

2/2/07

NEW JERSEY MEADOWLANDS COMMISSION
AGENDA

DATE: May 23, 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 - April 25, 2007 Pg. 1
April 30, 2007 Pg. 5
5. PUBLIC PARTICIPATION ON RESOLUTIONS
6. CONSENT AGENDA

Resolution No. 07-47 Consideration of a Resolution Regarding Pg. 7
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 East Rutherford (File #
06-751, Lipkiw/200 Murray Hill Parkway -
Front Yard Loading).
7. PROPERTY ACQUISITION

Resolution No. 07-48 Consideration of a Resolution Authorizing Pg. 10
the Executive Director to Appropriate \$50,000
for Environmental Testing.
8. BUSINESS ETHICS GUIDELINES

Resolution No. 07-49 Consideration of a Resolution Authorizing Pg. 12
the Executive Director to adopt Business Ethics
Guidelines for insertion into the NJMC
Procurement Policy.

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NEW JERSEY MEADOWLANDS COMMISSION
AGENDA

MONTHLY MEETING

Pg. 2

9. REPORTS
 - A. Commissioners
 - B. Executive Director
 - C. Director
 - D. HMMC Executive Director
10. NEW BUSINESS
11. PUBLIC PARTICIPATION
12. CLOSED SESSION
 - A. Adopt Resolution No. 07-50 to hold Closed Session.
 - B. 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: April 25, 2007
TIME: 10:00 a.m.
PLACE: Lyndhurst, NJ
RE: MONTHLY MEETING MINUTES

COMMISSIONERS PRESENT:

Eleanore Nissley, Acting Chairman
Michele Richardson, Assistant Commissioner
James Anzevino
Michael Gonnelli
Leonard R. Kaiser
Arleen Walther

STAFF PRESENT:

Robert R. Ceberio, Executive Director
Irfan Bora, Director of Finance & Management/
Chief Financial Officer
Thomas Marturano, Director of Natural Resources
Ileana Kafrouni, Director of Land Use Management
Christine A. Sanz, Director of Legal Affairs/Chief Counsel
Francisco Artigas, Director of MERI
Christopher Gale, Director of Communications
Christine Piatek, Deputy Attorney General
Sharon Price-Cates, 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 March 28, 2007 meeting were moved by Commissioner Gonnelli, seconded by Commissioner Anzevino and unanimously carried.

5. SPECIAL PRESENTATION

Dr. Francisco Artigas, Director of the Meadowlands Environmental Research Institute presented the findings of the thirteen-year study on sediments in the Hackensack River and its tributaries.

6. PUBLIC PARTICIPATION

- Margaret Schak, Rutherford Taxpayers Association

7. NJMC ANNUAL AUDIT

Resolution No. 07-37 - Resolution accepting the New Jersey Meadowlands Commission 2006 Audit Reports.

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

8. ZONING

Resolution No. 07-38 - Resolution authorizing the publication of a Notice of Proposal and the holding of a Public Hearing regarding a petition for a rezoning of Block 108, Lot 1 in Lyndhurst, New Jersey.

Motion to adopt the resolution was made by Commissioner Gonnelli, seconded by Commissioner Walther and carried with Commissioner Anzevino abstaining.

9. AVIAN CONTAMINATIONS STUDY

Resolution No. 07-39 - Resolution authorizing the Executive Director to enter into a Memorandum of Agreements with the New Jersey Audubon Society regarding the Second Year of Study on contaminants in birds of the Hackensack Meadowlands and their effects on reproductive success.

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

10. MEADOWLANDS ENVIRONMENTAL RESEARCH INSTITUTE

Resolution No. 07-40 - Resolution supporting the establishment of the first Sediment Elevation Tables (SET) in the District.

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

11. LEGAL

Resolution No. 07-41 - Resolution authorizing the Chairman to issue a final decision in Riverview Associates v. New Jersey Meadowlands Commission

Mr. Ceberio explained that an extension on this matter has been requested from the Office of Administrative Law. Resolution not voted on.

