

NEW JERSEY MEADOWLANDS COMMISSION
AGENDA

DATE: June 27, 2007
TIME: 10:00 a.m.
PLACE: Lyndhurst, New Jersey
RE: MONTHLY MEETING

1. Pledge of Allegiance
2. Sunshine Law Statement
3. Roll Call
4. REVIEW OF MINUTES - May 23, 2007
5. SPECIAL PRESENTATION
6. REORGANIZATION
 - A. Resolution No. 07-51 Adoption of Annual Schedule Of Meetings.
 - B. Motion to Appoint Commission Vice-Chairman.
 - C. Motion to Appoint Commission Treasurer.
 - D. Designation of Commission Committees.
7. SCIENCE AND OBSERVATORY FACILITY

Resolution No. 07-52 Consideration of a Resolution Authorizing the Executive Director To Purchase Furniture and Fixtures.
8. SPECIAL RAILROAD COUNSEL

Resolution No. 07-53 Consideration of a Resolution Authorizing An Appropriation of \$75,000 to the Firm of Galland, Kharasch, Greenberg, Fellman and Swirsky.

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9. MUNICIPAL ASSISTANCE PROGRAM

Resolution No. 07-54 Consideration of a Resolution Concerning an Appropriation to the Borough of Little Ferry for Recreational Fields.

10. FLOOD CONTROL

Resolution No. 07-55 Consideration of a Resolution Authorizing the Executive Director To Appropriate \$100,000 to the Town of Secaucus To Design and Construct Flood Control Improvements.

Resolution No. 07-56 Consideration of a Resolution Authorizing Funding for Professional Design Services Related to the Restoration of the Rutherford/East Rutherford Drainage Ditch System Change Order.

11. SOLAR ENERGY

Resolution No. 07-57 Consideration of a Resolution Authorizing the Executive Director To Negotiate a Power Purchase Agreement With a Firm To Install a 700 KiloWatt Solar Energy Array on NJMC Owned Properties.

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12. ECONOMIC DEVELOPMENT

Resolution No. 07-58 Consideration of a Resolution Authorizing the Executive Director To Enter Into a Memorandum of Understanding with Rutgers University John J. Heldrich Center For Workforce Development To Provide Economic Research and Analysis Support to the NJMC At an Amount Not to Exceed \$65,000.

13. SCHOLARSHIP PROGRAM

Resolution No. 07-59 Consideration of a Resolution to Appropriate \$32,000 for a Scholarship Program for High School Students from the Meadowlands District Municipalities.

14. DEDICATION OF OBSERVATORY

Resolution No. 07-60 Consideration of a Resolution Authorizing the Executive Director to Dedicate the Meadowlands Observatory.

15. LEGAL

Resolution No. 07-64 Consideration of a Resolution Authorizing the Executive Director to Appropriate \$100,000 for Special Counsel to be Retained by the Office of the Attorney General for Work Associated with the EnCap Golf Redevelopment Agreement.

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MONTHLY MEETING

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16. REPORTS
 - A. Commissioners
 - B. Executive Director
 - C. Director
 - D. HMMC Executive Director

17. NEW BUSINESS

18. PUBLIC PARTICIPATION

19. CLOSED SESSION
 - E. Adopt Resolution No. 07-61 to hold Closed Session.
 - F. Adjournment to Closed Session. The Commission Reserves the Right to Reconvene into Public Session, if necessary, to take Action on Closed Session Items.

PLEASE CONTACT THE NJMC OFFICE (201-460-1700) PRIOR TO MEETING IF SPECIAL REQUIREMENTS ARE NEEDED UNDER ADA

NEW JERSEY MEADOWLANDS COMMISSION

DATE: May 23, 2007
TIME: 10:00 a.m.
PLACE: Lyndhurst, NJ
RE: MONTHLY MEETING MINUTES

COMMISSIONERS PRESENT:

Eleanore Nissley, Acting Chairman
Paul Stridick, Assistant Commissioner
James Anzevino (via telephone)
Michael Gonnelli (via telephone)
Leonard R. Kaiser

STAFF PRESENT:

Robert R. Ceberio, Executive Director
Irfan Bora, Director of Finance & Management/
Chief Financial Officer
Thomas Marturano, Director of Natural Resources
Christine A. Sanz, Director of Legal Affairs/Chief Counsel
Francisco Artigas, Director of MERI
Christopher Gale, Director of Communications
Christine Piatek, Deputy Attorney General
James Carey, Assistant Counsel to the Governor
Lynn Johnson, Executive Assistant

1. Pledge of Allegiance
2. Executive Director Ceberio read the Notice of Meeting required under the Sunshine Law.
3. Roll Call
4. REVIEW OF MINUTES

Minutes of the April 25, 2007 and April 30, 2007 meeting were moved by Commissioner Kaiser, seconded by Commissioner Gonnelli and unanimously carried.

5. PUBLIC PARTICIPATION

- Phil Spanola, North Arlington

6. CONSENT AGENDA

Resolution No. 07-47 - Resolution regarding the approval of One Bulk Variance (Front Yard Loading) Requested for Two New Loading Areas for an Existing Warehouse Building Located at 200 Murray Hill Parkway, Block 105.02, Lot 12, in the Borough of E. Rutherford (File # 06-751, Lipkiw/200 Murray Hill Parkway - Front Yard Loading).

Motion to adopt the resolution was made by Commissioner Kaiser, seconded by Commissioner Anzevino and unanimously carried.

8. PROPERTY ACQUISITION

Resolution No. 07-48 - Resolution authorizing the Executive Director to Appropriate \$50,000 for Environmental Testing.

Motion to adopt the resolution was made by Commissioner Kaiser, seconded by Commissioner Stridick and unanimously carried.

9. BUSINESS ETHICS GUIDELINES

Resolution No. 07-49 - Resolution authorizing the Executive Director to adopt Business Ethics Guidelines for insertion into the NJMC Procurement Policy, authorizing the Executive Director to forward such business ethics guidelines to NJMC contractors and directing staff to make administrative changes to the procurement policy.

Executive Director Ceberio asked the Board to amend Resolution 07-49 to include language that authorizes the Executive Director and staff to draft language, regulation language that would allow us the process and the authority to debar a company that may violate this ethics policy.

Motion to move the amended resolution was made by Commissioner Kaiser, seconded by Commissioner Anzevino and unanimously carried.

10. REPORTS

Executive Director Ceberio reported that a letter was received from the Borough of Lodi thanking our CERT team who went above and beyond in assisting Lodi after the last flood situation. Mr. Ceberio stated that there are currently 45

11. NEW BUSINESS

Commissioner Kaiser requested that the Board appropriate an additional \$25,000 towards the carillon memorial.

Motion was made by Commissioner Kaiser, seconded by Commissioner Nissley and unanimously carried.

12. PUBLIC PARTICIPATION

- Margaret Schak, Rutherford Taxpayers Association
- James Kirkos, Chief Executive, Meadowlands Regional Chamber

13. CLOSED SESSION

The following issues were taken into consideration: Pending litigation and EnCap property acquisition.

Motion to enter into closed session was made by Commissioner Kaiser, seconded by Commissioner Stridick and unanimously carried.

Meeting adjourned

ROBERT R. CEBERIO, SECRETARY

RESOLUTION#	07-47	07-48	07-49	New Business
Asst. Comm. Stridick for Comm. Levin	Y	Y	Y	Y
Comm. Anzevino	Y	Y	Y	Y
Comm. Gonnelli	Y	Y	Y	Y
Comm. Kaiser	Y	Y	Y	Y
Comm. Macri	--	--	--	--
Comm. Nissley	Y	Y	Y	Y
Comm. Walther	--	--	--	--

Y = Yes

A = Abstain

R = Recuse

N = No

**RESOLUTION TO ADOPT ANNUAL SCHEDULE
OF MEETINGS**

BE IT RESOLVED that the attached NJMC Annual Schedule of Meetings be and is hereby adopted.

BE IT RESOLVED that a copy of the schedule be forwarded to all persons entitled to Notice under the Schedule of Meetings and posted on the NJMC bulletin board.

