

ESSEX COUNTY IMPROVEMENT AUTHORITY
ESSEX COUNTY, NEW JERSEY

REGULAR BOARD MEETING) TRANSCRIPT OF
) PROCEEDINGS
- - - - - * **(Via telephone)**

27 Wright Way
Fairfield, New Jersey

Tuesday, June 28, 2022
Commencing at 4:00 p.m.

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

- COMMISSIONER STEVEN H. KLINGHOFFER, CHAIRMAN
- COMMISSIONER RONALD J. BROWN, VICE CHAIRMAN
- COMMISSIONER GERARD M. SPIESBACH, TREASURER
- COMMISSIONER CARLA A. STANZIALE, SECRETARY **(Absent)**
- COMMISSIONER JACQUELINE YUSTEIN **(Absent)**
- COMMISSIONER CLIFFORD ROSS
- COMMISSIONER MARK S. DUNEC **(Absent)**

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

NIA H. GILL, ESQ. General Counsel
LUCY SAPINSKI, Director of Operations
BETSY WILLIAMSON, Administrative Assistant
JOSEPH CALI, Airport Operations Manager
STEVEN C. ROTHER, Executive Director

1 CHAIRMAN KLINGHOFFER: Notice was duly
2 given by regular mail and electronic mail and
3 facsimile to the Essex County Executive, the Essex
4 County Clerk, and the Clerk of the Board of County
5 Commissioners, County Commissioner President
6 Richardson, the News Editor of The Herald News,
7 the News Editor of The Star-Ledger and notice ws
8 posted on the bulletin board in the Office of
9 Essex County Improvement Authority stating the
10 time, date, and location of this Regular Meeting.

11 Roll call, please.

12 MS. SAPINSKI: Roll call.

13
14 (Roll call was taken, all Commissioners
15 present respond in the affirmative)
16

17 **PUBLIC COMMENTS**

18
19 CHAIRMAN KLINGHOFFER: Do we have any
20 members of the public who would like to comment?
21 Anybody on the phone? Anybody present?

22 MS. SAPINSKI: No, nobody here. Nobody
23 on the phone.

24
25 **ACCEPTANCE OF MINUTES**

1 CHAIRMAN KLINGHOFFER: Okay. Hearing
2 none, we'll move onto Acceptance of Minutes.

3 Motion to accept the minutes of the
4 regular board meeting of May 31, 2022.

5 COMMISSIONER SPIESBACH: Move to accept.

6 COMMISSIONER ROSS: Second.

7 MS. SAPINSKI: Thank you.

8

9 (Roll call was taken, all Commissioners
10 present respond in the affirmative)

11

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

14

15 **RESOLUTIONS**

16 **ADMINISTRATIVE**

17

18 1. #22-084 Resolution ratifying payment to Lynann
19 Dragone, Certified Court Reporter, for transcription of
20 May 31, 2022 Board Meeting

21 2. #22-085 Resolution ratifying payment of recurring
22 bills (Bill List)

23

24 CHAIRMAN KLINGHOFFER: Would someone like
25 to move Administrative Resolutions 1 and 2?

1 COMMISSIONER ROSS: I'll move it.

2 COMMISSIONER SPIESBACH: Second.

3 MS. SAPINSKI: Thank you.

4

5 (Roll call was taken, all Commissioners
6 present respond in the affirmative)

7

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

10

11 **CORRECTIONAL FACILITY/CELANESE/ENVIRONMENTAL EXPOSURE**

12

13 3. #22-086 Resolution authorizing payment in the amount
14 of \$105,325.25 to Bachanan, Ingersoll & Rooney, PC for
15 legal services rendered in May

16 4. #22-087 Resolution authorizing payment in the amount
17 of \$870.00 to Bachanan, Ingersoll & Rooney, PC for
18 reimbursement for services rendered by HydroGeoLogic,
19 Inc.

