

NEW JERSEY MEADOWLANDS COMMISSION
AGENDA

DATE: October 26, 2009
TIME: 2:00 p.m.
PLACE: Lyndhurst, New Jersey
RE: MONTHLY MEETING

1. Pledge of Allegiance
2. Sunshine Law Statement
3. Roll Call
4. REVIEW OF MINUTES - September 21, 2009 - open meeting Pg. 1
- September 21, 2009 - closed meeting
5. SPECIAL PRESENTATION ON FLOOD CONTROL
6. PUBLIC PARTICIPATION ON RESOLUTIONS
7. HOUSING

Resolution No. 09-73 Consideration of a Resolution Revising Pg. 6
The "Interim Policies Governing Affordable
Housing Development in the Meadowlands
District.
8. LANDSCAPE MAINTENANCE SERVICES

Resolution No. 09-74 Consideration of a Resolution Authorizing Pg. 22
The Executive Director To Enter Into a
Landscape Maintenance Contract for
Richard W. DeKorte Park, Three Wetland
Sites and Three Landfill Sites.
9. SNOW REMOVAL AND ICE WATCH SERVICES

Resolution No. 09-75 Consideration of a Resolution Authorizing Pg. 25
The Executive Director To Enter Into a
Contract for Snow Removal and Ice Watch
Services.

NEW JERSEY MEADOWLANDS COMMISSION
AGENDA

MONTHLY MEETING

Pg. 2

10. RIVER BARGE PARK AND BOATING CENTER

Resolution No. 09-76 Consideration of a Resolution Authorizing Pg. 28
The Executive Director To Enter Into a
Contract for the First Construction Phase
Of the River Barge Park and Boating Center
In Carlstadt.

11. BROKERAGE AND CONSULTING SERVICES

Resolution No. 09-77 Consideration of a Resolution Authorizing Pg. 31
The Executive Director To Enter Into an
Agreement for Brokerage and Consulting
Services for the Kingsland Redevelopment
Area, Bethlehem Steel and Bergen County
Utilities Authority Sites.

12. MUNICIPAL ASSISTANCE

Resolution No. 09-78 Consideration of a Resolution Authorizing Pg. 34
The Executive Director To Provide \$200,000
To the Borough of Rutherford.

Resolution No. 09-79 Consideration of a Resolution Authorizing Pg. 37
The Executive Director To Provide \$200,000
To the Borough of North Arlington.

13. EDUCATIONAL PROGRAMMING

Resolution No. 09-80 Consideration of a Resolution Authorizing Pg. 41
The Executive Director To Enter Into a
Memorandum of Agreement between
The Meadowlands Environment Center
And Liberty Science Center.

NEW JERSEY MEADOWLANDS COMMISSION
AGENDA

MONTHLY MEETING

Pg. 3

14. FLOOD CONTROL

Resolution No. 09-81 Consideration of a Resolution Authorizing Pg. 43
The Executive Director To Enter Into a
Memorandum of Understanding with the
NJDOT.

15. REPORTS

- A. Commissioners
- B. Executive Director
- C. Directors
- D. HMMC Executive Director

16. NEW BUSINESS

17. PUBLIC PARTICIPATION

18. CLOSED SESSION

- A. Adopt Resolution No. 09-82 to hold Closed Session.
 - Marcal Bankruptcy Settlement
 - Gilbert Hawkins Settlement
- 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: September 21, 2009
TIME: 10:00 a.m.
PLACE: Lyndhurst, NJ
RE: MONTHLY MEETING MINUTES

COMMISSIONERS PRESENT:

Jay C. Nadel, Acting Chairman
Mauro De Gennaro
James V. Bocchino
Arleen Walther
Thomas Quirico
Paul Stridick, Assistant Commissioner

STAFF PRESENT:

Robert R. Ceberio, Executive Director
Sara Sundell, Director Land Use Management
Thomas Marturano, Director of Natural Resources
Christine A. Sanz, Director of Legal Affairs/Chief Counsel
Francisco Artigas, Director of MERI
Christine Piatek, Deputy Attorney General
Lilo Stainton, Director of Communications
Fred J. Dressel, HMMC
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 July 22, 2009 open public meeting were moved by Commissioner Bocchino, seconded by Commissioner De Gennaro and carried with Acting Commissioner Stridick abstaining.

5. VARIANCES/SPECIAL EXCEPTIONS

Resolution No. 09-66 - Resolution issuing a decision on the variance application submitted as part of File No. 09-235 - IV Realty Corp./Technical Major Subdivision -Bulk Variances - Block 108.86, Lot 2 in the Borough of Little Ferry.

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

6. SITE SUITABILITY

Resolution No. 09-67 - Resolution issuing a decision on the suitability recommendation as required by the NJMC Interim Policies governing affordable housing development in the Meadowlands District - File No. 09-436, Zeppetelli/Building Addition & Variance - Block 38, Lot 3 in the Borough of Moonachie.

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

7. SMART GROWTH MAP

Resolution No. 09-68 - Resolution to Adopt the New Jersey Meadowlands Commission Smart Growth Map.

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

8. AFFORDABLE HOUSING TASK FORCE

Resolution No. 09-69 - Resolution authorizing Community Grants, Planning & Housing, LLC to perform Task 2 in support of the Affordable Housing Task Force.

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

9. EPA BROWNFIELD GRANT

Resolution No. 09-70 - Resolution authorizing the Executive Director to enter into an Amendment to an Agreement with GeoTrans, Inc., to perform additional Brownfield Assessments under an EPA Brownfields Assessment Grant

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

10. AUDIT RFP EVALUATION COMMITTEE

Resolution No. 09-71 - Resolution authorizing the establishment of an Audit RFP Evaluation Committee.

Motion to adopt the resolution was made by Commissioner Bocchino, seconded by Commissioner DeGennaro and unanimously carried.

11. REPORTS

Executive Director Ceberio was pleased to report that the Lyndhurst shuttle service, initiated by the Commission approximately 7 months ago, has had an increase in riders over the summer. The shuttle service had 65 riders per day in July and 71 riders per day in August.