12. ENERGY PROJECTS

Resolution No. 07-42 - Resolution authorizing the Executive Director to enter into a contract for consulting services, design and procurement for engineering and implementation of Energy Projects.

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

13. PROPERTY ACQUISITION

Resolution No. 07-43 - Resolution authorizing a Phase II Environmental Investigation.

Motion to adopt the resolution was made by Commissioner Richardson, seconded by Commissioner Walther and unanimously carried.

14. RIVER BARGE PARK

Resolution No. 07-44 - Resolution authorizing the Executive Director to enter into a contract for architectural design, engineering services and construction management for River Barge Park.

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

15. REPORTS

Commissioner Kaiser thanked staff for their work on the River Barge Park project and was glad to see that a third party reviewed the actions and found them to be appropriate and within the parameters of the law.

Mr. Ceberio reported on environmental awards received recently.

- US EPA Region II Award on Environmental Quality
- US EPA National Award for Air Quality for efforts on solar initiative and green building regulations
- Governor's Tourism Award on the Wildlife Trail Guide

15. NEW BUSINESS

Commissioner Kaiser explained that the Executive Director was recently approached by the AMVETS requesting that the Commission consider finding a location for a memorial carillon. The living memorial to our nation's deceased veterans would be located outside the NJMC's main entrance. The memorial would be three bells with a tower, and it would toll once each day in memory of all the veterans who have lost their lives. The overall cost of the memorial and tribute is \$100,000. Commissioner Kaiser requests the Board appropriate \$25,000 towards this initiative.

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

14. PUBLIC PARTICIPATION

- Sam Maffei, Secaucus resident
- Tina Schvejda, Executive Director Meadowlands Conservation Trust
- Margaret Schak, Rutherford Taxpayers Association

Motion to adjourn the meeting was made by Commissioner Gonnelli and seconded by Commissioner Kaiser with all in favor.

ROBERT R. CEBERIO, SECRETARY

RESOLUTION#	07-37	07-38	07-39	07-40	07-41	07-42	07-43	07-44	New Business
Asst. Comm. Richardson for Comm. Levin	Y	Y	Y	Y	Y	Y	Y	Y	Y
Comm. Anzevino	Y	A	Y	Y	Y	Y	Y	A	Y
Comm. Gonnelli	Y	Y	Y	Y	Y	Y	Y	Y	Y
Comm. Kaiser	Y	Y	Y	Y	Y	Y	Y	Y	Y
Comm. Macri	--	--	--	--	--	--	--	--	--
Comm. Nissley	Y	Y	Y	Y	Y	Y	Y	Y	Y
Comm. Walther	Y	Y	Y	Y	Y	Y	Y	Y	Y

Y = Yes

A = Abstain

R = Recuse

N = No

NEW JERSEY MEADOWLANDS COMMISSION

DATE: April 30, 2007
TIME: 10:00 a.m.
PLACE: Lyndhurst, NJ
RE: SPECIAL MEETING MINUTES

COMMISSIONERS PRESENT:

Eleanore Nissley, Acting Chairman
Michele Richardson (via telephone)
Michael Gonnelli (via telephone)
Leonard R. Kaiser
Arleen Walther
Mia Macri (via telephone)

STAFF PRESENT:

Robert R. Ceberio, Executive Director
Ileana Kafrouni, Director of Land Use Management
Adam Levy, Assistant Director of Law &
Contract Compliance
Francisco Artigas, Director of MERI
Christopher Gale, Director of Communications
Eileen Kelly, Deputy Attorney General (via telephone)
Sharon Price-Cates, 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. PUBLIC PARTICIPATION ON RESOLUTIONS
 - No public participation

5. HEARING OFFICERS' REPORT

Resolution No. 07-45 - Resolution adopting Section 5(x) Consultation Report and Hearing Officers' report (Section 23) for the proposed new Meadowlands Stadium project at the Meadowlands Sports Complex.

