period of time is that?

COMMISSIONER BROWN: It says --

COMMISSIONER SPIESBACH: I don’t have the backup.

CHAIRMAN ROTHER: Take a look at it --

MR. PAGANELLI: It is November through the end of December.

CHAIRMAN ROTHER: Okay.

MR. PAGANELLI: Most of it, Chairman, was the deposition of Mr. Gerald Rubin.

CHAIRMAN ROTHER: Okay.

I’ll move it.

COMMISSIONER SPIESBACH: Did -- Cynthia, did you have a question?

COMMISSIONER TORO: No, I just wanted to know what kind of legal stuff are we still working on with are Riverfront Projects for 50 grand.

MR. PAGANELLI: The County owns the property through condemnation. There are two issues that are still being litigated. One is the date of taking.

As the Board recalls Mr. Rubin has indicated that the County’s actions through press conferences and otherwise effected his -- the value on his property and, therefore, he’s arguing an effective date of taking earlier than the date that the County actually filed the condemnation action.

So that’s one issue we’re litigating.

The second issue is the highest and best use for the property.

As the Board recalls, through our appraisals, the highest and best use was for container storage, at least in accordance with our experts.

His experts have indicated that they think the highest and best use was, in fact, a residential development.

So, those are the two issues that are -- remain to be litigated.

(Whereupon, Commissioner Klinghoffer arrived at 5:09 p.m.)

COMMISSIONER TORO: Thank you, Jim.

COMMISSIONER SPIESBACH: Okay.

If there are any other -- if there are not any other questions about 006 and 007, could we have a motion to move them?

CHAIRMAN ROTHER: Yeah, I’ll move it.

COMMISSIONER BROWN: Second.

COMMISSIONER SPIESBACH: Roll call please.

MS. SAPINSKI: Commissioner Brown?

COMMISSIONER BROWN: Yes.

MS. SAPINSKI: Commissioner Spiesbach?

COMMISSIONER SPIESBACH: Yes.

MS. SAPINSKI: Commissioner Toro?

COMMISSIONER TORO: Yes.

MS. SAPINSKI: Chairman Rother?

CHAIRMAN ROTHER: Yes.

(Whereupon, the Board discussed and took action on the following item:

**CMMI**

**8.** RESOLUTION NO. 13-008 - RESOLUTION RATIFYING PAYMENT OF $236.40 TO DE COTIIS, FITZPATRICK & COLE, LLP FOR LEGAL SERVICES IN CONNECTION WITH CMMI FOR THE PERIOD ENDING 12‑31‑12.)

COMMISSIONER SPIESBACH: Okay.

All right, into the next, the CMMI category.

There’s only one Resolution, item 13‑008 related to DeCotiis.

Does anyone have any comment or question?

CHAIRMAN ROTHER: No; I’ll move that one.

COMMISSIONER SPIESBACH: Okay.

COMMISSIONER TORO: I’ll second.

MS. SAPINSKI: Commissioner Brown?

COMMISSIONER BROWN: Yes.

MS. SAPINSKI: Commissioner Klinghoffer?

COMMISSIONER KLINGHOFFER: Yes.

MS. SAPINSKI: Commissioner Spiesbach?

COMMISSIONER SPIESBACH: Yes.

MS. SAPINSKI: Commissioner Toro?

COMMISSIONER TORO: Yes.

MS. SAPINSKI: Chairman Rother?

CHAIRMAN ROTHER: Yes.

MR. PAGANELLI: Just so the Board’s aware, we’re not bringing a DeCotiis contract this year for CMMI. That was concluded last year.

The County held an auction at the end of December. It was reported in the newspaper. If you picked up on the article, County received a bid of $3.7 million. It’s pretty much right onto what our appraised value was.

The Freeholders have passed a Resolution to accept the bid. We now go through what I still call the Lustbader Hearings -- I don’t know if anybody else calls them that anymore but hearings required by statute. And the County looks to close on the property in the early spring.

COMMISSIONER KLINGHOFFER: How long has been since Mr. Lustbader’s been a Freeholder?

MR. PAGANELLI: Yeah, a long time, I know. I’m showing my age.

COMMISSIONER KLINGHOFFER: He’s been gone for a lot of years.

MR. PAGANELLI: Probably early nineties.

COMMISSIONER KLINGHOFFER: Yeah.

MR. PAGANELLI: Yeah.

COMMISSIONER SPIESBACH: Yeah, it’s been a long time.

Okay.

Well, we had moved and voted on that.