20

21 CHAIRMAN KLINGHOFFER: Would someone like
22 to move the correctional facility litigation
23 items?

24 COMMISSIONER SPIESBACH: Quick question,
25 \$105,000 in one month?

1 CHAIRMAN KLINGHOFFER: That's for Mr.
2 O'Toole.

3 COMMISSIONER SPIESBACH: Mr. O'Toole, yeah.

4 MR. ROTHER: We're in the midst of trying
5 to fight this litigation with Occi and that's
6 what's driving it. Hopefully, we were going to be
7 talking to you in executive session about
8 settlement, which is close, but it's been pushed
9 off a bit so that probably at the next meeting
10 we're going to be talking about it and it will be
11 much, much closer which, hopefully, will bring an
12 end to this. But right now it's, unfortunately,
13 that's going on. There's all sorts of discovery
14 on the way.

15 COMMISSIONER SPIESBACH: Really?

16 MR. ROTHER: Yes, that's the problem,
17 unfortunately. I wish it was otherwise, but we
18 are getting closer to settlement and I was hoping
19 I was going to have a memo from our counsel that I
20 could circulate in advance of this meeting, but he
21 and I were on the phone discussing it just the
22 other day and it looks like it's going to be a
23 week or two delay before I could get that memo and
24 circulating it and show you how much closer we are
25 to getting behind this kind of billing.

1 COMMISSIONER SPIESBACH: That's fine.

2 Thank you for the explanation, Steve. I
3 appreciate it. You looked at these things and you
4 know that they're appropriate, so...

5 MR. ROTHER: Oh God, listen, I get emails.
6 Everything that they did, I get emails on,
7 everything. I get literally dozens and dozens of
8 emails so I am seeing first hand every pen that's
9 going on.

10 COMMISSIONER SPIESBACH: Not a problem. It
11 just seemed like the last conversation we were
12 having things were winding down and, boom, I see
13 this one.

14 MR. ROTHER: No, no, we were hopeful that
15 it would and one of the things that they have not
16 been successful in was they were trying to delay
17 that litigation while settlement discussions were
18 ongoing but, unfortunately, they weren't
19 successful in getting that done.

20 COMMISSIONER SPIESBACH: So we were on a
21 parallel plan.

22 Okay. So with that, I would move items 3
23 and 4.

24 COMMISSIONER ROSS: I'll second it.

25 MS. SAPINSKI: Thank you.

1 (Roll call was taken, all Commissioners
2 present respond in the affirmative)

3
4 Whereupon, the Board discussed and took
5 action on the following items:

6
7 **PARKING FACILITIES**

8
9 5. #22-088 Resolution authorizing payment to Precision
10 Technology Solutions in the amount of \$2,000.00 for
11 parking equipment repairs and supplies

12 6. #22-089 Resolution authorizing payment to Arocho
13 Services, LLC in the amount of \$1,900.00 for elevators
14 and stairwells cleaning, and landscaping services in May.

15 7. #22-090 Resolution accepting a Proposal from
16 Protective Measures Security and Fire Systems in the
17 amount not to exceed \$8,762.00 for fire system repairs
18 and alterations.

19
20 CHAIRMAN KLINGHOFFER: Would someone like
21 to move Parking Facilities Resolutions 5, 6 and 7?

22 COMMISSIONER BROWN: I'll move it.

23 COMMISSIONER ROSS: Second.

24 MS. SAPINSKI: Thank you.
25

1 (Roll call was taken, all Commissioners
2 present respond in the affirmative)

3
4 Whereupon, the Board discussed and took
5 action on the following items:

6
7 **AIRPORT**

8
9 8. #22-091 Resolution authorizing payment in the amount
10 of \$1,170.00 to Air Power, Inc. for HVAC repairs at
11 Hangar/Building M and P.

12 9. #22-092 Resolution authorizing payment in the amount
13 of \$350.00 to Carlopiking, LLC for Airport garage door
14 repairs.

15 10. #22-093 Resolution authorizing payment in the amount
16 of \$4,885.00 to Martin Contracting, LLC for concrete work
17 at two Airport locations

18 11. #22-094 Resolution authorizing payment/reimbursement
19 to Air Bound Aviation in the amount of \$9,571.74 for
20 Hangar P door repairs.