Motion to adopt the resolution was made by Commissioner Macri, seconded by Commissioner Nissley and carried with Commissioners Kaiser and Walther abstaining.

6. FLOOD CONTROL

Resolution No. 07-46 - Resolution authorizing the Executive Director to enter into a contract for the survey of stormwater and flood control structures in Carlstadt, NJ.

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

7. PUBLIC PARTICIPATION

- Margaret Schak, Rutherford Taxpayers Association
- Sam Maffei, Secaucus resident

Motion to adjourn the meeting was made by Commissioner Kaiser and seconded by Commissioner Walther with all in favor.

ROBERT R. CEBERIO, SECRETARY

RESOLUTION#	07-45	07-46
Asst. Comm. Richardson for Comm. Levin	Y	Y
Comm. Anzevino	Y	Y
Comm. Gonnelli	Y	Y
Comm. Kaiser	A	Y
Comm. Macri	Y	Y
Comm. Nissley	Y	Y
Comm. Walther	A	Y

Y = Yes

A = Abstain

R = Recuse

N = No

**RESOLUTION ISSUING A DECISION ON THE VARIANCE APPLICATION
SUBMITTED AS PART OF
FILE #06-751, LIPKIS/200 MURRAY HILL PARKWAY - FRONT YARD
LOADING SITE IMPROVEMENTS & VARIANCE
BLOCK 105.02, LOT 12, IN THE BOROUGH OF EAST RUTHERFORD**

WHEREAS, an application for one (1) bulk variance was filed with the New Jersey Meadowlands Commission ("NJMC") by Mr. Mordechai Lipkis, on behalf of the Shushana Company, for the premises identified as 200 Murray Hill Parkway, Block 105.02, Lot 12, in the Borough of East Rutherford, New Jersey; and

WHEREAS, the variance is sought in connection with the applicant's proposal to provide two (2) new loading areas in the front yard along Manor Road in connection with an existing warehouse facility on the subject premises and located in the NJMC's Light Industrial A zone; and

WHEREAS, the applicant requested variance relief from N.J.A.C. 19:4-8.3(b)1, which does not permit loading areas in any front yard. The applicant is proposing to provide two (2) new loading areas in the front yard along Manor Road on the subject premises; and

WHEREAS, notice of the requested variance relief was given to the public and all interested parties as required by law and was published in the Leader Free Press and The Record; and

WHEREAS, a public hearing was held in the Office of the NJMC on February 27, 2007, before Sharon Mascaró P.E., Chief Engineer; Mark Skerbetz P.P., AICP, Senior Planner; and Brad Miller, Engineer; of the NJMC staff; and

WHEREAS, a comprehensive report dated April 23, 2007, has been prepared indicating the recommendations of the Director of Land Use Management and Chief of Regulatory Affairs and the Executive Director in this matter; and

WHEREAS, the report recommends approval of the bulk variance request to provide two (2) new loading areas in the front yard along Manor Road on the subject premises; and

WHEREAS, the members of the NJMC have reviewed the full record including the transcripts of the public hearing, recommendations on the application by the Director of Land Use Management and Chief of Regulatory Affairs and by the Executive Director, the submissions of the applicant; and

WHEREAS, the members of the NJMC concur with the recommendations of the Director of Land Use Management and Chief of Regulatory Affairs and the Executive Director; and

WHEREAS, the NJMC hereby determines that the requested variance to provide two (2) new loading areas in the front yard along Manor Road on the subject premises conforms with the standards for approving applications for variances as set forth in N.J.A.C. 19:4-4.14(e); and

NOW, THEREFORE, BE IT RESOLVED, by the New Jersey Meadowlands Commission, that the Lipkis/200 Murray Hill Parkway - Front Yard Loading Site Improvements & Variance application for one bulk variance request to provide two (2) new loading areas in the front yard along Manor Road on the subject premises is hereby **APPROVED** for the reasons set forth in the April 23, 2007, recommendation.