The foregoing Resolution was adopted by Commission vote.

Susan Bass Levin
Chairman

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Meadowlands Commission at its meeting of June 27, 2007.

Robert R. Ceberio
Secretary

Resolution No. 07-51

ANNUAL SCHEDULE OF MEETINGS

The following meetings are scheduled to be held by the New Jersey Meadowlands Commission from June 27, 2007 through July 1, 2008.

- ANNUAL MEETING To be held on the fourth Wednesday in the Month of June at the Office of the Commission, Two DeKorte Park Plaza, Lyndhurst, New Jersey, beginning at 10:00 a.m.
- REGULAR MEETINGS: Ordinarily to be held on the fourth Wednesday of each month, or such earlier or later date as the Commission may determine, at the Office of the Commission beginning at 10:00 a.m.
- SPECIAL MEETINGS: May be called by the Chairman or upon the written request of two members of the Commission, to be held at the Office of the Commission, Two DeKorte Park Plaza, Lyndhurst, New Jersey, at such time as shall be designated.

A copy of this schedule and the Notice of Meetings called by the Commission requiring 48-hour notice shall be:

1. Prominently posted on the bulletin board maintained in the Office of the Commission.
2. Transmitted to the Bergen Record, Herald News, and the Jersey Journal.
3. Filed with the Secretary of State.
4. Mailed to any person requesting same who has paid the fee established by the Commission to cover the cost of providing said Notice.
5. Forwarded to the Clerk of each Meadowlands constituent municipality.

NEW JERSEY MEADOWLANDS COMMISSION

BY: _____
ROBERT R. CEBERIO, EXECUTIVE DIRECTOR

Dated: June 27, 2007

SCHEDULE OF COMMISISON MEETINGS

July 25, 2007

August 22, 2007

September 26, 2007

October 24, 2007

November 28, 2007

December 19, 2007

January 23, 2008

February 27, 2008

March 26, 2008

April 23, 2008

May 28, 2008

June 25, 2008

ALL MEETINGS BEING AT 10:00 A.M.

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR
TO PURCHASE FURNITURE AND FIXTURES FOR THE
SCIENCE AND OBSERVATORY FACILITY**

WHEREAS, the New Jersey Meadowlands Commission is currently constructing the Science and Observatory Facility; and

WHEREAS, it is anticipated that the facility will be completed by the fall of 2007; and

WHEREAS, the facility will need to be furnished including classroom, laboratory and office furniture for the opening scheduled for November 2007; and

WHEREAS, staff has reviewed furniture available for purchase under state contract and has selected Business Environments of Parsippany, New Jersey to supply all of the required furniture for an amount not to exceed \$60,000; and

WHEREAS, the amount to be expended will be funded through monies received through a contribution from the Ramapo College Foundation, proceeds from a grant received by Ramapo College from the National Science Foundation and the Meadowlands Environment Center Capital Reserve; and

WHEREAS, the order must be placed well in advance due to the required lead time for manufacture.

NOW THEREFORE BE IT RESOLVED by the New Jersey Meadowlands Commission that the Executive Director is hereby authorized to execute the purchase order for the Science and Observatory furniture, with Business Environments, Water View Plaza, 2001 Rt. 46, Suite 510, Parsippany, New Jersey 07054 for an amount not to exceed \$60,000.00.

The foregoing Resolution was adopted by Commission vote.

Susan Bass Levin
Chairman

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Meadowlands Commission at its meeting of June 27, 2007.

Robert R. Ceberio
Secretary

Memorandum

New Jersey Meadowlands Commission

NJMC Commissioners and Robert R. Ceberio, Executive Director

To: Irfan A. Bora and Edward H. Bulmer Date: June 27, 2007

Subject: Science and Observatory Facility - Furniture and Fixtures

The New Jersey Meadowlands Commission's Science and Observatory facility is currently under construction and its' completion is expected to be in the fall of 2007. With the pending completion of the facility, it is now time to furnish the classrooms, laboratory, and offices. The timely order of the furnishings will insure immediate utilization of the facility upon completion.

Funding for the furnishings will be provided through a contribution from the Ramapo College Foundation, a grant received from the National Science Foundation by Ramapo College, and the Commission's Environment Center Capital Reserve.

At this time staff is requesting that the Commission authorize the Executive Director to enter into a contract with Business Environments Inc. of Parsippany, New Jersey for an amount not to exceed \$60,000 to supply the required furnishings.

**RESOLUTION AUTHORIZING THE APPROPRIATION OF \$75,000 FOR SPECIAL
COUNSEL ON MATTERS RELATED TO THE RAILROAD SOLID WASTE
TRANSFER STATIONS**

WHEREAS, on August 1, 2005, the New Jersey Meadowlands Commission (NJMC) authorized the Executive Director to retain the services of special counsel for matters involving the railroad solid waste transfer stations by way of Resolution No. 05-88; and

WHEREAS, since that time, the NYS&W railroad has filed suit in federal court against the NJMC Board of Commissioners as well as the New Jersey Department of Environmental Protection, the NJMC has filed an action in Superior Court against the NYSW and the NJMC has participated in actions at the Surface Transportation Board related to railroad solid waste transfer stations; and

WHEREAS, it has been necessary to utilize special legal counsel to safeguard the health and safety of the residents of North Bergen due to the unregulated solid waste transfer stations operating there, as well as other related actions in state court and at the Surface Transportation Board; and

WHEREAS, the Office of the Attorney General retained of the firm of Galland, Kharasch, Greenberg, Fellman & Swirsky, P.C.

NOW, THEREFORE, BE IT RESOLVED that the NJMC shall appropriate \$75,000 for legal services of the firm of Galland, Kharasch, Greenberg, Fellman & Swirsky, P.C.

BE IT FURTHER RESOLVED that if necessary, the NJMC Budget shall be amended accordingly.

The foregoing resolution was adopted by Commission vote.

Susan Bass Levin
Chairwoman

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Meadowlands Commission at its meeting of June 27, 2007.

Robert R. Ceberio
Secretary

Memorandum

New Jersey Meadowlands Commission

NJMC Commissioners and Robert R. Ceberio, Executive Director

to: Christine A. Sanz

Date: June 27, 2007

subject: Special Counsel - Railroad Solid Waste Transfer Stations matter

On August 1, 2005, the New Jersey Meadowlands Commission (NJMC) authorized the Executive Director to retain the services of special counsel for matters involving the railroad solid waste transfer stations in the Meadowlands District by way of Resolution No. 05-88. Since that time, the NYS&W railroad filed suit in federal court against the NJMC Board of Commissioners as well as the New Jersey Department of Environmental Protection. It became necessary to utilize special legal counsel to defend against this lawsuit involving the health and safety of the residents of North Bergen due to the unregulated solid waste transfer stations operating there. The Office of the Attorney General approved the retention of the firm of Galland, Kharasch, Greenberg, Fellman & Swirsky, P.C., which firm has been performing services for the NJMC and NJDEP. Therefore, at this time, Staff respectfully requests that NJMC appropriate \$75,000 for legal services of the firm of Galland, Kharasch, Greenberg, Fellman & Swirsky, P.C.

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR
TO APPROPRIATE \$150,000 TO THE BOROUGH OF LITTLE FERRY FOR THE
CONSTRUCTION OF RECREATIONAL SOCCER FIELDS**

WHEREAS, the New Jersey Meadowlands Commission (NJMC) is committed to working with municipalities to increase recreational opportunities for District towns; and

WHEREAS, the NJMC Landscape Architecture staff evaluated the recreational needs of Little Ferry residents; and

WHEREAS, the NJMC Landscape Architectural staff performed a site analysis of the existing park facilities located within Losen Slote Creek Park (Block 92 Lot 1 and Block 106.01 and Lot 13.07); and

WHEREAS, the NJMC Landscape Architectural staff developed a master plan for additional soccer fields within Losen Slote Creek Park; and

WHEREAS, the Borough of Little Ferry approved the master plan developed by NJMC.