Executive Director Ceberio also reported that the early warning flooding system for the Meadowlands District has commenced. Staff has met with local Emergency Management Responders from each of the towns to coordinate efforts relating to flood control in addition to providing detail flood maps.

12. NEW BUSINESS - none13. PUBLIC PARTICIPATION

- Sam Maffei, Secaucus resident
- Lonnie Bedell, South Hackensack resident.

13. CLOSED SESSION

Resolution No. 09-71 - The following issues were taken into consideration:

- Cherokee Phase II/EnCap Phase I
- Cambrian/Algonquin Settlement
- Marcal Bankruptcy
- Intergovernmental Flood Control Negotiations

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

Motion to enter into open session was made by Commissioner Nadel, seconded by Commissioner Bocchino and unanimously carried.

Cherokee / EnCap Phase II

Executive Director Ceberio announced that the Board has approved in general terms the agreement between Cherokee and the NJMC, all the details of the settlements plus the closing of the land property. The motion is to authorize the Executive Director in consultation with counsel, to take all actions and execute all necessary documents to finalize the settlement.

Motion was made by Commission Bocchino, seconded by Commissioner Nadel with all in favor.

EnCap Phase I / Cherokee Phase II

Executive Director announced that a request was made by two municipalities, who were severely impacted by EnCap and their ability to make ends meet in their present budget formulations. The Board has agreed to a grant to the two municipalities. The grant is contingent upon a formal resolution being drafted by this Board for signature by the Chairman and also a memorandum of agreement. The Board has agreed that a grant will be issued to the Borough of North Arlington and the Borough of Rutherford each in the amount of \$200,000.

Motion was made by Commissioner Bocchino, seconded by Commission Walther with all in favor.

Intergovernmental Agreement between NJMC and DOT

Executive Director Ceberio announced that the Phase II work on the Rutherford tide program was discussed. The motion is to allow the Executive Director authority to enter into an agreement with NJDOT for the purposes of Phase II work at the Rutherford Tide Gate project.

Motion was made by Commissioner Bocchino, seconded by Commission DeGennaro with all in favor.

Motion to adjourn the meeting was made by Commissioner Bocchino, seconded by Commission Nadel with all in favor.

Meeting adjourned.

ROBERT R. CEBERIO, SECRETARY

RESOLUTION#	09-66	09-67	09-68	09-69	09-70	09-71
Asst. Chairman Stridick	Y	Y	Y	Y	Y	Y
Comm. Bocchino	Y	A	Y	Y	Y	Y
Comm. DeGennaro	Y	Y	Y	Y	Y	Y
Comm. Macri	---	---	---	---	---	---
Comm. Nadel	Y	Y	Y	Y	Y	Y
Comm. Quirico	Y	Y	Y	Y	Y	Y

Y = Yes

R = Recuse

A = Abstain

N = No

**RESOLUTION APPROVING AN AMENDMENT TO THE
INTERIM POLICIES GOVERNING AFFORDABLE HOUSING
DEVELOPMENT IN THE MEADOWLANDS DISTRICT**

WHEREAS, the New Jersey Meadowlands Commission (NJMC) is authorized by N.J.S.A. 13:17-1, *et seq.*, to adopt codes and standards regarding the zoning and rezoning of lands within the Meadowlands District; and

WHEREAS, the New Jersey Council on Affordable Housing (COAH) proposed new rules in the New Jersey Register on January 22, 2008 to address an Appellate Division decision dated January 25, 2007 (A-1960/2665/2674/2706-04T3); and

WHEREAS, on May 6, 2008, COAH adopted these rules, which became effective upon publication in the New Jersey Register on June 2, 2008, to comply with the deadline mandated by the court and, in addition, adopted new rules on September 22, 2008 which became effective on October 20, 2008; and

WHEREAS, on July 17, 2008, P.L. 2008, Chapter 46 became law, revising various parts of the statutory law concerning affordable housing; and

WHEREAS, on July 23, 2008, the Commission adopted Resolution No. 08-80, which approved Interim Policies Governing Affordable Housing in the Meadowlands District in a manner consistent with these regulatory and statutory changes; and

WHEREAS, the Commission adopted Resolutions Nos. 08-102 and 08-104 on October 2, 2008; Resolution No. 08-108 on October 21, 2008; Resolution No. 09-09 on January 28, 2009; and Resolution 09-51 on May 27, 2009, which approved revisions to the Interim Policies Governing Affordable Housing in the Meadowlands District; and

WHEREAS, the interim policies currently establish maximum permitted residential densities as incentives for providing affordable housing within sites deemed suitable for residential use, whether for inclusionary developments or wholly affordable developments; and

WHEREAS, the NJMC proposes a revision to the interim policies to clarify the bulk standards required for development plans of sites deemed suitable for residential use; and

WHEREAS, the bulk standards in the interim policies are clarified for all zones in the Hackensack Meadowlands District; and

WHEREAS, the bulk standards clarified include lot coverage, open space, setbacks, and open space and landscape buffers; and

WHEREAS, the maximum floor area ratio (FAR) and building height for non-residential uses permitted as per the Interim Policies are included in the clarification; and

WHEREAS, Section V(a)1 of the interim policies lists information to be provided by applicants seeking a determination regarding whether a site is suitable for residential use; and

WHEREAS, the NJMC proposes a revision to the interim policies to require the applicant to submit an analysis regarding the capacity of the proposed residential property to comply with the Category A performance standards listed at N.J.A.C. 19:4-7; and

WHEREAS, the NJMC also proposes that the applicant be required to consider the impacts on the subject property due to existing non-residential uses located either on-site or off-site of the subject property and be required to submit a plan to address the impacts on-site; and

WHEREAS, the NJMC staff recommends that the Commission adopt these revisions to the interim policies, attached hereto and made part of this resolution.

NOW, THEREFORE BE IT RESOLVED that the New Jersey Meadowlands Commission hereby adopts the revised interim policies entitled, "Interim Policies Governing Affordable Housing Development in the Meadowlands District (Last revised October 26, 2009)."