(Whereupon, the Board discussed and took action on the following items:

**PARKING FACILITIES**

**Sportsplex**

**9.** RESOLUTION NO. 13-009 - RESOLUTION RATIFYING PAYMENT TO AROCHO SERVICES, LLC IN THE AMOUNT OF $3,070.00 FOR SNOW REMOVAL IN NOVEMBER 2012; and

**10.** RESOLUTION NO. 13-010 - RESOLUTION RATIFYING PAYMENT TO NORTHEAST FACILITIES SERVICES IN THE AMOUNT OF $300.00 FOR SWEEPING SERVICES IN DECEMBER 2012.)

COMMISSIONER SPIESBACH: So, the next series of Resolutions are related to the Sportsplex.

Items 13-009 and 13-010.

COMMISSIONER KLINGHOFFER: I’ll move those.

COMMISSIONER BROWN: I’ll second it.

MS. SAPINSKI: Commissioner Brown?

COMMISSIONER BROWN: Yes.

MS. SAPINSKI: Commissioner Klinghoffer?

COMMISSIONER KLINGHOFFER: Yes.

MS. SAPINSKI: Commissioner Spiesbach?

COMMISSIONER SPIESBACH: Yes.

MS. SAPINSKI: Commissioner Toro?

COMMISSIONER TORO: Yes.

MS. SAPINSKI: Chairman Rother?

CHAIRMAN ROTHER: Yes.

COMMISSIONER SPIESBACH: Good thing we didn’t have that much snow, actually. When you think about it.

But I guess it’s the same, whether there’s a half-an-inch or three inches.

Right?

COMMISSIONER KLINGHOFFER: Do they charge based upon the --

MR. PAGANELLI: No.

There are some contracts out in the -- in the municipal world that you pay no matter what and they have to come as many times as it snows.

And there are other ones that you pay only on event; that’s the kind we got.

COMMISSIONER SPIESBACH: Yeah.

COMMISSIONER KLINGHOFFER: So, now do we pay them -- depth of snow, does it make any difference?

MR. PAGANELLI: No.

COMMISSIONER SPIESBACH: No, the event.

MR. PAGANELLI: Yes.

COMMISSIONER SPIESBACH: Yeah, that’s why I was saying.

(Whereupon, the Board discussed and took action on the following items:

**PARKING FACILITIES**

**Juror Parking Lot and Employee Garage**

**11.** RESOLUTION NO. 13-011 - RESOLUTION ACCEPTING A PROPOSAL FROM PRECISION TECHNOLOGY SOLUTIONS IN THE AMOUNT NOT TO EXCEED $6,850.00 FOR SOFTWARE UPGRADES IN CONNECTION WITH CREDIT CARD MACHINES TO PAY FOR PARKING;

**12.** RESOLUTION NO. 13-012 - RESOLUTION RATIFYING PAYMENT TO AROCHO SERVICES, LLC IN THE AMOUNT OF $651.27 FOR PROPERTY MAINTENANCE/REPAIRS IN DECEMBER 2012; and

**13.** RESOLUTION NO. 13-013 - RESOLUTION RATIFYING PAYMENT TO NORTHEAST FACILITIES SERVICES IN THE AMOUNT OF $1,250.00 FOR SWEEPING SERVICES IN DECEMBER 2012.)

COMMISSIONER SPIESBACH: Okay, also under Parking Facilities, now we have Resolutions related to the Juror Parking Lot and the Employee Garage.

Items 13-011 through 13-013.

Are there any questions from any of the Commissioners related to any of these items?

COMMISSIONER KLINGHOFFER: Yeah, could you just expand a little bit on that software upgrade?

MR. PAGANELLI: Number 13-011, yes.

COMMISSIONER KLINGHOFFER: Is this just the normal --

MR. PAGANELLI: This is a little different.

When the -- when the Complex was built it had -- it had envisioned that payers to the lot would be able to pay by credit card. It was never implemented.

COMMISSIONER KLINGHOFFER: Yeah.

MR. PAGANELLI: The County Executive, through the Essex County Bar Association, was getting complaints. Everybody does things by credit card nowadays; I guess they don’t carry cash.

So, we have now engendered to do it. It’s up and running as of yesterday. And this was a software kick-up that was needed to get the software running for the credit card transactions.

COMMISSIONER SPIESBACH: Okay.

Thank you for that explanation, Jim.

Okay, if there are no other questions, could we have a motion for those -- 13 through -- 011 through 013.

COMMISSIONER TORO: I’ll move it.

COMMISSIONER BROWN: I second it.

MS. SAPINSKI: Commissioner Brown?

COMMISSIONER BROWN: Yes.

MS. SAPINSKI: Commissioner Klinghoffer?

COMMISSIONER KLINGHOFFER: Yes.

MS. SAPINSKI: Commissioner Spiesbach?