The foregoing was adopted on 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 May 23, 2007.

Robert R. Ceberio
Secretary

Resolution No. 07-47

Memorandum

New Jersey Meadowlands Commission

To: NJMC Commissioners and Robert Ceberio, Executive Director

From: Ileana Kafrouni Date: May 23, 2007

Subject: Variance Recommendation: Lipkis/200 Murray Hill Parkway - Front Yard
Loading Site Improvements & Variance (File 06-751)

An application for one (1) bulk variance has been filed by Mr. Mordechai Lipkis, on behalf of the Shushana Company for the premises identified as 200 Murray Hill Parkway, Block 105.02, Lot 12, in the Borough of East Rutherford, New Jersey. Said premises are located in the Commission's Light Industrial A zone. The bulk variance is sought in connection with the applicant's proposal to provide two (2) new loading areas in the front yard along Manor Road on the subject premises.

The applicant has requested variance relief from N.J.A.C. 19:4-8.3(b)1, which does not permit loading areas in any front yard. The applicant is proposing to provide two (2) new loading areas in the front yard along Manor Road on the subject premises. A public hearing on this matter was held in the Office of the NJMC on Tuesday, February 27, 2007.

In a comprehensive report dated April 23, 2007, the Director of Land Use Management and Chief of Regulatory Affairs and the Executive Director recommended approval of the bulk variance request in connection with the applicant's proposal to provide two (2) new loading areas in the front yard along Manor Road on the subject premises.

At this time, the Commission is required to issue a decision on the variance application described above. A resolution requesting the same is attached for your consideration.

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO
APPROPRIATE \$50,000 FOR ENVIRONMENTAL TESTING**

WHEREAS, pursuant to N.J.S.A. 13:17-1 et seq. the New Jersey Meadowlands Commission (NJMC) is charged with the necessity to consider ecological factors constituting the environment of the meadowlands and the need to preserve the delicate balance of nature; and

WHEREAS, the NJMC previously has appropriated \$100,000 (NJMC Resolution 03-34) for environmental testing; and

WHEREAS, the NJMC desires to acquire remaining wetlands and selected open space within the Hackensack Meadowlands District in furtherance of the NJMC's conservation and recreation goals; and

WHEREAS, Federal and State authorities have made funds available to the NJMC for the acquisition of wetlands and open space.

NOW, THEREFORE BE IT RESOLVED by the NJMC that the Executive Director is hereby authorized to pursue environmental testing in order to evaluate wetlands and open space properties within the Hackensack Meadowlands District.

BE IT FURTHER RESOLVED that the NJMC Fiscal Year 2007 Budget is hereby amended by \$50,000 to reflect this expenditure.

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 May 23, 2007.

Robert R. Ceberio
Secretary

Resolution No. 07-48

Memorandum

New Jersey Meadowlands Commission

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

From: Christine A. Sanz

Date: May 23, 2007

Subject: Open Space Acquisition - Environmental Testing Services

Pursuant to N.J.S.A. 13:17-1 et seq. the New Jersey Meadowlands Commission (NJMC) is empowered to preserve the delicate balance of nature in the Hackensack Meadowlands District (HMC). As part of this mandate the NJMC has rigorously pursued its open space acquisition program.

Open space acquisitions require environmental testing as part of the due diligence process. Therefore staff respectfully requests that the NJMC authorize \$50,000 to pursue environmental testing of parcels that are part of the open space acquisition program.

The NJMC Fiscal Year 2007 Budget is hereby amended by \$50,000 to reflect this expenditure.