The foregoing Resolution was adopted by Commission vote.

Jay C. Nadel
Acting 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 October 26, 2009.

Robert R. Ceberio
Secretary

Memorandum



New Jersey Meadowlands Commission

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

From: Sara J. Sundell

Date: October 26, 2009

Subject: Amendment to Interim Policies Governing Affordable Housing in the Meadowlands District

On July 23, 2008, the Commission adopted Resolution No. 08-80, which approved *Interim Policies Governing Affordable Housing in the Meadowlands District* in a manner consistent with recent regulatory and statutory changes. The interim policies were revised by Resolutions Nos. 08-102 and 08-104 on October 2, 2008; by No. 08-108 on October 21, 2008; by No. 09-09 on January 28, 2009; and by No. 09-51 on May 27, 2009. The interim policies reflect applicable sections of the New Jersey Council on Affordable Housing (COAH)'s third round rules, effective June 2, 2008; new rules which COAH adopted on September 22, 2008 and became effective on October 20, 2008; and the enactment of P.L. 2008, c.46 on July 17, 2008, revising various parts of the statutory law concerning affordable housing.

At this time, NJMC staff is requesting amendments to the interim policies governing affordable housing, as attached to the resolution. The interim policies currently establish the required density for proposed residential development on sites in non-residential zones that are deemed suitable for residential use; however, they do not address other bulk requirements for both residential and mixed-use developments on such properties.

Therefore, the staff proposes a resolution approving revisions to the interim policies to clarify the bulk standards required, including setbacks, lot coverage and open space requirements, for sites deemed suitable for residential use. Due to the potential proximity of existing non-residential uses to proposed residential developments, additional open space and landscape buffer standards are included to provide an additional measure of protection of the health, safety and welfare of the residents of the proposed development.

The staff also proposes that an applicant requesting a site suitability determination submit additional information regarding the performance standards cited in the NJMC regulations, which include noise, vibrations, glare and airborne emissions. A property proposed for residential use could be located adjacent to a non-residential use in a zone that requires significantly different performance standards than those required in residential zones. This revision to the interim policies requires the applicant to submit an analysis regarding the capacity of the subject property to comply with Category A performance standards, listed at N.J.A.C. 19:4-7. The study shall consider impacts caused by existing non-residential uses located either on-site or off-site of the subject property and shall require a plan to address the impacts on-site.

Interim Policies Governing Affordable Housing Development in the Meadowlands District

Effective July 24, 2008

Revised October 2, 2008, October 21, 2008, January 28, 2009, May 27, 2009

Last revised October 26, 2009

I. Intent and Purpose

On January 11, 2007, the New Jersey Meadowlands Commission (NJMC) adopted comprehensive rules governing affordable housing in the Meadowlands District. The rules, which became effective on February 5, 2007, were effectuated to ensure that municipalities are able to satisfy their affordable housing obligations in a manner consistent with the New Jersey Council on Affordable Housing (COAH)'s third round rules.

In a decision dated January 25, 2007 (A-1960/2665/2674/2706-04T3), the Appellate Division of the New Jersey Superior Court affirmed in part, reversed in part, and remanded portions of COAH's third round rules back to COAH for rulemaking. The remanded portions included elements upon which the NJMC's new affordable housing rules were based. In a separate decision, issued May 21, 2007, the Appellate Division affirmed that the NJMC is authorized to affirmatively plan for affordable housing in the Meadowlands District. IMO Adoption of N.J.A.C. 19:3, 393 N.J. Super. 173 (App.Div.2007).

On August 22, 2007, the NJMC responded to these court decisions by adopting Resolution No. 07-74 which instituted guidelines entitled *Emergency Restraints upon Further Development in the Meadowlands District, Instituted by the New Jersey Meadowlands Commission* (subsequently amended by Resolution No. 08-03 and Resolution No. 08-18). These guidelines were implemented to govern the review of and restraints upon applications for further development in the Meadowlands District until the NJMC adopts new affordable housing regulations consistent with COAH's third round rules, as amended and proposed. COAH subsequently proposed new rules in the New Jersey Register on January 22, 2008 to address the Appellate Division decision dated January 25, 2007. At its May 6, 2008 meeting, COAH adopted these new rules, with an effective date of June 2, 2008, and, in addition, proposed amendments to the adopted rules.

The Commission has acted to address these matters promptly following publication of COAH's amended rules (Id. at 179; see also, IMO Adoption of N.J.A.C. 5:94 and 5:95, 390 N.J. Super. 1 (App Div.) Certif. denied, _ N.J. _ (2007)). Additionally, Assembly Bill No. 500/Senate Bill No. 1783, an act concerning affordable housing, revising and supplementing various parts of the statutory law, was signed into law on July 17, 2008 by Governor Jon S. Corzine.

On July 23, 2008, staff received authorization to prepare and submit a Notice of Proposal to the Office of Administrative Law regarding proposed affordable housing rules which are consistent with COAH's revised third round rules, the proposed amendments to the third round rules, and Assembly Bill No. 500/Senate Bill No. 1783. Interim policies are needed, however, to govern the planning and zoning for affordable housing in the District until the NJMC proposes new regulations.

Accordingly, the policies that appear herein replace the *Emergency Restraints*, which were based in part upon COAH's original third round rules dated December 20, 2004. The policies shall apply to all zoning certificate applications already filed with the NJMC which have not received zoning certificate approval as of July 24, 2008, and to all zoning certificate applications received by the NJMC on or after July 24, 2008. In addition, the policies governing site suitability determinations shall apply to petitions to amend the Official Zoning Map, new redevelopment plans, and proposed amendments to a redevelopment plan pertaining to new proposed uses or changes to existing uses. The policies shall remain in effect until the NJMC proposes new zoning regulations governing affordable housing or these policies are withdrawn or rescinded by Commission action or court order, whichever shall occur first.