COMMISSIONER SPIESBACH: Yes.

MS. SAPINSKI: Commissioner Toro?

COMMISSIONER TORO: Yes.

MS. SAPINSKI: Chairman Rother?

CHAIRMAN ROTHER: Yes.

(Whereupon, the Board discussed and took action on the following items:

**AIRPORT**

**14.** RESOLUTION NO. 13-014 - RESOLUTION RATIFYING PAYMENT TO FLORIO, PERRUCCI, STEINHARDT & FADER, LLC IN THE AMOUNT OF $465.00 FOR LEGAL SERVICES IN CONNECTION WITH AIRPORT RSA PROJECT FOR THE PERIOD ENDING 12-31-12;

**15.** RESOLUTION NO. 13-015 - RESOLUTION RATIFYING ACCEPTANCE OF PROPOSAL FROM INTERSTATE LANDSCAPE CONTRACTORS IN THE AMOUNT OF $3,500.00 FOR TREE AND STUMP REMOVAL AROUND HANGAR/BUILDING M;

**16.** RESOLUTION NO. 13-016 - RESOLUTION ACCEPTING PROPOSAL FROM GSP PROPERTIES, LLC IN THE AMOUNT OF $17,488.00 FOR DEBRIS REMOVAL FROM NUMEROUS LOCATION AT THE AIRPORT;

**17.** RESOLUTION NO. 13-017 - RESOLUTION AUTHORIZING AN AGREEMENT WITH FLORIO, PERRUCCI, STEINHARDT & FADER, LLC IN THE AMOUNT NOT TO EXCEED $50,000.00 FOR LEGAL SERVICES IN CONNECTION WITH RSA PROJECT (HAMMER PROPERTY);

**18.** RESOLUTION NO. 13-018 - RESOLUTION AUTHORIZING AN AGREEMENT WITH FLORIO, PERRUCCI, STEINHARDT & FADER, LLC IN THE AMOUNT NOT TO EXCEED $50,000.00 FOR LEGAL SERVICES FOR THE AIRPORT (165 PASSAIC AVENUE PROPERTY); and

**19.** RESOLUTION NO. 13-019 - RESOLUTION AUTHORIZING PAYMENT TO AIR POWER IN THE AMOUNT OF $2,945.74 FOR PLUMBING SERVICES AT HANGAR/BUILDING P.)

COMMISSIONER SPIESBACH: Okay.

The next will be under the category of Airport.

We have Resolutions 13-014 --

This new numbering system, by the way; I’m doing the best I can.

-- through -- let’s -- let’s just take the ‑‑ the ones 13 through 019 first; 014 through 019.

Are there any questions or concerns on any of these items?

COMMISSIONER KLINGHOFFER: Just 017 and 018, I take it those are two separate contracts for two separate pieces of property?

MR. PAGANELLI: Correct.

The -- number 17 goes to a reluctant property owner for our runway safety area, tree removal project.

And number 18 really goes towards the 165 Building, which the Improvement Authority lost in a height restriction that -- that we are being required to impose upon that person through the FAA.

COMMISSIONER KLINGHOFFER: I’m sorry; what -- what are we being -- imposed?

MR. PAGANELLI: When that property was -- when the fee on that property was lost to the owner it was not reported widely. Principally it was not reported in this circumstance to the FAA.

COMMISSIONER KLINGHOFFER: Aah.

MR. PAGANELLI: The F -- we have something called an airport layout plan.

The building, when we met with them, still shown on the airport layout plan; we told them that that’s not true any longer because we don’t own it any longer. We didn’t want to pay any money to the FAA because the FAA had funded the acquisition of that property many, many years ago.

So, the FAA has requested, at the very least, that we get the property owner to agree not to build up to bother the Airport. We thought we had some settlements in place; they balked. So we need to continue our good faith negotiations and move forward.

COMMISSIONER KLINGHOFFER: Does the height of that -- height of the building have anything to do with the use -- because the runways run parallel to the building. Do they -- does the height of that building have any impact at all in the operation of the -- of the --

Or does the height of any of the buildings along Passaic Avenue have an impact on the operation of the Airport?

MR. GOMEZ: Yes.

Thomas Gomez, Airport Manager.

It is required under the 20 to 1 ratio distance from the center line of the primary runway but the instrument approach is considered to be nine five runway. It has to have a specific dimension and height for every horizontal feet that you move away from the center line or the primary runway, which is 422. It’s within the Airport safety zone and, therefore, it have to be control.

And this is just a measurement that he no longer can put not even a radar -- I mean a cell -- the cell phone antenna or something up there that later on will have to be identified.