WHEREAS, the NJMC, via Resolution 06-08, appropriated \$350,000 toward these fields for Little Ferry and South Hackensack; and

NOW, THEREFORE, BE IT RESOLVED that the NJMC hereby authorizes the Executive Director to appropriate an additional \$150,000 to the Borough of Little Ferry for the construction of new soccer fields within Losen Slote Creek Park. This additional \$150,000 is provided to the Borough on a cost reimbursable basis.

The foregoing Resolution was adopted by Commission vote.

Susan Bass Levin
Chairman

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Meadowlands Commission at its meeting of June 27, 2007.

Robert R. Ceberio
Secretary

Memorandum

New Jersey Meadowlands Commission

NJMC Commissioners and Robert R. Ceberio, Executive Director

To: Thomas R. Marturano Date: June 27, 2007

Subject: ADDITIONAL \$150,000 APPROPRIATION TO LITTLE FERRY FOR RECREATIONAL FIELDS

During the past several years officials within the Borough of Little Ferry and South Hackensack have experienced increased demand for active recreational facilities for children residing within the Borough. Currently, children of municipal residents must frequently play soccer and baseball in neighboring towns because Little Ferry cannot offer them a place to play. Borough officials would like to remedy this situation by constructing new ball fields and secondary recreational amenities within Losen Slote Creek Park. Consequently, the NJMC Landscape Architecture (LA) staff was asked to perform a site analysis of the property and develop a master plan for an upgraded, active recreational facility.

A master plan was developed and presented to Borough officials. This master plan included three new soccer fields, one new baseball field, a new parking area for 34 additional cars, a children's play area and a concession/bathroom building. The Borough has since decided to build at least one of the proposed soccer fields using synthetic turf. This material will lengthen the life of this soccer field, demand less maintenance time and prolong the duration of actual play-time since this field will be usable during periods of wet weather.

In early 2006, the NJMC provided a \$350,000 grant to the Borough for the fields. As the project moves forward, the costs have escalated and the NJMC is proposing an additional grant of \$150,000. Like the previous grant, this would be administered on a cost reimbursable basis.

**RESOLUTION AUTHORIZING FUNDING
FOR THE MITIGATION OF DRAINAGE PROBLEMS
IN THE TOWN OF SECAUCUS**

WHEREAS, the New Jersey Meadowlands Commission ("NJMC") and the Town of Secaucus have identified four areas within Secaucus that are subject to continual residential storm water flooding; and

WHEREAS, the NJMC and Town of Secaucus have developed concepts for the mitigation of the drainage problems; and

WHEREAS, the recommended improvements include a new drainage pipe between Franklin Terrace and Garry Terrace to the Central Lane stormwater sewer system, concrete curbing and new stormwater pipes and inlets on Central Lane, yard drains between First and Second Street with a new stormwater collector pipe to convey stormwater to First Avenue, and yard drains between First Street and Minnie Place South with a new stormwater collector pipe to convey stormwater to Minnie Place and Golden Avenue;

NOW, THEREFORE BE IT RESOLVED, that the New Jersey Meadowlands Commission authorizes the Executive Director to appropriate \$100,000 to the Town of Secaucus to design and construct the above improvements;

The foregoing Resolution was adopted by Commission vote.

Susan Bass Levin
Chairman

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Meadowlands Commission at its meeting of June 27, 2007.

Robert R. Ceberio
Secretary

Memorandum

New Jersey Meadowlands Commission

NJMC Commissioners and Robert R. Ceberio, Executive Director

Ileana Kafrouni

Date: June 27, 2007

Subject: Funding for the Mitigation of Drainage Problems in the Town of Secaucus

The Town of Secaucus and the New Jersey Meadowlands Commission have identified four areas within Secaucus that are subject to continual storm water flooding problems. The problems impact the residential communities on Garry Terrace, Central Lane, First Street, Second Street, and Minnie Place.

Recommended improvements include the engineering design and installation of a new drainage pipe between Franklin Terrace and Garry Terrace to convey roof water flow to the Central Lane stormwater sewer system, concrete curbing and new stormwater pipes and inlets on Central Lane, yard drains between First Street and Second Street with a new stormwater collector pipe to convey stormwater to First Avenue, and yard drains between First Street and Minnie Place South with a new stormwater collector pipe to convey stormwater to Minnie Place and Golden Avenue.

At this time, the staff is requesting that the Commission authorize the Executive Director to appropriate \$100,000 to the Town of Secaucus to design and construct the above improvements.

**RESOLUTION AUTHORIZING FUNDING FOR
PROFESSIONAL DESIGN SERVICES RELATED TO A CHANGE ORDER
FOR THE RESTORATION OF THE RUTHERFORD/EAST RUTHERFORD
DRAINAGE DITCH SYSTEM**

WHEREAS, the restoration of the two drainage ditches from Route 17 to Berry's Creek and Berry's Creek Canal is essential to reducing flooding at Route 17, local roadways, and local parking lots; and

WHEREAS, the NJMC previously selected the Louis Berger Group in response to a Request for Proposals to pre-qualified firms for Professional Engineering Services to provide all construction documents, permits applications, and construction administration services necessary to complete the Restoration of the Rutherford/East Rutherford Drainage Ditch System project; and

WHEREAS, during the preliminary design phase by the Louis Berger Group, it became apparent that additional improvements, beyond the original scope of the project, would be necessary, including the installation of equalization pipes beneath the NJ Transit rail line and a new culvert with tide gates along the East Rutherford drainage ditch network; and

WHEREAS, such additional design and construction administration services, outside of the original scope of work, are required to meet the goals and objectives of the project;

WHEREAS, the NJMC has negotiated the terms and conditions related to the Change Order for the above work;

NOW, THEREFORE BE IT RESOLVED, that the New Jersey Meadowlands Commission authorizes the Executive Director to enter into an agreement with the Louis Berger Group for an amount not to exceed \$103,800 for additional Professional Engineering Services related to the engineering design and construction phase of the Restoration of the Rutherford/East Rutherford Drainage Ditch System;

BE IT FURTHER RESOLVED, that the New Jersey Meadowlands Commission authorizes the Executive Director to modify the 2007 Commission Budget in an amount that will not exceed \$103,800.

The foregoing Resolution was adopted by Commission vote.

Susan Bass Levin
Chairman

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Meadowlands Commission at their meeting of June 27, 2007.

Robert R. Ceberio
Secretary

Resolution No. 07-56

Memorandum

New Jersey Meadowlands Commission

To: NJMC Commissioners and Robert Ceberio, Executive Director

From: Ileana Kafrouni

Date: June 27, 2007

Subject: Change Order for the Restoration of the Rutherford/East Rutherford Drainage Ditch System (File SP-537)

The goal of the Restoration of the Rutherford/East Rutherford Drainage Ditch System project is to reduce the flooding that has continually impacted Route 17 as well as industrial and commercial buildings along the NJ Transit Bergen Line rail between Route 17 and Berry's Creek. Both the drainage ditch system and tide gates are in need of substantial maintenance and upgrades. The NJMC previously selected the Louis Berger Group, based on their response to an RfP released by the NJMC, to prepare construction documents, to develop permit applications, and to oversee repairs to the Rutherford/East Rutherford Drainage Ditch System and the Rutherford Tide Gates.

During the preliminary design phase, it was brought to the attention of the NJMC by the Louis Berger Group that additional improvements, beyond the original scope of the project, would be necessary. These improvements include equalization pipes beneath the NJ Transit rail line and a new culvert with tide gates along the East Rutherford drainage ditch network. The cost for the Louis Berger Group to design and study these essential improvements is \$103,800.

At this time, the staff is requesting that the Commission authorize the Executive Director to enter into an agreement with The Louis Berger Group for an additional contract amount not to exceed \$103,800 for the development of construction documents and construction administration services related to the additional scope items above.