II. Applicability

- (a) Compliance with these interim policies and all pertinent COAH requirements shall be a condition of any zoning certificate issued by NJMC with respect to applications approved by the NJMC, pursuant to N.J.A.C. 19:4-4.5, on or after July 24, 2008.
- (b) A site suitability determination in accordance with Subsection IV.(c) of these interim policies shall be completed prior to the adoption of any new redevelopment plan or the adoption of amendments to an existing redevelopment plan pertaining to new proposed uses or changes to existing uses, proposed in accordance with N.J.A.C. 19:3-5.15. The NJMC shall not amend the uses of a redevelopment plan unless the amendment complies with these interim policies.
- (c) A site suitability determination in accordance with Subsection IV.(c) of these interim policies shall be completed prior to the adoption of any petition to amend the Official Zoning Map in accordance with N.J.A.C. 19:3-1 (Rulemaking). The NJMC shall not adopt new zoning or a change of zoning unless the proposed rulemaking complies with these interim policies.
- (d) The NJMC shall not issue a certificate of completion and/or occupancy certification unless the proposed project complies with these interim policies.

- (e) These interim policies shall constitute the controlling instrument with respect to development in the District.

III. Exemptions

- (a) Zoning certificate applications for the following are exempt from these interim policies:
 1. Development limited to one (1) or two (2) market-rate dwelling units.
 2. Development by municipal, county, state, and federal government; and utilities, housing and improvement authorities. Affordable housing development by these parties would, however, be eligible to receive the incentives offered to other developers in Section VI.
 3. Signs, fences/gates, site improvements, tanks, antennae, transmission towers and associated utility structures, recycling and/or refuse areas, loading doors, compactor and concrete utility pads, fill/stockpile operations, salt storage areas, construction trailers, guard sheds, storage sheds with a floor area of less than 400 square feet, remediation activities, temporary uses, and external mechanical equipment.
 4. Reoccupancy of, or a change in use within, an existing non-residential structure, unless the square footage of the structure would increase.

IV. Site Suitability Determination

- (a) A site located within one of the following zones shall be deemed unsuitable for housing, and a zoning certificate application for development on the site shall proceed in accordance with N.J.A.C. 19:4-4:
 1. Environmental Conservation;
 2. Parks and Recreation;
 3. Aviation Facilities;
 4. Public Utilities;
 5. Light Industrial B;
 6. Intermodal A;
 7. Intermodal B; or

8. Heavy Industrial.

(b) A zoning certificate application for residential development that is permitted as a principal use within the zone shall proceed in accordance with N.J.A.C. 19:4-4.

1. Development including five (5) or more dwelling units shall comply with Section VI.

(c) For all other zoning certificate applications, petitions for rezoning, new redevelopment plans and amendments pertaining to new proposed uses or changes to existing uses within existing redevelopment plans proposed in accordance with N.J.A.C. 19:3-5.15, a team of three (3) NJMC staff members, one of whom shall be a licensed professional planner and one of whom shall be a licensed professional engineer, ("Review Team") shall review each application, petition for rezoning or redevelopment area, as applicable, and prepare a recommendation regarding the suitability of the subject property for housing. At the applicant's cost, the Review Team may be supplemented by a licensed professional planner appointed by, and at the discretion of, the municipality in which the proposed application, petition for rezoning or redevelopment area is located. The applicant shall be responsible for the cost of the municipal planner's review time; said cost shall be calculated in accordance with the planner's current hourly rate charged to the municipality, not to exceed \$150 per hour for a maximum of 3 hours. The recommendation prepared by the Review Team shall be forwarded to the Commission for final action.

1. A site may be deemed suitable for housing only if it meets all of the following criteria:

- i. The site is adjacent to compatible land uses and has access to appropriate streets;
- ii. The site has access to water and sewer infrastructure with sufficient capacity;
- iii. The site can be developed consistent with the rules of the NJMC;
- iv. Former and existing land uses, either on the site or in the vicinity, may not expose residents to environmental hazard. Alternatively, the site shall be remediated to NJDEP residential standards as a condition of the Board's approval;
- v. The size, shape, or layout of any existing structures that shall remain, or other physical limitation(s) not listed previously, do not preclude residential use; and
- vi. The site is suitable for residential use pursuant to sound planning principles.

2. Non-residential development of any site determined to be suitable for housing shall be halted until the NJMC proposes new zoning regulations governing affordable housing or amends the applicable redevelopment plan to provide for affordable housing in accordance with the requirements in Section VI of these interim policies. If the property in question is determined to be suitable for housing by the requirements of Section VI, a petition for rezoning shall be denied without further deliberation and any non-residential uses requested shall be denied, unless the petition includes, or is amended to include, residential development.
3. Non-residential development of any site determined to be unsuitable for housing shall proceed in accordance with the procedures in N.J.A.C. 19:3-1 or 19:4-4, as applicable.

V. Requests for Site Suitability Determination

(a) A property owner or applicant may request that the Board of Commissioners evaluate the suitability of a particular site for housing in a zone that does not permit residential dwellings as a principal use. The following procedure shall supersede the use variance requirements of N.J.A.C. 19:4-4.14:

1. The applicant shall provide the following information:
 - i. A complete site suitability application form, signed by the property owner and applicant;
 - ii. A site suitability application fee in the amount of \$1,500;
 - iii. A complete zoning certificate application prepared in accordance with N.J.A.C. 19:4-4.3;
 - iv. A statement of the characteristics of the subject property which demonstrates that the site is suitable for residential use. The statement shall include, but not be limited to, size, location, surrounding land uses, access to appropriate streets, adequate infrastructure, environmental factors, and sound planning principles;
 - v. An analysis regarding the capacity of the subject property to comply with Category A performance standards, listed at N.J.A.C. 19:4-7. The analysis shall consider the impacts on the subject property due to existing non-residential uses adjacent to, or in the vicinity of, the subject property and provide a plan to address the impacts on-site..
 - vi. A Project Impact Assessment, if applicable as per N.J.A.C. 19:4-10.2; and
 - vii. Other such information as may be deemed necessary from a specific applicant by the NJMC.
2. A public hearing on the site suitability request shall be held in accordance with N.J.A.C. 19:4-4.17.