COMMISSIONER KLINGHOFFER: So, --

COMMISSIONER SPIESBACH: So, Tom, what you’re saying is that the building as it is right now is pretty much --

MR. GOMEZ: It’s within --

COMMISSIONER SPIESBACH: -- at the allowable FAA --

MR. GOMEZ: It’s within --

COMMISSIONER SPIESBACH: Right.

MR. GOMEZ: -- the limit.

COMMISSIONER KLINGHOFFER: But it can’t be -- nothing --

MR. GOMEZ: No.

COMMISSIONER KLINGHOFFER: -- nothing else.

MR. GOMEZ: No, sir.

COMMISSIONER KLINGHOFFER: Okay.

COMMISSIONER SPIESBACH: Okay.

COMMISSIONER KLINGHOFFER: Thank you.

COMMISSIONER BROWN: Just a question.

Jim, you’re saying that the FAA is saying that you have to get something from him that he’s not going to build and right now we’re not having -- we’re in negotiations with him with that?

MR. PAGANELLI: The -- there’s a local ordinance already in place that would restrict his ability to put things on top of that building.

COMMISSIONER BROWN: Right.

MR. PAGANELLI: We -- when we had our discussions with the FAA about releasing that parcel from the ALP, the FAA didn’t want to have us pay him back all the money that the Improvement Authority had used to acquire that property but did want us to get an easement from him that said you’re not going to build up above the building.

We had negotiations with him, discussions ‑‑ informal discussions.

COMMISSIONER BROWN: Um-hum.

MR. PAGANELLI: We thought we reached a resolution of the matter. It ended up there’s multiple partners and we never reached that matter.

Now we need to bring in a -- now we’re going to use this law firm to, A, bring on an appraiser -- that’s going to tell us how we effected value and all. And if -- if not, -- or if so, we’ll have a good faith negotiation about that. If we haven’t, we’ll have that negotiation. And then ultimately, if we were forced to, we would condemn an avigation easement on top of the building.

We hope not to. We hope that our good faith negotiations will get us a fruitful resolution.

COMMISSIONER BROWN: Resolution.

Thank you.

COMMISSIONER SPIESBACH: Work in progress.

MR. PAGANELLI: Yes, sir.

COMMISSIONER SPIESBACH: Okay.

Just a couple of quick questions related to 15 and 16.

MR. PAGANELLI: Yup.

COMMISSIONER SPIESBACH: Tree and stump removal and debris removal.

MR. PAGANELLI: Yes.

COMMISSIONER SPIESBACH: Is this related to the -- to the storm?

MR. PAGANELLI: No.

I’ll give you -- well, I’ll give you -- I’ll give you two stories.

The tree and stump removal, number 15, yes and no. A tree had fallen on a fence, so we had to get it removed.

COMMISSIONER SPIESBACH: Um-hum.

MR. PAGANELLI: There were also some trees over by the patio off of Building M, which is right at the end of our building, that were starting to raise the macadam.

We initially tried to get our tree removal contractor to do it but his prices were --

COMMISSIONER SPIESBACH: Okay.

MR. PAGANELLI: -- piracy.

I don’t think I’ll get sued for that.

So we used a County vendor to help us with those couple of maintenance items.

GSP, when the vendor went out -- when this same vendor went out to do some clearing, in some areas there was a lot of building debris.

COMMISSIONER SPIESBACH: Um-hum.

MR. PAGANELLI: There was old concrete slabs, there was old duct work.

COMMISSIONER SPIESBACH: Okay.

MR. PAGANELLI: We again went to that vendor and said, you know, will you clean it up for us; obviously, it’s a mess, we want to get out of here. Again, there price was a bit extreme.

COMMISSIONER SPIESBACH: Um-hum.

MR. PAGANELLI: So we went to another County vendor to get it cleaned up.

COMMISSIONER SPIESBACH: Okay.

No, actually the nature of my question was just if in fact it was directly related to the storm, there might have been some opportunity for some FEMA reimbursement for, you know, debris removal or whatever the case may be.

MR. PAGANELLI: Yeah.

COMMISSIONER SPIESBACH: But it doesn’t sound like that --

MR. PAGANELLI: No.

COMMISSIONER SPIESBACH: -- would be applicable.

MR. PAGANELLI: Not --

COMMISSIONER SPIESBACH: Okay. That’s fine.

Any other questions from any of the Commissioners on items 014 through 019?

If not, can we have a motion?

COMMISSIONER KLINGHOFFER: So moved.

COMMISSIONER SPIESBACH: Can we have a second?

COMMISSIONER BROWN: Second.

CHAIRMAN ROTHER: Second.

MS. SAPINSKI: Commissioner Brown?

COMMISSIONER BROWN: Yes.