**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**

WHEREAS, New Jersey Meadowlands Commission (NJMC) has continuously strived to be at the forefront of policy implementation regarding ethical standards in all areas of its activities; and

WHEREAS, from time to time, it amends its policy documents to reflect what the Commission believes to be the most stringent ethical standards that are legally appropriate.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners authorizes the Executive Director to adopt Business Ethics Guidelines for insertion into the NJMC Procurement Policy; authorizes the Executive Director to forward such Business Ethics Guidelines to NJMC Contractors; and authorizes the Executive Director to make administrative changes to the NJMC Procurement Policy.

The applicable Business Ethics Guidelines are as follows:

1. No vendor shall pay, offer to pay, or agree to pay, either directly or indirectly, any fee, commission, compensation, gift, gratuity, or other thing of value of any kind to any NJMC Commissioner or employee with whom such vendor transacts, offers to transact, or proposes to transact business. This holds true for any member of the immediate family of any such Commissioner or employee, or any partnership, firm or corporation with which they are employed or associated, or in which such officer or employee has a financial interest.
2. The solicitation of any fee, compensation, gift or gratuity by any Commissioner or employee shall be reported by the vendor to the State Ethics Commission and to the Office of the Attorney General.
3. No vendor shall influence, or attempt to influence, or cause to be influenced any Commissioner or employee in his or her official capacity in any manner that might tend to impair the objectivity or independence of judgment of that Commissioner or employee. Nor shall any vendor attempt to secure unwarranted privileges or advantages for the vendor or any other person.

4. Any attempt by a vendor to influence or secure privileges from a Commissioner or employee as outlined in #3 above shall be reported by the Commissioner or employee to the NJMC Ethics Liaison Officer, the State Ethics Commission and the Office of the Attorney General.

The foregoing was adopted on 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 May 23, 2007.

Robert R. Ceberio
Secretary

Resolution No. 07-49

Memorandum

New Jersey Meadowlands Commission

To: NJMC Commissioners

From: Robert R. Ceberio, Executive Director

Date: May 23, 2007

Subject: Business Ethics Guidelines

The New Jersey Meadowlands Commission (NJMC) has continuously strived to be at the forefront of policy implementation regarding ethical standards in all areas of its activities. Accordingly, from time to time, it amends its policy documents to reflect what the Commission believes to be the most stringent ethical standards that are legally appropriate.

Today, NJMC Staff requests that the Board of Commissioners authorize the Executive Director to adopt Business Ethics Guidelines for insertion into the NJMC Procurement Policy; authorize the Executive Director to forward such Business Ethics Guidelines to NJMC Contractors; and authorize the Executive Director to make the appropriate administrative changes to the NJMC Procurement Policy.

It is important to note that while some of the guidelines are statutory provisions already followed by the NJMC, they are included in the new Guidelines for convenient reference by contractors and staff.

The new Business Ethics Guidelines are as follows:

1. No vendor shall pay, offer to pay, or agree to pay, either directly or indirectly, any fee, commission, compensation, gift, gratuity, or other thing of value of any kind to any NJMC Commissioner or employee with whom such vendor transacts, offers to transact, or proposes to transact business. This holds true for any member of the immediate family of any such Commissioner or employee, or any partnership, firm or corporation with which they are employed or associated, or in which such officer or employee has a financial interest.
2. The solicitation of any fee, compensation, gift or gratuity by any Commissioner or employee shall be reported by the vendor to the Executive Commission on Ethical Standards and to the Office of the Attorney General.

3. No vendor shall influence, or attempt to influence, or cause to be influenced any Commissioner or employee in his or her official capacity in any manner that might tend to impair the objectivity or independence of judgment of that Commissioner or employee. Nor shall any vendor attempt to secure unwarranted privileges or advantages for the vendor or any other person.
4. Any attempt by a vendor to influence or secure privileges from a Commissioner or employee as outlined in #3 above shall be reported by the Commissioner or employee to the NJMC Ethics Liaison, the Executive Commission on Ethical Standards and the Office of the Attorney General.

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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:
 -
 -
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 May 23, 2007.

Robert R. Ceberio
Secretary

Resolution No. 07-50