3. The Review Team shall review the request and make specific written findings of fact based upon the complete record. A site shall not be deemed suitable for residential use unless the site satisfies the criteria in IV(c)1.
4. Upon conclusion of the suitability review, the recommendation of the Review Team shall be forwarded to the Hackensack Meadowlands Municipal Committee (HMMC) for their review.
5. The HMMC shall review the recommendation and indicate its position in writing to the NJMC. Failure of the HMMC to state its position within 45 days of receipt of the matter shall be deemed to constitute approval of the proposed action.
6. After HMMC action, the recommendation shall be forwarded to the Board of Commissioners for final action. The Board of Commissioners shall decide, by a concurring vote of the majority of its members, to grant or deny the site suitability request, based upon the record of the matter.
7. The decision of the Board of Commissioners shall be memorialized by a formal written resolution adopted at the meeting at which the site suitability request is decided.
8. If the Board of Commissioners approves the request, the property owner shall comply with these interim policies and all currently adopted COAH requirements.
9. A copy of the decision of the Board of Commissioners shall be transmitted to the property owner and applicant by the NJMC via certified mail, and the NJMC shall advise the applicant of its right to appeal said decision as a final action of the Board of Commissioners in accordance with N.J.A.C. 19:4-4.19(e).
10. No person shall contact or attempt to contact any member of the Board of Commissioners or the NJMC staff regarding a site suitability application to discuss an impending decision on the subject application after the close of the public record.
11. The approval of a site suitability decision shall become null and void five years after the date on which the approval is issued, unless within such period a zoning certificate is obtained.
12. No extensions of approval of the site suitability decision shall be granted.

- (b) The NJMC will accept petitions for rezonings from municipalities seeking to rezone land in the District to meet their affordable housing obligations in accordance with COAH requirements and the regulations set forth in N.J.A.C. 19:3.
- (c) Bulk standards for properties deemed suitable for residential use by the Board of Commissioners pursuant to these *Interim Policies* shall be as follows:
1. Bulk standards for maximum FAR and building height for non-residential uses as permitted under these *Interim Policies* shall be the maximum FAR and building height for the zone in which the property is located.
 2. The following bulk standards shall apply to all proposed development located in the zones listed in Section IV(a)1 through 8 of these *Interim Policies*:
 - i. Maximum lot coverage: 50 percent;
 - ii. Minimum open space: 20 percent; and
 - iii. Yards:
 - A. Minimum front yard: 50 feet for all structures, 25 feet for at-grade parking areas;
 - B. Minimum side yard: 50 feet; and
 - C. Minimum rear yard: 50 feet.
 3. All bulk standards in N.J.A.C. 19:4-4.53 shall apply for all proposed development in the Neighborhood Commercial zone.
 4. All bulk standards for all proposed development in the Commercial Park, Highway Commercial, Light Industrial A, Regional Commercial, Transportation Center, and Waterfront Recreation zones shall apply, except as follows:
 - i. A 50' open space buffer shall be provided within the subject lot(s) along any property lines adjacent to any of the following:
 - A. Outdoor storage and operations;
 - B. Loading areas;
 - C. Arterial streets;
 - D. Limited access highways, expressways, or freeways;
 - E. Railroad rights-of-way, excluding abandoned railroad rights-of-way as verified by the entity having jurisdiction; and
 - F. Where otherwise deemed necessary for the protection of the health, safety, and welfare of the public, as determined by the Chief Engineer.
 - ii. The 50' open space buffer shall be landscaped in accordance with N.J.A.C. 19:4-8.9, including, but not limited to, a solid and continuous fence, wall,

landscaped berm or densely planted evergreens capable of maturing to a height and width sufficient to screen the residential property from the adjacent non-residential uses and rights-of-way listed in 4i above.

- iii. A 25' open space buffer, landscaped in accordance with the provisions of 4ii above, shall be provided along property lines abutting existing industrial uses not listed in 4i above.
 - iv. A 15' open space buffer, landscaped in accordance with the provisions of 4ii above, shall be provided along property lines abutting existing commercial and other non-residential uses not listed in 4i and 4iii above.
 - v. All required open space buffers shall supersede the setback requirements of the zone in which the property is located.
5. Performance standards for properties deemed suitable for residential use shall be as follows:
- i. All Category A performance standards of N.J.A.C. 19:4-7 shall apply to residential uses under these *Interim Policies*.
 - ii. The applicant shall address, on site, the exceedance of any performance standard listed in 5i above. This requirement shall also apply where the exceedance is caused by an off-site non-residential use that is the cause of the aforementioned exceedance.

VI. Inclusionary Development

- (a) Residential development including five (5) or more dwelling units shall provide a minimum of one affordable housing unit within the development for every four market-rate dwelling units.
 1. When this calculation results in a fraction of a unit, that figure shall be rounded to the nearest hundredth decimal place. The requirement for a fractional affordable unit may be satisfied by providing one affordable unit within the development or by making a pro-rated payment in lieu of construction.
 2. A payment in lieu of construction to the Commission shall be determined and collected as follows:
 - i. The payment shall be calculated in accordance with the current per-unit subsidy established for the housing region by COAH, as amended and supplemented. The initial subsidy established by COAH is \$180,267 and

may be revised by COAH periodically. The calculated obligation shall be rounded to the nearest hundredth decimal place and multiplied by the per-unit subsidy rate.