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO
NEGOTIATE AND EXECUTE A POWER PURCHASE AGREEMENT WITH
EPURON FOR THE INSTALLATION OF A 700 KILOWATT SOLAR
ENERGY ARRAY ON NJMC OWNED PROPERTIES**

WHEREAS, the New Jersey Meadowlands Commission (NJMC) adopted Resolution 06-27 which authorized the Executive Director to issue a Request for Proposals (RFP) for the first phase of a 5 MegaWatt solar energy array; and

WHEREAS, a RFP was issued by the NJMC staff on January 29, 2007 and four proposals were received in response to the RFP on April 27, 2007; and

WHEREAS, a thorough technical and financial review of the proposals has been conducted by the RFP Evaluation Team which consists of NJMC staff, Gabel Associates and Solar Design Associates; and

WHEREAS, it is the opinion of the Evaluation Team that all four of the proposals are technically comparable; and

WHEREAS, details of each of the received proposals are located in Attachment A of the Evaluation Team's Report (attached to this resolution); and

WHEREAS, it is also the opinion of the Evaluation Team that the proposal submitted by Epuron, LLC is the most financially advantageous to the NJMC; and

WHEREAS, the Evaluation Team recommends that the NJMC accept Epuron's 20 year Power Purchase Agreement Proposal and enter into negotiations to complete a solar energy sales and services agreement.

NOW THEREFORE BE IT RESOLVED by the New Jersey Meadowlands Commission that the Executive Director is hereby authorized to negotiate and execute a solar energy sales and services agreement with Epuron, LLC.

The foregoing Resolution was adopted by Commission vote.

Susan Bass Levin
Chairman

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Meadowlands Commission at their meeting of June 27, 2007.

Robert R. Ceberio
Secretary

Resolution No. 07-57

**New Jersey Meadowlands Commission
Solar Electric Systems
Request for Proposals
Issued January 29, 2007**

**Final Report:
Evaluations of the NJMC's 700 KW
Solar Energy Array Proposals**

**Submitted to the New Jersey Meadowlands
Commission for consideration: June 27, 2007**

NJMC Solar Electric Generation Final Evaluation Report Index

- Introduction and Summary of Report
- Section A – Bid Evaluation Process
- Section B – Proposal Description
 - Technical Design
 - Pricing Offer
- Section C – Technical Evaluation
- Section D – Economic Evaluation
 - Initial Project Screening
 - Detailed Project Economic Analysis
- Section E - Gabel Associates Recommendation
- Section F - Conclusion

Attachments

- Attachment A – Solar Electric Pricing Proposals
- Attachment B1 – Summary Economic Analysis / Initial Screening
- Attachment B2 – Detailed Economic Analysis / Initial Screening
- Attachment C – Summary NJMC Economic Benefit
- Attachment D – Profile of Economic Benefits

Introduction and Summary of Report

On January 29, 2007, the New Jersey Meadowlands Commission ("NJMC") issued a Request for Proposals ("RFP") for firms to design, finance, build, operate and maintain solar photovoltaic arrays on the NJMC property in the Meadowlands District for the purpose of generating solar energy for conversion to electricity for use at the DeKorte Park facilities.

NJMC's objective is to promote environmental stewardship and reduce its energy costs by providing solar electricity to the facilities owned or controlled by NJMC.

Pre-proposal meetings and site visits were held at the NJMC facilities. Vendors were provided the opportunity to submit questions regarding the RFP. NJMC issued a series of three (3) addenda in response to questions received from the vendors. On May 23, 2007, NJMC issued a fourth addendum to advise vendors that due to deed restrictions, the NJMC amended Section 2.2 of the RFP to exclude a property that is adjacent to the NJMC's administrative building as a potential site for the development of solar photovoltaic arrays. Addendum four was followed by a fifth, and final, addendum answering questions about the addendum four and the eligible sites for the RFP. In response to this change, NJMC allowed all vendors that had responded to the RFP to modify their proposals and submit a new proposal by the end of business on June 4, 2007 (subsequently extended to June 15, 2007).

The RFP included bidder technical responsibilities, minimum bid requirements and a bid evaluation process. Proposals that do not demonstrate the vendors' capability to meet the technical responsibilities or that do not comply with the minimum bid requirements would be deemed ineligible and would not be considered for further evaluation.

To evaluate the proposals, NJMC assembled an Evaluation Team. The Team included: Solar Design Associates to review the technical aspects of the solar electric systems proposed; Gabel Associates to assist in obtaining a rebate from the New Jersey Clean Energy Program and to analyze the economic benefits of the proposals; and NJMC representatives. The NJMC serves as the chair of the Evaluation Team and is responsible for the coordination of meetings and information.

Based upon review of the four (4) proposals submitted, and after consultation with Solar Design Associates and Gabel Associates, it is the recommendation of the Evaluation Team that the NJMC enter into negotiations with Epuron, with the

goal of executing a 20-year Power Purchase Agreement contract. While all of the proposals appear to have the technical capability to undertake the project, the Epuron proposal will yield economic savings (an estimated \$2.4 million in nominal dollars over the life of the 20 year contract) significantly greater than any other proposal.

Section A – Bid Evaluation Process

The RFP incorporated a bid evaluation process that considers both economic and non-economic factors. NJMC indicated that proposals for all sites would be evaluated.

The **economic evaluation** identifies those proposals with the greatest financial incentive for NJMC.

The **evaluation of non-economic factors** involves a due diligence process aimed at the relative risks of such factors as, but not limited to, developer experience, creditworthiness and generation technology. Specifically, the non-economic evaluation factors include the following criteria categories, not necessarily listed in order of significance:

1. The bidder's general approach and plans to meet the requirements of the RFP.
2. The bidder's detailed approach and plans to perform the services required by the scope of work and technical requirements of the RFP.
3. The bidder's documented experience in successfully completing projects of a similar size and scope as those required by the RFP.
4. The qualifications and experience of the bidder's management, supervisory or other key personnel assigned to the project, with emphasis on documented experience in successfully completing projects of a similar size and scope as those required by the RFP.
5. The overall ability of the bidder to mobilize, undertake and successfully complete the project.

Section B – Proposals Received

On or prior to April 27, 2007, NJMC received four (4) proposals in response to the RFP from the following suppliers: Alternity Power, Candor Construction Group, Epuron and SunEdison.

All four proposals were to design, finance, build, operate and maintain approximately 700 KW of solar photovoltaic arrays on the NJMC property in the Meadowlands District for the purpose of generating solar energy for conversion to electricity for use at the NJMC DeKorte Park facilities.

The following is a brief description of the technical design of the received proposals. This description reflects the proposals based upon the fourth addendum to the RFP, which advised vendors that due to deed restrictions, Section 2.2 of the RFP had to be amended to exclude a property that is adjacent to the NJMC's administrative building as a potential site for the development of solar photovoltaic arrays. In response to this addendum, NJMC allowed all vendors that had responded to the RFP to modify their proposals and submit a new proposal. Epuron and SunEdison modified their original proposals, while Alternity Power and Candor Construction decided to leave their proposals unchanged.

Alternity Power – A ground mounted photovoltaic array to be located at the Erie landfill. The solar generation would be transmitted to the existing utility switchgear adjacent to the NJMC Administration Building via an overhead transmission line at the landfill and an underground transmission line along Disposal Road.

Candor Construction Group - A ground mounted photovoltaic array to be located at the Erie landfill. The solar generation would be transmitted to the existing utility switchgear adjacent to the NJMC Administration Building either via an over-water transmission line, or a transmission line along Disposal Road that could be either overhead or underground.

Epuron - A ground mounted photovoltaic array to be located in the vicinity of the DeKorte Park facilities in the strip area to the west of the DeKorte Park facilities along the water. The solar generation would be directly interconnected to the existing utility switchgear adjacent to the NJMC Administration Building.

SunEdison - A ground mounted photovoltaic array to be located at the Erie landfill. The solar generation would be transmitted to the existing utility switchgear adjacent to the NJMC Administration Building via a transmission line.

A brief description of the **pricing offers** is as follows.