MS. SAPINSKI: Commissioner Klinghoffer?

COMMISSIONER KLINGHOFFER: Yes.

MS. SAPINSKI: Commissioner Spiesbach?

COMMISSIONER SPIESBACH: Yes.

MS. SAPINSKI: Commissioner Toro?

COMMISSIONER TORO: Yes.

MS. SAPINSKI: Chairman Rother?

CHAIRMAN ROTHER: Yes.

(Whereupon, the Board discussed and took action on the following items:

**AIRPORT**

**OBSTRUCTION REMOVAL PROJECT**

**Project Funded:**

**FAA GRANT #33-12**

**AIRPORT BOND**

**20.** RESOLUTION NO. 13-020 - RESOLUTION AUTHORIZING PAYMENT TO C&S ENGINEERS, INC. IN THE AMOUNT OF $25,025.07 FOR ENGINEERING SERVICES RENDERED IN CONNECTION WITH THE CONSTRUCTION OBSERVATION FOR PHASE VI;

**21.** RESOLUTION NO. 13-021 - RESOLUTION AUTHORIZING PAYMENT TO C&S ENGINEERS, INC. IN THE AMOUNT OF $25,349.78 FOR ENGINEERING SERVICES RENDERED IN CONNECTION WITH THE CONSTRUCTION OBSERVATION FOR PHASE VI; and

**22.** RESOLUTION NO. 13-022 - RESOLUTION AUTHORIZING PAYMENT TO C&S ENGINEERS, INC. IN THE AMOUNT OF $20,210.00 FOR ENGINEERING SERVICES RENDERED IN CONNECTION WITH THE DESIGN - PHASE VII.)

COMMISSIONER SPIESBACH: Okay, also under the Airport category but under the sub-category of Obstruction Removal Project.

We have items 13‑020 through 13-022. All related to C and S Engineers.

Any questions from any of the Commissioners related to any of those items?

If not, can we have a motion on those three Resolutions?

COMMISSIONER BROWN: I’ll move it.

CHAIRMAN ROTHER: I’ll move it.

COMMISSIONER BROWN: Second it.

MS. SAPINSKI: Commissioner Brown?

COMMISSIONER BROWN: Yes.

MS. SAPINSKI: Commissioner Klinghoffer?

COMMISSIONER KLINGHOFFER: Yes.

MS. SAPINSKI: Commissioner Spiesbach?

COMMISSIONER SPIESBACH: Yes.

MS. SAPINSKI: Commissioner Toro?

COMMISSIONER TORO: Yes.

MS. SAPINSKI: Chairman Rother?

CHAIRMAN ROTHER: Yes.

(Whereupon, the Board discussed and took action on the following items:

**AIRPORT**

**WILDLIFE HAZARD ASSESSMENT AND MANAGEMENT PLAN PROJECT**

**Project Funded:**

**FAA GRANT #34-12**

**AIRPORT BOND**

**23.** RESOLUTION NO. 13-023 - RESOLUTION AUTHORIZING PAYMENT TO L. R. KIMBALL IN THE AMOUNT OF $3,407.80 FOR ENGINEERING SERVICES; and

**24.** RESOLUTION NO. 13-024 - RESOLUTION AUTHORIZING PAYMENT TO L. R. KIMBALL IN THE AMOUNT OF $6,924.74 FOR ENGINEERING SERVICES.)

COMMISSIONER SPIESBACH: Okay.

Again under Airport but under the sub-category of Wildlife Hazard Assessment and Management Plan.

We have two Resolutions related to L. R. Kimball.

I assume those are engineers helping us out on that management plan?

MR. PAGANELLI: Yes, sir.

COMMISSIONER SPIESBACH: Okay.

Any questions from any --

COMMISSIONER KLINGHOFFER: Can we just get some --

COMMISSIONER SPIESBACH: -- of the Commissioners?

COMMISSIONER KLINGHOFFER: -- background on the management plan?

When it started and what’s happening and where it’s at?

MR. PAGANELLI: It’s fairly new for us. We only have had them out --

When did they start coming out?

Tommy?

MS. SAPINSKI: December --

MR. GOMEZ: The --

MS. SAPINSKI: -- 12, 14?

COMMISSIONER KLINGHOFFER: That’s new.

MR. GOMEZ: Yes.

MR. PAGANELLI: Yeah, it’s brand new.

So, they’re going to do an assessment really for us.

It’s deer but it’s also --

COMMISSIONER SPIESBACH: Geese?

MR. PAGANELLI: -- geese, birds, small wildlife.

I think it’s going to take them 15 months?

MR. GOMEZ: The total project is -- is 12-month of observation or data gathering and three month to report to the FAA what their recommendation is.