- ii. The NJMC shall calculate and collect the payment on behalf of the constituent municipality. The NJMC shall not issue a temporary or final certificate of completion and/or occupancy certification for the development until such payment is received in full or until a guaranteed payment plan is effectuated.
 - iii. For development in a municipality that has adopted an ordinance providing for payments in lieu of constructing affordable units on site, the payment shall be calculated and collected by the municipality, and not by the NJMC. Proof of payment to the municipality shall be submitted to the NJMC prior to the issuance of any temporary or final certificate of completion and/or occupancy certification.
3. Non-residential development shall generally be limited to accessory uses intended to contribute to the comfort, convenience, or necessity of residents.
- i. If the residential development meets the maximum permitted density in Paragraph (b), the site may include one or more additional principal uses, as permitted in the zone.
- (b) Maximum permitted densities are established as incentives for providing affordable housing within an inclusionary development, or residential development in which all units are reserved as affordable, as follows:
1. In the Low Density Residential zone, the maximum permitted density shall be increased from 10 dwelling units per acre to 13 dwelling units per acre.
 2. In the Planned Residential zone, the maximum permitted density shall be increased from 25 dwelling units per acre to 32 dwelling units per acre.
 3. For residential development permitted in other zones, the maximum permitted density shall be established as 32 dwelling units per acre.
 4. The minimum parking requirement for affordable units shall be one space for each affordable unit. In multiple family dwelling developments, affordable units shall not be required to provide visitor parking.
- (c) A developer may request an increase to the maximum permitted densities listed in Paragraph (b). The developer shall provide written justification regarding the request for proposed density increases. The NJMC will evaluate such requests based upon sound planning principles and may allow such requests on a case-by-case basis. A recommendation regarding the increase in residential densities

shall be prepared by the Review Team and presented to the Board of Commissioners for final action.

- (d) A density bonus of three dwelling units shall be permitted for every 25 affordable units reserved for renter households, exclusive of any incentive density permitted in accordance with Paragraph (b).
- (e) The developer is encouraged to work with the subject municipality to create units available to very-low income households. COAH's rule in N.J.A.C. 5:97-8.8 authorizes municipalities to utilize development fees to provide affordability assistance for very low income households.
- (f) The affordable dwelling units within an inclusionary development shall be built in accordance with the phasing schedule in Table 1 below:

TABLE 1

Phasing of Affordable Housing Units

<u>Percentage of Market-rate Units Completed</u>	<u>Minimum Percentage of Low- and Moderate-Income Units Completed</u>
25	0
25 + 1 unit	10
50	50
75	75
90	100

- (g) The layout and design of the development shall be as follows:
 1. Affordable housing units shall not be concentrated in one location within the development, but shall be dispersed throughout the development.
 2. The affordable units shall be architecturally similar to the market-rate units within the development.
 3. The first floor of all townhome dwelling units and all other multistory dwelling units shall comply with N.J.A.C. 5:97-3.14, Accessible and adaptable affordable units, provided the units are included in a municipal Fair Share Plan.
- (h) The administration of affordable housing units provided in accordance with these policies shall conform to the requirements of COAH's substantive rules, N.J.A.C. 5:97, and the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80, as amended and supplemented. Administrative requirements include, but are not necessarily limited to, the following:

1. Affordable units shall utilize the same heating source as market-rate units within the inclusionary development and have access to all community amenities available to market-rate units and subsidized in whole by association fees.
2. Additional requirements include, but are not limited to, controls on affordability, regional income limits, proportion of units allocated to persons of low- or moderate-income, heating sources, maximum rent and/or sales prices, affordability average, bedroom distribution, and affirmative marketing.
3. The municipality shall be responsible for such administration, and may designate the Housing Affordability Service (HAS) in the New Jersey Housing and Mortgage Finance Agency (HMFA) or other COAH-approved entity to administer the affordable units for the duration of the required administration period.
 - i. The cost and expense of such administration may be imposed upon the developer pursuant to the terms and conditions of a duly adopted municipal ordinance.
 - ii. The municipality shall enter into a contract with the designated COAH-approved entity. If the municipality has not petitioned for substantive certification or has not received a judgment of compliance, the contract shall be submitted to the NJMC for review and approval to ensure compliance with this paragraph.
 - iii. The entity shall assume the responsibilities of the administrative agent set forth by HMFA in N.J.A.C. 5:80-26.
 - iv. Funds from the sale of affordable units with extinguished affordability controls shall be deposited into the municipality's escrow account established in accordance with Section VIII.

VII. Affordable Housing Development Fees

- (a) Non-residential development shall be subject to a development fee assessed and collected by the municipality in accordance with Assembly Bill No. 500/Senate Bill No. 1783.
- (b) The NJMC shall require development fees for residential development limited to three (3) or four (4) market-rate dwelling units as follows:
 1. The amount of the payment shall be calculated at one and one-half (1½) percent of the equalized assessed value of land and improvements.

2. The NJMC shall calculate and collect the fee on behalf of the constituent municipality.
 - i. The NJMC shall not issue a temporary or final certificate of completion or occupancy certification for the development until such payment is received in full or until a guaranteed payment plan is effectuated.
 - ii. For such development in a municipality that has an adopted development fee ordinance, a development fee shall be calculated and collected by the municipality, and not by the NJMC. Proof of payment to the municipality shall be submitted to the NJMC prior to the issuance of any certificate of completion or occupancy certification.

VIII. Affordable Housing Trust Fund

- (a) All development fees and payments in lieu of constructing affordable housing units on site, collected by the NJMC in accordance with these interim policies, shall be deposited in an interest-bearing escrow account established by NJMC for the municipality in which the units would have been constructed.
- (b) The escrow accounts shall be created pursuant to the terms of a three-party escrow agreement between each constituent municipality, the financial institution, and the NJMC.
- (c) The NJMC shall include in future rulemaking provisions regarding the release of these funds to a municipality for the purpose of creating affordable housing.
 1. Pursuant to COAH's rule in N.J.A.C. 5:97-8.13, the municipality may be subject to enforcement action by COAH for the expenditure of funds on activities not approved by COAH or other good cause demonstrating that the funds are not being used for the approved purpose.