1. Note A – The pricing offers reflect the original proposals for Alternity Power and Candor Construction Group. The pricing offers for Epuron and SunEdison reflect the modified proposals, although both suppliers maintained the pricing offers from their original proposals.
2. Note B – The financial benefits associated with a solar electric generating facility include the following:
 - a. A rebate from the New Jersey Board of Public Utilities (“NJBP”) Customer On-site Renewable Energy (“CORE”) program.
 - b. A Federal tax credit, which would be utilized by the suppliers under a Purchase Power Agreement (“PPA”) but could not be utilized by NJMC under an asset purchase because NJMC is not a tax paying entity.
 - c. A Federal 5 year accelerated depreciation benefit, which would be utilized by the suppliers under a Purchase Power Agreement (“PPA”) but could not be utilized by NJMC under an asset purchase because NJMC is not a tax paying entity.
 - d. The market value of the Solar Renewable Energy Credit (“SREC”) associated with electricity generated at a solar generation facility.
 - e. The market value of the solar electricity generated at the facility.

Alternity Power – Alternity offered three (3) options.

1. Option 1 – An asset purchase, whereby Alternity would design and build the solar generating facility and NJMC would purchase, operate and maintain the facility over the life of the project. The purchase price for this proposal was \$6,121,668. All of the financial benefits would flow to NJMC, with the exception of the Federal tax credit and accelerated depreciation which NJMC would not be able to utilize.
2. Option 2 – A 20 year Purchase Power Agreement (“PPA”), in which Alternity would design, finance, build, operate and maintain the solar generating facility and NJMC would purchase the electric output of the facility from Alternity at a specified rate. All of the financial benefits would flow to Alternity, with the exception of the benefit NJMC would receive by purchasing the output of the solar facility from Alternity at a more favorable rate than from the local utility.
3. Option 3 – A 6 year PPA, in which Alternity would design, finance, build, operate and maintain the solar generating facility and NJMC would

purchase the electric output of the facility from Alternity at a specified rate for the first 6 years. All of the financial benefits would flow to Alternity during the first 6 years, with the exception of the benefit NJMC would receive by purchasing the output of the solar facility from Alternity at a more favorable rate than from the local utility. Alternity would then sell the solar generation facility to NJMC at the end of the sixth year for \$3,060,834. For the balance of the life of the project, NJMC would operate and maintain the facility and receive the SREC value and full value of the solar electricity generated.

Candor Construction Group - A 15 year Purchase Power Agreement ("PPA"), in which Candor would design, finance, build, operate and maintain the solar generating facility and NJMC would purchase the electric output of the facility from Candor at a specified rate. At the end of the 15th year, NJMC would have the option to renew the PPA or purchase the solar generation facility at fair market value. All of the financial benefits would flow to Candor, with the exception of the benefit NJMC would receive by purchasing the output of the solar facility from Candor at a more favorable rate than from the local utility.

Epuron – Epuron offered three (3) options.

1. Option 1 – A 20 year Purchase Power Agreement ("PPA"), in which Epuron would design, finance, build, operate and maintain the solar generating facility and NJMC would purchase the electric output of the facility from Epuron at a specified rate. All of the financial benefits would flow to Epuron, with the exception of the benefit NJMC would receive by purchasing the output of the solar facility from Epuron at a more favorable rate than from the local utility. Epuron would then sell the solar generation facility to NJMC at the end of the 20th year for fair-market value. For the balance of the life of the project, NJMC would operate and maintain the facility and receive the SREC value and full value of the solar electricity generated.
2. Option 2 – A 15 year PPA, in which Epuron would design, finance, build, operate and maintain the solar generating facility and NJMC would purchase the electric output of the facility from Epuron at a specified rate for the first 15 years. All of the financial benefits would flow to Epuron, with the exception of the benefit NJMC would receive by purchasing the output of the solar facility from Epuron at a more favorable rate than from the local utility. Epuron would then sell the solar generation facility to NJMC at the end of the 15th year for one dollar. For the balance of the life of the project, NJMC would operate and maintain the facility and receive the SREC value and full value of the solar electricity generated.

3. Option 3 – A 10 year PPA, in which Epuron would design, finance, build, operate and maintain the solar generating facility and NJMC would purchase the electric output of the facility from Epuron at a specified rate for the first 10 years. All of the financial benefits would flow to Epuron, with the exception of the benefit NJMC would receive by purchasing the output of the solar facility from Epuron at a more favorable rate than from the local utility. Epuron would then sell the solar generation facility to NJMC at the end of the 10th year for one dollar. For the balance of the life of the project, NJMC would operate and maintain the facility and receive the SREC value and full value of the solar electricity generated.

SunEdison - A 20 year Purchase Power Agreement ("PPA"), in which SunEdison would design, finance, build, operate and maintain the solar generating facility and NJMC would purchase the electric output of the facility from SunEdison at a specified rate. All of the financial benefits would flow to SunEdison, with the exception of the benefit NJMC would receive by purchasing the output of the solar facility from SunEdison at a more favorable rate than from the local utility. SunEdison would then sell the solar generation facility to NJMC at the end of the 20th year for fair-market value. For the balance of the life of the project, NJMC would operate and maintain the facility and receive the SREC value and full value of the solar electricity generated.

The specifics of the pricing proposals are indicated in **Attachment A – NJMC Solar Electric Pricing Proposals**.

Section C – Technical Evaluation

NJMC utilized the services of Solar Design Associates (SDA) to evaluate the technical design aspects of the proposals.

SDA has indicated that all of the suppliers and their proposals:

1. Meet the minimum technical requirements of the RFP.
2. Have the appropriate experience to successfully design, develop and construct the solar generation facilities requested by the RFP.
3. Have the appropriate management qualifications and experience to successfully design, develop and construct the solar generation facilities requested by the RFP.
4. Contain no technical flaws or technical advantages that would make one proposal significantly inferior or superior to the other received proposals.

Therefore, it is the conclusion of SDA that there are no major technical hindrances or advantages to the NJMC from any of the received proposals, and the NJMC should enter into negotiation with the firm that offers the best economic value to the NJMC.

Section D – Economic Evaluation

NJMC utilized the services of Gabel Associates to evaluate the economic aspects of the proposals and make a recommendation to NJMC regarding the proposal which offers the greatest benefit for NJMC.

The proposals offered by the suppliers are based, from a financial perspective, upon a PPA structure. The only exception is the asset purchase offered by Alternity Power (Option 1). Since NJMC is not a taxable entity, it would not be able to take advantage of the Federal tax credit and the accelerated depreciation benefit, thus those benefits would be lost. Such benefits are integral to the overall value of a solar generation project. As a result, this proposal was eliminated from further consideration.

Since the balance of the proposals offered by the suppliers, including the various options, are based upon a PPA structure with varying terms and prices; Gabel Associates developed a **financial screening approach** to allow it to identify the best proposals for a more detailed economic analysis.

In developing the financial screening approach, Gabel Associates considered the following elements:

1. In all PPA proposals, the suppliers retain all of the financial benefits, with the exception of the value that NJMC receives from purchasing the solar electric output from the supplier versus purchasing that same level of electricity from the local delivery utility.
2. Most of the suppliers proposed a PPA with a term of 20 years, with the exception being Candor Construction Group that has proposed a 15 year PPA, with an option to extend.
3. Although each supplier has indicated a different first-year level of solar electric generation and different levels of annual solar output degradation, the specific solar generation levels are not significantly different.

Based upon the above, Gabel Associates performed an initial financial screening based upon the cost of the solar electricity sold to NJMC for a 20 year term, with a first-year solar generation of 800,000 KWH, annual solar output degradation of 0.25% and a net present value factor of 6%. The summary and detailed supporting analysis of the financial screen is indicated in **Attachment B1 and B2**, respectively. The **results of the financial screen** are summarized in the following table.