The wildlife assessment is require any airport with 45,000 movement or more a year is required by the FAA to have at least an assessment.

Based on the recommendation of those engineers, that firm, then we will implement a plan.

COMMISSIONER SPIESBACH: Well, this is also grant --

MR. GOMEZ: Grant. Grant.

COMMISSIONER SPIESBACH: -- funded though.

MR. GOMEZ: It’s all granted.

COMMISSIONER KLINGHOFFER: But this is part of the -- the FAA’s moved in this direction the last couple of years --

MR. GOMEZ: Yes. Yes.

And it was being super-enforced after the Miracle on the Hudson.

COMMISSIONER SPIESBACH: Okay.

So this is mandated --

MR. GOMEZ: Yes.

COMMISSIONER SPIESBACH: -- by the FAA.

MR. GOMEZ: By the FAA.

COMMISSIONER SPIESBACH: It’s non-discretionary. We have to do it.

MR. GOMEZ: Yes.

COMMISSIONER SPIESBACH: And then they provide grant money to do it?

MR. GOMEZ: Absolutely.

COMMISSIONER SPIESBACH: I like that kind of ‑‑

MR. PAGANELLI: Meanwhile we’re cutting down all the trees and the deer are running all over the place. But all that’s fine.

COMMISSIONER SPIESBACH: Well, that will come out in the management plan how we’re going to mitigate the deer movement.

MR. PAGANELLI: Yeah.

COMMISSIONER SPIESBACH: But --

Any other questions?

If not, can we have a motion on items 23 and 24?

COMMISSIONER TORO: I’ll move it.

COMMISSIONER BROWN: I’ll second.

CHAIRMAN ROTHER: Second.

MS. SAPINSKI: Commissioner Brown?

COMMISSIONER BROWN: Yes.

MS. SAPINSKI: Commissioner Klinghoffer?

COMMISSIONER KLINGHOFFER: Yes.

MS. SAPINSKI: Commissioner Spiesbach?

COMMISSIONER SPIESBACH: Yes.

MS. SAPINSKI: Commissioner Toro?

COMMISSIONER TORO: Yes.

MS. SAPINSKI: Chairman Rother?

CHAIRMAN ROTHER: Yes.

(Whereupon, the Board discussed and took action on the following item:

**FINANCE**

**25.** RESOLUTION NO. 13-025 - RESOLUTION AUTHORIZING PAYMENT OF CHARGES AND EXPENSES OF THE AUTHORITY’S $150,000,000 POOLED GOVERNMENT LOAN PROGRAM (SERIES 1986)

PAYMENTS DUE OTHERS FOR PGLP SERVICES

PHILIP A. LANZET, FINANCIAL CONSULTANT, JANUARY 2013 - $2,500.00;

WELLS FARGO BANK, NA - REMARKETING FEE - 10‑1-12 TO 12-31-12 - $4,395.56; and

BANK OF NEW YORK MELLON - TRUSTEE, TENDER & PAYING AGENT - 1-1-13 TO 3-31-13 - $4,000.00.)

COMMISSIONER SPIESBACH: Okay and the last item is under Finance; our usual Pooled Government Loan Program.

And I don’t think there’s any questions on that but if anyone --

COMMISSIONER KLINGHOFFER: Just -- just --

COMMISSIONER SPIESBACH: -- has one?

COMMISSIONER KLINGHOFFER: -- still where are we on the Pooled Loan Program?

And what -- what’s -- is it --

CHAIRMAN ROTHER: Ha, ha, ha, ha.

COMMISSIONER BROWN: Editorial.

CHAIRMAN ROTHER: Very funny question.

COMMISSIONER SPIESBACH: I can hardly wait for the answer now.

MR. PAGANELLI: Am I supposed to answer after that?

COMMISSIONER BROWN: Just something to think about.

COMMISSIONER SPIESBACH: Yes, please.

MS. SAPINSKI: We’re good.

We have a program.

MR. PAGANELLI: I don’t know --

The program is sitting there. It really has three participants; being the County has two deals in, South Orange has one deal in it.

CHAIRMAN ROTHER: We’re about to take it out.

MR. PAGANELLI: I guess South Orange is about to take their deal --

COMMISSIONER KLINGHOFFER: This thing is really diminishing, isn’t it?

CHAIRMAN ROTHER: Yup.

MR. PAGANELLI: Yeah, I mean the rate is still -- we still think the rate is a good rate. It’s in and around two. But a number of municipalities that have used it have taken it out.

In our time of --

CHAIRMAN ROTHER: The problem -- the problem, Jim, is that as -- as the numbers diminish the costs that are assessed just drive the -- you know, the carry too high.