IX. Municipal Housing Elements and Fair Share Plans

- (a) A municipality shall submit copies of documents regarding its affordable housing programs and policies as follows:
 1. A copy of its adopted Housing Element and Fair Share Plan, including any amendments, shall be submitted to the NJMC by the municipality at the same time it petitions or re-petitions COAH for substantive certification or for an amendment to such certification.
 - i. The NJMC shall review the Housing Element and Fair Share Plan and submit a written report of its findings regarding lands within the Hackensack Meadowlands District to COAH within 45 days of the

municipality's publication of the notice of its petition or re-petition. Such report may comment upon any aspects of the Housing Element and Fair Share Plan that the NJMC deems appropriate, including but not limited to the following:

- 1) The municipality's growth share projection with respect to lands located within the District;
 - 2) Any request for an adjustment to the Remaining Prior Round Obligation where the request is based, in whole or in part, upon the lack of available land within the District;
 - 3) The means by which the municipality proposes to meet its fair share obligation, including the appropriateness of locations, types, and densities of development proposed for housing within the District; and
 - 4) The need for any amendments to the NJMC's rules to enable the municipality to implement its fair share housing plan.
2. A municipality that has substantive certification or a judgment of compliance shall provide the NJMC with copies of all monitoring reports and relevant correspondence submitted to COAH or the Superior Court at the same time such documentation is submitted to these parties.

X. Notice Requirements

The NJMC staff shall notify a municipality of any zoning certificate and/or site suitability application that will affect that municipality under these interim policies.

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR
TO ENTER INTO A CONTRACT FOR
LANDSCAPE MAINTENANCE SERVICES**

WHEREAS, the New Jersey Meadowlands Commission requires landscape maintenance services for Richard W. DeKorte Park, Three Wetland Enhancement Sites and Three Landfill Sites; and

WHEREAS, this work was publicly bid, with (3) bids being received on October 19, 2009; and

WHEREAS, LTI, Incorporated was the lowest responsive bidder, with a bid in the amount of \$398,500.00 per year for three years; with a total lump sum price of \$1,195,500.00; and

WHEREAS, staff review of the bid indicates that the bid is reasonable and proper, as outlined in the attached memorandum; and

NOW, THEREFORE, BE IT RESOLVED by the New Jersey Meadowlands Commission that the Executive Director is hereby authorized to enter into a contract with LTI, Incorporated for landscape maintenance at a cost not to exceed \$1,195,500.00.

The foregoing resolution was adopted by Commission vote.

Jay C. Nadel
Acting 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 October 26, 2009.

Robert R. Ceberio
Secretary

Resolution No. 09-74

Memorandum



New Jersey Meadowlands Commission

To: NJMC Commissioners and Robert R. Ceberio

From: Thomas Marturano Date: October 26, 2009

Subject: Landscape Maintenance for 2010 -2012: Contract LA - 09- LM1

On October 19 2009, bids were received and opened for the above-referenced contract. This is a three-year landscape maintenance contract renewable up to two additional years for Richard W. DeKorte Park, three wetland sites and three landfill sites

This resolution authorizes the Executive Director to enter into a contract as described in the bid documents. Under the new contract, the services for DeKorte Park will include: insect, disease, weed control, pruning, care of annual and perennial plants, lawn and trail maintenance, trash and litter pick-up, cleaning of site furnishings and walkways, monitoring of plant health and general site conditions.

Maintenance for the wetland enhancement sites has been increased to include: insect, disease and weed control, pruning, trail maintenance, trash and litter pick-up, and monitoring of plant health. The services at the landfill sites will include; grass cutting, weed control, herbicide applications and the removal of vegetation.

Under the new contract, we have expanded the scope of work and required specific equipment and machinery. We have increased the size of the crews, number of work days and sites to be maintained, adding the Erie Landfill, the Secaucus High School Wetland Enhancement Site, the Keegan Landfill, as well as several smaller sites within the Meadowlands District.

During the bid period, a total of twenty prospective bidders purchased the contract documents. A mandatory pre-bid conference held September 21, 2006, narrowed the field of eligible bidders to fifteen. Three bids were received as outlined in the table below.

Contractor	Bid Price
1. LTI, Inc	\$ 1,195,500.00
2. Jaramillo Contracting Inc.	\$ 1,426,800.00
3. Ascape Landscape and Construction Corp	\$ 1,746,489.60

After the initial three year contract, the NJMC has the option to extend the contract yearly for up to two additional years. The price for each additional year is \$398,500, which is the same yearly price as the three-year contract.

Review of LTI's bid indicates it is complete and in order.

Therefore, we are submitting for your consideration and approval, a resolution authorizing the Executive Director to enter into a contract for landscape maintenance with LTI, Inc of Roseland, NJ.

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR
TO ENTER INTO A CONTRACT FOR
SNOW REMOVAL AND ICE WATCH SERVICES**

WHEREAS, the New Jersey Meadowlands Commission requires snow removal and ice watch services; and

WHEREAS, this work was publicly bid, with five (5) bids being received on October 14, 2009; and

WHEREAS, Ascape Landscape and Construction Corporation was the lowest responsive bidder, with a bid in the amount of \$61,199.00 for the first year and \$61,199.00 for a second year that may be exercised at the sole discretion of the NJMC; for a total two- year price of \$122,398.00; and

WHEREAS, staff review of the bid indicates that the bid is reasonable and proper, as outlined in the attached memorandum; and

NOW, THEREFORE, BE IT RESOLVED by the New Jersey Meadowlands Commission that the Executive Director is hereby authorized to enter into a contract with Ascape Landscape and Construction Corporation for snow removal and ice watch services for one year with a one year option at a cost not to exceed \$122,398.00. The second year will only be exercised if the contractor performs as required in the coming year.

The foregoing resolution was adopted by Commission vote.

Jay C. Nadel
Acting 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 October 26, 2009.

Robert R. Ceberio
Secretary

Memorandum



New Jersey Meadowlands Commission

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

From: Thomas Marturano

Date: October 26, 2009

Subject: Snow Removal and Ice Watch Services: Contract LA - 09- LM2

On October 14, 2009, bids were received and opened for the above-referenced contract. The contract will cover snow removal and ice watch service for Richard W. DeKorte Park and Disposal Road.

This resolution authorizes the Executive Director to enter into a contract as described in the bid documents. The Contractor shall provide all personnel, equipment and materials required to maintain the Park and Disposal Road in a safe and responsible condition as outlined in the specifications. This contract will begin December 1, 2009 till March 31, 2010. After the first year the NJMC has the sole discretion to extend the contract for a second year for the same price from December 1, 2010 -March 31, 2011. This option will only be exercised if the contractor provides all services accordingly to the specifications. If this option is not exercised the NJMC will go out bid again.