Solar Proposal	Total Cost to NJMC	Total Cost to NJMC
PPA 20 Year Term	Nominal \$	NPV \$
Epuron Option 1	\$171,888	\$97,191
SunEdison	\$816,739	\$444,745
Alternity Option 2	\$2,109,461	\$1,215,511
Candor Construction	\$2,311,371	\$1,288,539

Based upon those results, Gabel Associates next undertook a **detailed economic analysis** of the Epuron and SunEdison proposals. The following designations will be used in the balance of this report for the Epuron and SunEdison proposals:

Supplier Proposal	Report Designation
Epuron Option 1 – 20 Year PPA	Epuron 20
Epuron Option 2 – 15 Year PPA	Epuron 15
Epuron Option 3 – 10 Year PPA	Epuron 10
SunEdison – 20 Year PPA	SunEdison 20

In order to understand the economic benefits of proposals of varying terms, it is necessary to analyze the economics over an equivalent term. A second component of understanding the economics of the proposals is the distribution of those benefits over the life of the project. All else being equal, it is preferable that benefits be realized earlier in the contract life.

Gabel Associates has analyzed the economic benefits of the above four (4) proposals over a 20 year period. The economic benefits of the Epuron 20 and SunEdison 20 proposals flow directly from the electricity cost savings differential on the level of the solar electricity generated between the cost of continuing to purchase NJMC’s electricity needs from the local delivery company and the cost of purchasing solar electricity from the supplier at the price of the proposal.

The economic analysis of the Epuron 15 and Epuron 10 proposals is more complex in that NJMC’s economic benefits flow from the following two separate periods:

1. The first period relates to those years that the PPA is in effect (i.e. years 1 through 15 for the Epuron 15 proposal and years 1 through 10 for the Epuron 10 proposal). During this first period, the economic benefits would be calculated upon the same basis as in the Epuron 20 and SunEdison 20 proposals identified above.

2. The second period relates to those years that NJMC takes ownership of the solar generation facility (i.e. years 16 through 20 for the Epuron 15 proposal and years 11 through 20 for the Epuron 10 proposal). During this second period, NJMC's economic benefits flow from the net of several components – (a) the benefits of free solar electricity rather than purchasing that level of electricity from the local delivery utility; (b) the market value benefit of selling the SRECs associated with the level of solar electricity generated; and (c) the cost of NJMC operating and maintaining the solar generation facility.

Based upon the above economic benefit construction, Gabel Associates has performed a detailed economic analysis of the four (4) proposals. A **Summary of NJMC's Economic Benefits (Attachment C)** from the four (4) proposals follows:

Proposal Designation	NJMC Economic Benefit	NJMC Economic Benefit
	Nominal (\$ millions)	NPV (\$ millions)
Epuron 20	\$2.441	\$1.312
Epuron 15	\$2.971	\$1.459
Epuron 10	\$3.081	\$1.344
SunEdison 20	\$1.715	\$0.935

The second component of understanding the economics of the four (4) proposals is the profile of the distribution of those benefits over the life of the project. **Attachment D** compares the profile of the receipt of NJMC's economic benefits for the four (4) proposals, using the Epuron 20 proposal as the basis for the comparison.

Section E – Gabel Associates Recommendation

Gabel Associates believes that NJMC has received several proposals that meet NJMC's objective, while providing significant economic benefits.

The Epuron 20 proposal provides significantly greater economic benefits over 20 years than the SunEdison 20 proposal (approximately \$0.38 million on a NPV basis, or 40%). Given that the benefits of both proposals are subject to the same minimal risk (only related to the future cost of electricity from the local delivery utility), the Epuron 20 proposal is clearly better than the SunEdison proposal.

The Epuron 20 proposal provides somewhat less economic benefits over 20 years than the Epuron 15 proposal (approximately \$0.15 million on a NPV basis, or 10%). However, the benefit profile of the two proposals is different and subject to different risks. The Epuron 20 proposal realizes 79% of its economic benefits in the first 15 years, while the Epuron 15 proposal realizes 65% of its economic benefits over the same period. In addition, the Epuron benefits in years 16 through 20 (35% of its total economic benefits) are subject to greater risks, i.e. the market risk associated with the value of SRECs. Given the economic benefit profile of the Epuron 15 proposal and the greater risk associated with realizing the benefits in years 16 through 20, Gabel Associates believes that the Epuron 20 proposal offers a better value for NJMC.

The Epuron 20 proposal provides marginally less economic benefits over 20 years than the Epuron 10 proposal (approximately \$0.03 million on a NPV basis, or 2%). However, the benefit profile of the two proposals is different and subject to different risks. The Epuron 20 proposal realizes 56% of its economic benefits in the first 10 years, while the Epuron 10 proposal realizes 15% of its economic benefits over the same period. In addition, the Epuron benefits in years 11 through 20 (85% of its total economic benefits) are subject to greater risks, i.e. the market risk associated with the value of SRECs. Given the economic benefit profile of the Epuron 10 proposal and the greater risk associated with realizing the benefits in years 11 through 20, Gabel Associates believes that the Epuron 20 proposal clearly offers a better value for NJMC.

Therefore, **Gabel Associates recommends that the NJMC accept the Epuron 20 proposal and enter into negotiation to complete a solar energy sales and services agreement.**

Section F – Conclusion

The Evaluation Team has conducted an extensive review process of each of the four received proposals, in response to the NJMC's Solar Energy RFP. SDA conducted a review of the technical design aspects of each of the proposals. SDA concluded that each of the respondents met the minimum requirements necessary to install the array, and that there were no technical advantages or disadvantages of any of the received proposals. This analysis was conducted again when the modified proposals were received in response to the fourth addendum.

In addition, Gabel Associates conducted an extensive economic analysis of each of the proposals, which included the nominal Power Purchase Agreement (PPA) cost, of each of the proposals, to the NJMC. Based upon the conclusions of Gabel Associates and SDA, the Evaluation Team has concluded that this "nominal PPA cost" analysis is the determining factor in ranking the received proposals based on their financial benefit to the NJMC.

Therefore, the Evaluation Team recommends that the NJMC accept the following ranking of received proposals, and accept Epuron's 20 year PPA proposal and enter into negotiations to complete a solar energy sales and services agreement:

		PPA Cost to the NJMC	
		<u>Nominal</u>	<u>NPV</u>
1.	Epuron	\$171,888	\$97,191
2.	SunEdison	\$816,739	\$444,745
3.	Alternity Power	\$2,109,461	\$1,215,511
4.	Candor	\$2,311,371	\$1,288,539

NJMC Solar Electric Pricing Proposals

Attachment - A

Supplier		Option	Purchase Price	Electric Price (perKWH)	Electric Price Escalator
Alternity Power	Asset Purchase		\$6,121,668	N/A	N/A
	PPA 20 Years		N/A	\$0.135	0%
	PPA 6 Years / Purchase		\$3,060,834	\$0.135	0%
Candor Construction	PPA 15 Years		TBD	\$0.13 - \$0.14	Formula
Epuron	PPA 20 Years		FMV	\$0.01	1%
	PPA 15 Years		\$1	\$0.02	2%
	PPA 10 Years		\$1	\$0.095	2%
SunEdison	PPA 20 Years		FMV	\$0.039	3%