MR. PAGANELLI: It’s still a two percent rate.

CHAIRMAN ROTHER: Yeah.

But -- but all the other -- but all the other fees that get tacked on because there are fewer and fewer participants --

COMMISSIONER KLINGHOFFER: We don’t --

CHAIRMAN ROTHER: -- make it not -- not very attractive.

MR. PAGANELLI: It’s a two --

CHAIRMAN ROTHER: That’s the problem.

MR. PAGANELLI: It’s a two percent rate with fees.

COMMISSIONER KLINGHOFFER: Yeah but what -- I think what -- what Steve is saying is don’t these fees that we pay, don’t they have to get amortized over the -- by the use of the participants?

MR. PAGANELLI: Right.

It’s a two percent rate with the fees.

COMMISSIONER KLINGHOFFER: With the fees it’s still two percent.

CHAIRMAN ROTHER: No. Really?

MR. PAGANELLI: Yes.

CHAIRMAN ROTHER: That’s not -- that’s not what South Orange’s advisors have been saying they’re been charged.

MR. PAGANELLI: Well, they haven’t talked to us at all.

If they give me a call, we’ll sit with them.

CHAIRMAN ROTHER: That’s -- that’s the only reason -- that’s the only reason it’s -- it’s being backed out is because their advisors have told them --

I have not looked at it, Jim.

But their advisors have told them that with the fees that are being charged, it’s -- it’s excessive.

MR. PAGANELLI: I’ll call Frank McEnerney in the morning.

CHAIRMAN ROTHER: Do that.

MR. PAGANELLI: Yeah, I will.

COMMISSIONER KLINGHOFFER: Glad I asked the question.

COMMISSIONER SPIESBACH: Maybe they should get --

CHAIRMAN ROTHER: Yeah, I’m glad you did too because I didn’t look at this; I -- I just took -- I just took their -- their word for it.

MR. PAGANELLI: Okay.

I’ll make some calls in the morning.

CHAIRMAN ROTHER: Okay.

Good.

MR. PAGANELLI: I better be right.

COMMISSIONER SPIESBACH: But I think your point about it being diminished is absolutely right.

MR. PAGANELLI: Yeah, I mean we’re --

COMMISSIONER SPIESBACH: We’re not --

MR. PAGANELLI: we have -- we’ve had Fairfield who did a library through us; they took it out.

We had Essex Fells in it; they took us out.

The County used it for mini golf and a couple of other improvements.

The Chairman is correct, if -- if a participant gets out it does then -- your fees -- your fees and costs and expenses are spread out among participants.

So, as you have participants drop out of your program, you are then charged with a higher assessment of the remaining costs and fees.

COMMISSIONER KLINGHOFFER: Yeah, I -- I guess my concern is --

CHAIRMAN ROTHER: Oh, then wait a minute, maybe the -- then maybe he’s right. But --

You just -- you just said that the -- the cost is two percent regardless of what the fees are.

MR. PAGANELLI: No.

The -- the rate has been a pretty consistent two percent; that includes all --

CHAIRMAN ROTHER: Yup.

MR. PAGANELLI: -- costs and expenses.

What I would say to you is if you have three participants and one participant gets out, the other two participants then have to pick up more of the costs of the program.

Historically, --

CHAIRMAN ROTHER: Yup.

MR. PAGANELLI: -- that has happened when ‑‑

CHAIRMAN ROTHER: That’s --

MR. PAGANELLI: -- Fairfield got out or Essex Fells got out, the remaining participants picked up more of the share.

CHAIRMAN ROTHER: Yeah. No and that’s -- that’s -- and that is the reason -- that is the reason why South Orange is leaving now.

MR. PAGANELLI: I’ll call -- I’ll call Frank in the morning.

It’s still a two percent rate. I mean I guess -- I guess -- I know that South Orange is doing a big deal and maybe the rate they’re getting beats that -- you know, beats it or maybe --

CHAIRMAN ROTHER: No, I -- I --

MR. PAGANELLI: -- they don’t want to --

CHAIRMAN ROTHER: -- you won’t beat that deal.

MR. PAGANELLI: -- they don’t want to do a --

CHAIRMAN ROTHER: I could tell you it won’t beat that deal. Because we just did it where we didn’t get two percent. I could tell you that.

MR. PAGANELLI: Okay.

I’ll talk to Frank.

CHAIRMAN ROTHER: But --

COMMISSIONER KLINGHOFFER: Yeah but the bigger picture --

CHAIRMAN ROTHER: -- I think we’re talking in cross purposes here, Jim.