21 12. #22-095 Resolution authorizing payment to H2M
22 Associates, Inc. in the amount of \$2,141.05 for
23 engineering services in connection with the Underground
24 Storage Tank compliance as per new DEP regulations.
25

1 REHABILITATION OF APRON B PROJECT

2 Project Funded: FAA, NJDOT AND ECIA/AIRPORT 2019 BOND

3
4 13. #22-096 Resolution authorizing payment to C & S
5 Engineers in the amount of \$14,600.00 for services
6 rendered in connection with the Design of the Apron B
7 Rehab Project - Final Invoice.

8
9 NAVAID'S PROJECT

10 Project Funded: NJDOT and ECIA/AIRPORT BOND

11
12 14. #22-097 Resolution authorizing payment to C & S
13 Engineers, Inc., in the amount of \$28,487.00 for
14 engineering services in connection with the Design of the
15 NAVAIDS system.

16
17 TAXIWAY P & G REHABILITATION PROJECT

18 Project Funded: NJDOT, FAA, AND ECIA/AIRPORT 2019 BOND

19
20 15. #22-098 Resolution authorizing payment to C & S
21 Engineers in the amount of \$19,225.95 for services
22 rendered in connection with the CO/CA of the Taxiway P &
23 G Rehab Project.

24 16. #22-099 Resolution authorizing Pay App#1 to Paving
25 Materials & Contracting in the amount of \$237,408.72 for

1 services rendered in connection with the Construction of
 2 the Taxiway P & G Rehab Project.

3 CHAIRMAN KLINGHOFFER: Next we have
 4 Airport Resolutions 8 through 16.

5 Would someone like to move them?

6 COMMISSIONER ROSS: I'll move it.

7 COMMISSIONER BROWN: I'll second it.

8
 9 (Roll call was taken, all Commissioners
 10 present respond in the affirmative).

11
 12 Whereupon, the Board discussed and took
 13 action on the following items:

14
 15 **FINANCE**

16 17. #22-100 Resolution authorizing payment of charges
 17 and expenses of the Authority's \$150,000,000.00 Pooled
 18 Government Loan Program, Series 1986

19
 20 Payments for PGLP Services

21 Galleros-Koh, LLP \$2,000.00
 22 Program Administrator
 June 2022

23 Wells Fargo \$36,199.30
 24 Letter of Credit
 4/1/2022 - 6/30/2022

25

1 CHAIRMAN KLINGHOFFER: Next is Financial
2 Resolutions 17. Would someone like to move that?

3 COMMISSIONER ROSS: I'll move it.

4 COMMISSIONER SPIESBACH: I'll second.

5 MS. SAPINSKI: Thank you.

6

7 (Roll call was taken, all Commissioners
8 present respond in the affirmative)

9

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

12

13 **LATE STARTER**

14 **JUNE 28, 2022**

15 **AIRPORT**

16

17 1. #22-101 Resolution authorizing Disposition of Bids for
18 Removal & Replacement of Aviation Fuel Farm System.

19

20 *Award of a Contract to Herbert Lutz & Co., Inc. in the
21 total amount of \$1,824,000.00.

22

23 CHAIRMAN KLINGHOFFER: We have a Late
24 Starter which is Airport Resolution for award of
25 contract to Herbert Lutz in the amount of

1 \$1,824,000.00 for Removal & Replacement of
2 Aviation Fuel Farm System.

3 This is a big item. Could someone give a
4 little bit of an explanation to the commissioners
5 what this is?

6 MS. SAPINSKI: Yes. Joe, are you on the
7 phone?

8 MR. CALI: Yes. This is Joe Cali.

9 So this project is going to be a complete
10 overhaul of our field farm. So we're going to be
11 replacing the two tanks, one Jet A1 tank and one
12 AVGAS tank and it's going to be a pumping system
13 along with a canopy over the top. It's replacing
14 our fuel farm that I believe is a little over 30
15 years old and putting a new fuel farm together.