N/A	Not Applicable
TBD	To Be Decided
FMV	Fair Market Value

Attachment B-2

NJMC Solar Electric
Cost of PPA Proposals

Year	Solar (e) Generation (KWH/yr)	Epuron Option 1		SunEdison		Alternity Option 2		Candor	
		unit (\$/KWH)	PPA Cost Total (\$)	unit (\$/KWH)	PPA Cost Total (\$)	unit (\$/KWH)	PPA Cost Total (\$)	unit (\$/KWH)	PPA Cost Total (\$)
1	800,000	\$0.0100	\$8,000	\$0.0390	\$31,200	\$0.1350	\$108,000	\$0.1250	\$100,000
2	798,000	\$0.0101	\$8,060	\$0.0402	\$32,056	\$0.1350	\$107,730	\$0.1272	\$101,496
3	796,005	\$0.0102	\$8,120	\$0.0414	\$32,935	\$0.1350	\$107,461	\$0.1294	\$103,014
4	794,015	\$0.0103	\$8,181	\$0.0426	\$33,838	\$0.1350	\$107,192	\$0.1317	\$104,554
5	792,030	\$0.0104	\$8,242	\$0.0439	\$34,766	\$0.1350	\$106,924	\$0.1340	\$106,118
6	790,050	\$0.0105	\$8,304	\$0.0452	\$35,719	\$0.1350	\$106,657	\$0.1363	\$107,705
7	788,075	\$0.0106	\$8,366	\$0.0466	\$36,699	\$0.1350	\$106,390	\$0.1387	\$109,316
8	786,105	\$0.0107	\$8,428	\$0.0480	\$37,706	\$0.1350	\$106,124	\$0.1411	\$110,951
9	784,139	\$0.0108	\$8,491	\$0.0494	\$38,740	\$0.1350	\$105,859	\$0.1436	\$112,610
10	782,179	\$0.0109	\$8,555	\$0.0509	\$39,802	\$0.1350	\$105,594	\$0.1461	\$114,295
11	780,224	\$0.0110	\$8,619	\$0.0524	\$40,894	\$0.1350	\$105,330	\$0.1487	\$116,004
12	778,273	\$0.0112	\$8,683	\$0.0540	\$42,015	\$0.1350	\$105,067	\$0.1513	\$117,739
13	776,327	\$0.0113	\$8,748	\$0.0556	\$43,167	\$0.1350	\$104,804	\$0.1539	\$119,500
14	774,386	\$0.0114	\$8,813	\$0.0573	\$44,351	\$0.1350	\$104,542	\$0.1566	\$121,287
15	772,450	\$0.0115	\$8,879	\$0.0590	\$45,568	\$0.1350	\$104,281	\$0.1594	\$123,101
16	770,519	\$0.0116	\$8,945	\$0.0608	\$46,817	\$0.1350	\$104,020	\$0.1622	\$124,942
17	768,593	\$0.0117	\$9,012	\$0.0626	\$48,101	\$0.1350	\$103,760	\$0.1650	\$126,811
18	766,672	\$0.0118	\$9,080	\$0.0645	\$49,420	\$0.1350	\$103,501	\$0.1679	\$128,708
19	764,755	\$0.0120	\$9,148	\$0.0664	\$50,776	\$0.1350	\$103,242	\$0.1708	\$130,633
20	762,843	\$0.0121	\$9,216	\$0.0684	\$52,168	\$0.1350	\$102,984	\$0.1738	\$132,586
TOTAL			\$171,888		\$816,739		\$2,109,461		\$2,311,371
NPV 6%			\$97,191		\$444,745		\$1,215,511		\$1,288,539

Annual KWH degradation (a) 0.25%

Electric escalation per year	
Epuron	1.00%
SunEdison	3.00%
Alternity	0.00%
Candor	1.75%

NJMC Solar Electric Economic Benefit for NJMC Summary

Attachment - C

Vendor	Economic Benefit for NJMC \$ millions	
	Nominal	Net Present Value
Epuron - 20	\$2.440	\$1.312
Epuron - 15	\$2.971	\$1.459
Epuron - 10	\$3.080	\$1.344
SunEdison ~ 20	\$1.715	\$0.935

Attachment - D

**NJMC Solar Electric
Economic Benefit for NJMC
Benefit Timing / Epuron 20 versus other proposals**

	Nominal Dollars			Present Value Dollars		
	Years 1-15	Years 16-20	Total	Years 1-15	Years 16-20	Total
Proposal						
Epuron 20	\$1,669,568	\$771,134	\$2,440,702	\$1,042,278	\$270,030	\$1,312,308
Epuron 15	\$1,526,235	\$1,445,064	\$2,971,299	\$952,038	\$507,133	\$1,459,171
Proposal						
Epuron 20	\$1,017,087	\$1,423,615	\$2,440,702	\$736,526	\$575,783	\$1,312,308
Epuron 10	\$286,630	\$2,794,225	\$3,080,855	\$203,622	\$1,140,866	\$1,344,488
Proposal						
Epuron 20	\$2,440,702		\$2,440,702	\$1,312,308		\$1,312,308
Sun Edison 20	\$1,715,419		\$1,715,419	\$935,052		\$935,052

RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE RUTGERS UNIVERSITY JOHN J. HELDRICH CENTER FOR WORKFORCE DEVELOPMENT TO PROVIDE ECONOMIC RESEARCH AND ANALYSIS SUPPORT FOR AN AMOUNT NOT TO EXCEED \$65,000

WHEREAS, on January 10, 2007 the New Jersey Meadowlands Commission (NJMC) adopted Resolution No. 07-03, which authorized the Executive Director to implement the recommendations and strategies of the NJMC's 2007 Economic Growth Plan (Plan), and

WHEREAS, one of the recommendations in the Plan advises the NJMC to develop "procedures that effectively monitor and evaluate economic growth strategies in the Meadowlands region", and

WHEREAS, it is the opinion of NJMC that detailed and current economic data research needs to be conducted to monitor and evaluate economic strategies in the Meadowlands region, and

WHEREAS, this data will be used by the NJMC and Meadowlands Workforce Development Consortium to develop the Meadowlands' 2008 Economic Growth Plan and it will be presented at the 2007 Economic Conference; late this year, and

WHEREAS, the John J. Heldrich Center for Workforce Development recently prepared similar data in a report titled "A Profile of the New Jersey Meadowlands Regional Economic and Workforce", and

WHEREAS, it is the opinion of the NJMC staff that the John J. Heldrich Center for Workforce Development has the experience and reputation necessary to prepare relevant and current economic data of the Meadowlands Region that will be helpful to develop and evaluate economic growth strategies in the Meadowlands region.

NOW, THEREFORE, BE IT RESOLVED by the New Jersey Meadowlands Commission (NJMC) that the Executive Director is hereby authorized to enter into a Memorandum of Understanding with the Rutgers University, John J. Heldrich Center for Workforce Development to provide economic research and analysis support to the NJMC for an amount not to exceed \$65,000; and

BE IT FURTHER RESOLVED by the NJMC that these funds be allocated from the NJMC's current Operations and Maintenance Budget.

The foregoing Resolution was adopted by Commission vote.

Susan Bass Levin
Chairman

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Meadowlands Commission at its meeting of June 27, 2007.

Robert R. Ceberio
Secretary

Resolution 07-58

Memorandum

New Jersey Meadowlands Commission

To: NJMC Commissioners

From: Robert Ceberio

Date: June 27, 2007

Subject: John J. Heldrich Center for Workforce Development - MOU

If approved, Resolution No. 07-58 would authorize the Executive Director to enter into a Memorandum of Understanding with the Rutgers University, John J. Heldrich Center for Workforce Development to provide economic research and analysis support to the New Jersey Meadowlands Commission (NJMC) for an amount not to exceed \$65,000. These funds will be allocated from the NJMC's current Operations and Maintenance Budget.

On January 10, 2007 the NJMC adopted Resolution No. 07-03 which authorized the Executive Director to implement the recommendations and strategies of the NJMC's 2007 Economic Growth Plan. This plan advises the NJMC to "develop procedures that effectively monitor and evaluate economic growth strategies in the Meadowlands region." This economic data will assist the NJMC staff with its development and implementation of policies that encourage economic growth in the region.

Therefore, it is the opinion of the NJMC staff that, the Rutgers University, John J. Heldrich Center for Workforce Development is best equipped to prepared this economic data and provide continued data support to the Meadowlands throughout the drafting and implementation of the 2008 Economic Growth Plan. Specifically, the Heldrich Center will focus on two tasks:

Task 1: Development of an Economic Profiles of the Meadowlands Region, and

The Heldrich Center will produce a profile of the economic landscape of the Meadowlands Region based on an analysis of currently available data. This profile, to be completed in three months, will result in the delivery of a print-ready electronic Power Point deck with text, charts, graphs, and maps. This profile will update the economic and industry data contained in the report entitled, *A Profile of the New Jersey Meadowlands Regional Economic and Workforce*, which the Heldrich Center completed for the Meadowlands Regional Chamber of Commerce in January 2007.

Task 2: Research on Trends Effecting Key Industry Sectors

The Heldrich Center will conduct targeted research on trends affecting industry sectors of interest to the NJMC and the Meadowlands Regional Chamber of Commerce. This research will include analysis of available data, interviews or focus groups with employers, and a review of promising economic growth strategies being used in other states and regions to support similar industries.