COMMISSIONER KLINGHOFFER: I mean Millburn, for example, is doing the parking deck in Millburn Center. I’m pretty sure -- I mean they never came to us, did they?

MR. PAGANELLI: No.

COMMISSIONER KLINGHOFFER: So, I’m wondering whether we have an opportunity to do some marketing if it’s really that inexpensive.

MR. PAGANELLI: At one point in time we asked for permission from the Board to have Steve Pearlman and Noreen White give a breakfast where they could pitch the program. The Board was reluctant to do that because we didn’t want to have them be guaranteed the work for the program. So we didn’t have the breakfast.

Mr. Alagia, the Chief of Staff to the County Executive, has municipal liaisons that go to every council meeting across the County.

COMMISSIONER KLINGHOFFER: Um-hum.

MR. PAGANELLI: And so what we do is we give them the documentation to it and ask them to talk and if there is interest, then I follow up with a member of the municipality.

COMMISSIONER KLINGHOFFER: Yeah but there hasn’t been anything really.

MR. PAGANELLI: There has not been.

I mean we get a call every once in a while; Livingston, things like that.

COMMISSIONER KLINGHOFFER: Um-hum.

MR. PAGANELLI: But we haven’t really struck a deal.

COMMISSIONER SPIESBACH: Okay.

Any other questions or comments related to that -- item 25?

COMMISSIONER KLINGHOFFER: You need a motion, don’t you?

COMMISSIONER SPIESBACH: I do.

COMMISSIONER KLINGHOFFER: So moved.

COMMISSIONER BROWN: Second.

COMMISSIONER SPIESBACH: Okay.

MS. SAPINSKI: Commissioner Brown?

COMMISSIONER BROWN: Yes.

MS. SAPINSKI: Commissioner Klinghoffer?

COMMISSIONER KLINGHOFFER: Yes.

MS. SAPINSKI: Commissioner Spiesbach?

COMMISSIONER SPIESBACH: Yes.

MS. SAPINSKI: Commissioner Toro?

COMMISSIONER TORO: Yes.

MS. SAPINSKI: Chairman Rother?

CHAIRMAN ROTHER: Yes.

(Whereupon, the Board discussed the following items:

**ADDITIONAL INFORMATION**

**A.** Report of PGLP Administrator

**B.** Letter from Air Bound Aviation regarding Hangar P

**C.** Thank you letter from BOCF

**D.** Article from The Star-Ledger regarding Passaic River

COMMISSIONER SPIESBACH: And that brings us just to Additional Information.

Jim, is there anything on the Additional Information you wanted to comment on?

MR. PAGANELLI: No.

COMMISSIONER SPIESBACH: Any comments from any of the Commissioners?

COMMISSIONER BROWN: No.

COMMISSIONER SPIESBACH: All right, --

COMMISSIONER KLINGHOFFER: No Late Starters?

COMMISSIONER SPIESBACH: Pardon me?

COMMISSIONER KLINGHOFFER: No Late Starters. That’s a record.

COMMISSIONER SPIESBACH: No, no Late Starters.

**ADJOURNMENT**

COMMISSIONER SPIESBACH: With that in mind and assuming that you don’t see a need for us to go to Executive Session, --

Because you missed that part of the meeting.

-- we’re at adjournment.

COMMISSIONER BROWN: Motion.

COMMISSIONER SPIESBACH: Can we have a motion to adjourn?

COMMISSIONER BROWN: Move it.

COMMISSIONER TORO: Second.

MS. SAPINSKI: Commissioner Brown?

COMMISSIONER BROWN: Yes.

MS. SAPINSKI: Commissioner Klinghoffer?

COMMISSIONER KLINGHOFFER: Yes.

MS. SAPINSKI: Commissioner Spiesbach?

COMMISSIONER SPIESBACH: Yes.

MS. SAPINSKI: Commissioner Toro?

COMMISSIONER TORO: Yes.

MS. SAPINSKI: Chairman Rother?

CHAIRMAN ROTHER: Yes.

COMMISSIONER SPIESBACH: Okay.

Thank you all.

CHAIRMAN ROTHER: Thank you.

COMMISSIONER KLINGHOFFER: I apologize for being late.

CHAIRMAN ROTHER: Bye-bye.

(Whereupon, the proceedings were concluded at 5:28 p.m., Resolution No. 13-02.)

STATE OF NEW JERSEY :

:

COUNTY OF ESSEX :

I, Karen A. Marino, assigned transcriber, do hereby affirm that the foregoing is a true and accurate transcript of the REGULAR BOARD MEETING of the ESSEX COUNTY IMPROVEMENT AUTHORITY heard on January 29, 2013 and digitally recorded.

Monitored and Proofread by: Deborah Dillon