16 COMMISSIONER SPIESBACH: Above ground -- go
17 ahead.

18 MR. CALI: I'm sorry.

19 CHAIRMAN KLINGHOFFER: Commissioner
20 Spiesbach, please.

21 COMMISSIONER SPIESBACH: Yes, I was just
22 asking, these are above ground tanks?

23 MR. CALI: They are currently below and
24 we're putting below ground tanks back in.

25 COMMISSIONER SPIESBACH: We're putting

1 below ground. What's the capacity of the tanks?

2 MR. CALI: The jet fuel tank is going to
3 be 30,000 gallons and the AVGAS tank is going to
4 be 20,000.

5 COMMISSIONER SPIESBACH: Okay. I assume it
6 includes all the various containment systems,
7 double wall and all of the rest of that stuff so
8 that we don't have any underground tank issues to
9 worry about five or six years from now.

10 MR. CALI: Yeah, they're fiberglass tanks
11 and they also have a Veeder-Root monitoring system
12 that will be hooked up with leak detecting testers
13 and -- yes.

14 MR. ROTHER: Weigh in about our engineer's
15 involvement in it.

16 MR. CALI: H2M is the designing and
17 overseeing engineer on the project.

18 COMMISSIONER SPIESBACH: Oh, really.

19 CHAIRMAN KLINGHOFFER: Joe, basic
20 question. Joe, basic question. Other than the
21 existing tanks 30 years old, why are we replacing
22 them?

23 MR. CALI: We had continuous problems with
24 the pumping system and I know, I believe there was
25 an insurance issue with at least one of the tanks

1 and like I said, the continuous issues that we had
2 with the fuel farm is really driving the project.

3 CHAIRMAN KLINGHOFFER: Are we getting FAA
4 or state money to pay for any part of this?

5 MR. CALI: No, this was part of our
6 airport bond from a couple of years ago. We had
7 budgeted for it on that.

8 MR. ROTHER: We had planned for that back
9 when.

10 CHAIRMAN KLINGHOFFER: Okay. Any other
11 questions?

12 Would someone like to move this
13 resolution?

14 COMMISSIONER BROWN: I'll move.

15 COMMISSIONER ROSS: I'll second it.

16 MS. SAPINSKI: Thank you.

17

18 (Roll call was taken, all Commissioners
19 present respond in the affirmative)

20

21 **EXECUTIVE SESSION**

22

23 CHAIRMAN KLINGHOFFER: Is there any,
24 either Mr. Rother or any of the commissioners, is
25 there any reason to have executive session today?

1 I'm not aware, but is anybody else aware?

2 MR. ROTHER: I was hopeful there would be
3 but, unfortunately, it's going to take another
4 week or so before I get that memo for discussion.

5 CHAIRMAN KLINGHOFFER: Hopefully next
6 month.

7

8 **ADJOURNMENT**

9

10 CHAIRMAN KLINGHOFFER: In that event, would
11 someone like to adjourn?

12 COMMISSIONER BROWN: I'll move.

13 MS. SAPINSKI: Commissioner Brown was
14 first; Commissioner Ross second.

15 Motion to adjourn the meeting.

16 Thank you.

17

18 (Roll call was taken, all Commissioners
19 present respond in the affirmative)

20

21 CHAIRMAN KLINGHOFFER: Everybody have a
22 wonderful and meaningful safe July 4th weekend and
23 we'll be talking July 26th.

24

25 (Whereupon, the proceedings concluded at

4:15 p.m.)

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C E R T I F I C A T E

I, LYNANN DRAGONE, License No. XIO1388, a Certified Court Reporter and Notary Public of the State of New Jersey, certify that the foregoing is a true and accurate transcript of the hearing at the time and the date hereinbefore set forth.

I further certify that I am neither attorney nor Counsel for, nor employed by any of the parties to the action in which this hearing was taken.

I further certify that I am not an employee of anyone employed in this case, nor am I financially interested in this action.

Lynann Dragone

LYNANN DRAGONE, CCR
Certified Court Reporter