Also, during this task, staff of the Heldrich Center will participate in meetings with NJMC staff to discuss possible policies that could be developed in the region to support economic growth of these industry sectors.

The Heldrich Center, in conjunction with the NJMC will present the results of the profile and the research at the 2007 Meadowlands Economic Summit.

**RESOLUTION TO APPROPRIATE \$32,000 FOR A
SCHOLARSHIP PROGRAM FOR HIGH SCHOOL STUDENTS
FROM THE MEADOWLANDS DISTRICT MUNICIPALITIES**

WHEREAS, the U.S. Department of Labor predicts that by the year 2008, some six million job openings for scientists, engineers and technicians will exist increasing the employment opportunities for those trained in science and science related fields by 51 percent, a rate four times higher than overall job growth; and

WHEREAS, the NJMC has recognized the need for students to become involved in environmental science, science-related fields and environment-related fields; and

WHEREAS, the NJMC is interested in providing aid to outstanding high school students from the Meadowlands District municipalities; and

NOW, THEREFORE, BE IT RESOLVED that the NJMC hereby authorizes the appropriation of \$32,000 to continue funding the Scholarship Program.

The foregoing Resolution was adopted by Commission vote.

Susan Bass Levin
Chairman

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Meadowlands commission at their meeting of June 27, 2007.

Robert R. Ceberio
Secretary

Memorandum

New Jersey Meadowlands Commission

To: NJMC Commissioners

From: Robert R. Ceberio

Date: June 27, 2007

Subject: Continued Funding of a Scholarship Program for High School Students

The U.S. Department of Labor predicts that by the year 2008, some six million job openings for scientists, engineers and technicians will exist increasing the employment opportunities for those trained in science and science related fields by 51 percent, a rate four times higher than overall job growth. Accordingly the NJMC has recognized the need for students to become involved in Science and Science related fields.

The NJMC is interested in providing aid to outstanding high school students from the Meadowlands District. The creation of a Scholarship Program in February, 2005 by NJMC Board led to the distribution of aid through the course of that year through a process in conjunction with appropriate school systems. The money provided financial assistance to students in the Meadowlands District.

Staff requests the appropriation of \$32,000 to continue support for the Scholarship Program that will furnish \$2,000 to each student selected from the Meadowlands school districts for an outstanding high school student who is pursuing higher education in environmental science, science-related or environment-related fields.

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO
DEDICATE THE MEADOWLANDS OBSERVATORY TO WILLIAM D.
MCDOWELL, FIRST EXECUTIVE DIRECTOR OF THE HACKENSACK
MEADOWLANDS DEVELOPMENT COMMISSION**

WHEREAS, the Hackensack Meadowlands Reclamation and Development Act (N.J.S.A 13:17-1 et seq.) of 1969 established the Hackensack Meadowlands Development Commission to protect the delicate balance of nature, provide for orderly development, and provide facilities for the disposal of solid waste in the Meadowlands District; and

WHEREAS, the Act established the NJMC Board of Commissioners, composed of six citizens of Bergen and Hudson counties and chaired by the Commissioner of the New Jersey Department of Community Affairs, and the NJMC Executive Director; and

WHEREAS, the first NJMC Board appointed William D. McDowell as Executive Director to implement regional government policies and oversee the day-to-day operations of the agency; and

WHEREAS, Mr. McDowell's foresight and leadership helped steer the course of the Meadowlands District away from illegal dumping and towards becoming an economic engine of responsible development and preserved open space; and

WHEREAS, Mr. McDowell's lifelong career of public service included the numerous civic offices of North Arlington Councilman, North Arlington Mayor, Bergen County Sheriff, Director of the Bergen County Board of Chosen Freeholders and Bergen County Executive; and

WHEREAS, Mr. McDowell died on April 30, 2007; and

WHEREAS, the NJMC is currently constructing the Meadowlands Center for Scientific and Environmental Education, a 10,000 square-foot expansion of the Meadowlands Environment Center, to allow increased opportunities for public outreach and environmental education; and

WHEREAS, the trademark of this expansion will be an astronomical observatory with a state-of-the-art telescope and a six-meter retractable dome.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners authorizes the Executive Director to name the observatory the William D. McDowell Observatory.

The foregoing Resolution was adopted by Commission vote.

Susan Bass Levin
Chairman

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Meadowlands Commission at its meeting of June 27, 2007.

Robert R. Ceberio
Secretary

Resolution No. 07-60

Memorandum

New Jersey Meadowlands Commission

To: NJMC Commissioners

From: Robert Ceberio Date: June 27, 2007

Subject: Dedication of William D. McDowell Observatory

The New Jersey Meadowlands Commission broke ground on the Meadowlands Center for Scientific and Environmental Education, a 10,000-square foot expansion of the Meadowlands Environment Center, in November 2006.

In addition to three new classrooms, laboratories, administrative offices, storage space and a lobby, this facility will include an observatory with a state-of-the-art telescope and a six-meter retractable dome. Scheduled to open in late 2007, this facility will provide increased environmental education programming and outreach opportunities to more than 20,000 residents and students who currently visit the MEC each year.

William D. McDowell, appointed first Executive Director of the NJMC in 1969, pioneered efforts to steer the Meadowlands District away from illegal dumping and wetlands degradation towards a balanced region of economic development and preserved open space. His work helped created the recovering urban wetlands ecosystem that is the subject of Meadowlands Environment Center programs today.

Staff respectfully requests that the astronomical observatory, a physical and symbolic representation of expanding environmental education in the Meadowlands District, be dedicated to William D. McDowell.

RESOLUTION: CLOSED SESSION

WHEREAS, the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the holding of closed session by public bodies in certain circumstances; and

WHEREAS, the New Jersey Meadowlands Commission is of the opinion that those circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That a closed session of the NJMC will be held to discuss the following:
 - EnCap negotiations

2. It is anticipated at this time that the above subject matter(s) will be made public upon completion of said matter(s).

This Resolution shall become effective immediately. The foregoing Resolution was adopted by Commission vote.

Susan Bass Levin
Chairman

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Meadowlands Commission at its meeting of June 27, 2007.

Robert R. Ceb erio
Secretary

Resolution No. 07-61

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO
APPROPRIATE \$100,000 FOR SPECIAL COUNSEL TO BE RETAINED BY
THE OFFICE OF THE ATTORNEY GENERAL FOR WORK ASSOCIATED
WITH THE ENCAP GOLF REDEVELOPMENT AGREEMENT**

WHEREAS, the New Jersey Meadowlands Commission (NJMC) entered into the Third Amended and Restated Landfill Closure and Development Agreement with EnCap Golf Holdings, LLC (Encap) on August 9, 2006; and

WHEREAS, due to the default under the Agreement by Encap and the complex nature of the potential consequences, the staff requires the assistance of special counsel.

NOW, THEREFORE, BE IT RESOLVED that the NJMC hereby authorizes the Executive Director to appropriate one hundred thousand dollars (\$100,000) for special counsel to be retained by the Office of the Attorney General.

The foregoing Resolution was adopted by Commission vote.

Susan Bass Levin
Chairman

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Meadowlands Commission at its meeting of June 27, 2007.

Robert R. Ceberio
Secretary

Resolution No. 07-64

Memorandum

New Jersey Meadowlands Commission

To: NJMC Commissioners and Robert R. Ceberio, Executive Director

From: Adam J. Levy Date: June 27, 2007

Subject: Special Counsel - Encap Golf Redevelopment Agreement Default

The New Jersey Meadowlands Commission (NJMC) entered into the Third Amended and Restated Landfill Closure and Development Agreement with EnCap Golf Holdings, LLC (Encap) on August 9, 2006. Staff requires the assistance of special counsel to assist the NJMC with the consequences of the recent default by Encap under the Agreement.

At this time, staff recommends that the NJMC authorize the Executive Director to appropriate one hundred thousand dollars (\$100,000) for special counsel to be retained by the Office of the Attorney General.