In the past, the snow removal has been based on snow accumulation per storm, equipment, time, and materials. Last year, NJMC spent \$86,000.00. In order to have better certainty during this year's snow season, the NJMC has decided bid the snow contract out as a service contract. This service contract is a lump sum price and will be divided over four months. This bid price includes all personnel equipment, and materials for this year's snow season.

During the bid period, a total of fourteen prospective bidders purchased the contract documents. A mandatory pre-bid conference held September 15, 2009, narrowed the field of eligible bidders to nine. Five bids were received.

The lowest responsive bidder was Ascape Landscape and Construction Corporation of Blauvelt, NY with a bid of \$61,199.00 with an option for the second year at the same price. Review of the bid indicates it is complete and in order.

Therefore, we are submitting for your consideration and approval, a resolution authorizing the Executive Director to enter into a contract for snow removal and ice watch services with Ascape Landscape and Construction Corporation of Blauvelt, NY.

Snow Removal and Ice Watch Services: Contract LA - 09- LM2

Contractor	Bid Price (Plus Second Year Option)
1. Ascape Landscape and Construction Corp	\$122,398.00
2. LTI, Inc	\$139,110.00
3. Garabedian Group	\$188,080.00
4. Castin Construction	\$188,800.00
5. The Shauger Group, Inc.	\$219,750.00

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR
TO ENTER INTO A CONTRACT FOR
RIVER BARGE PARK AND BOATING CENTER - PHASE I**

WHEREAS, The New Jersey Meadowlands Commission (NJMC) has long worked to preserve open space and provide public access to the Hackensack River for both recreation and environmental education purposes.

WHEREAS, NJMC has appropriated funds for the construction of the River Barge Park and Boating Center; and

WHEREAS, the first construction phase of the ultimate development of the River Barge Park and Boating Center in Carlstadt involves dredging and construction of 31-slip marina and rowing dock, sheet pile bulkhead, pre-cast boat ramp, kayak launch and creation of a low salt marsh wetland edge; and.

WHEREAS, plans and specifications for River Barge Park Phase I were prepared, with eight bids received on October 16, 2009 and

WHEREAS, Northeast Remsco Construction, Inc. was the lowest responsive bidder, with a bid in the amount of \$ 2,116,500.00; and

WHEREAS, staff review of the bid indicates that the bid is reasonable, proper and in the best interest of the NJMC, as outlined in the attached memorandum; and

NOW, THEREFORE, BE IT RESOLVED by the New Jersey Meadowlands Commission that the Executive Director is hereby authorized to enter into a contract with Northeast Remsco Construction, Inc. for the River Barge Park - Phase I at a cost of \$2,116,500.00.

The foregoing resolution was adopted by Commission vote.

Jay C. Nadel
Acting 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 October 26, 2009.

Robert R. Ceberio
Secretary

Memorandum



New Jersey Meadowlands Commission

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

From: Thomas Marturano Date: October 26, 2009

Subject: River Barge Park - Phase I: Contract 09-01

On October 16, 2009, bids were received and opened for the above-referenced contract. The first construction phase of the ultimate development of the River Barge Park and Boating Center in Carlstadt involves dredging and construction of 31-slip marina and rowing dock, sheet pile bulkhead, pre-cast boat ramp, kayak launch and creation of a low salt marsh wetland edge.

During the bid period, a total of twenty-nine prospective bidders purchased the contract documents. Per the attached bid opening report, eight bids were received, ranging from \$2,116,500.00 to \$5,724, 810.00.

The lowest bidder was Northeast Remsco Construction Inc. from Farmingdale, NJ with a bid of \$2,116,500.00. Review of their bid submission indicates it was complete and in order.

Therefore, we are submitting for your consideration and approval a resolution authorizing the Executive Director to enter into a contract with Northeast Remsco Construction, Inc. for the River Barge Park - Phase I at a cost of \$2,116,500.00.

BID OPENING-

Contract LA- 09-01 – River Barge Park – Phase I

Bids were opened on Friday, October 16, 2009 11:00 AM at the NJMC Offices

Bidder	Bid Price
1. N. E. Remsco	Total Contract Price: Sum of Items No. 1 – 10 LS \$ 2,116,500.00
2 J. Fletcher Creamer	Total Contract Price : Sum of Items No. 1 – 10 LS \$ 2,313,300.00
3. Agate Construction	Total Contract Price : Sum of Items No. 1 – 10 LS \$ 2,487,000.00
4. Bird Construction	Total Contract Price : Sum of Items No. 1 – 10 LS \$ 2,648,269.00
5. George Harms	Total Contract Price : Sum of Items No. 1 – 10 LS \$ 2,857,600.00
6. Valsen Marine	Total Contract Price : Sum of Items No. 1 – 10 LS \$ 3,278,000.00
7. Perrello, Inc.	Total Contract Price : Sum of Items No. 1 – 10 LS \$ 3,512,637.00
8. Navka Construction	Total Contract Price : Sum of Items No. 1 – 10 LS \$ 5,724,810.00

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER
INTO AN AGREEMENT WITH CB RICHARD ELLIS
FOR BROKERAGE AND CONSULTING SERVICES FOR THE
KINGSLAND REDEVELOPMENT AREA, BETHLEHEM STEEL AND
BERGEN COUNTY UTILITIES AUTHORITY SITES**

WHEREAS, as a result of the bankruptcy of EnCap and the NJMC's right of reversion, the NJMC holds equitable title to the property within the Kingsland Redevelopment Site; and

WHEREAS, the Commission is currently in the process of finalizing an agreement with Cherokee Investment Partners for additional properties at the former Bethlehem Steel and Bergen County Utilities Authority (BCUA) Transfer Station sites in North Arlington; and

WHEREAS, the NJMC issued an RFP for Brokerage and Consulting Services on August 18, 2009. The purpose of the RFP is to provide consulting services to re-examine land use options, assess market conditions, including the highest and best use of these sites, as well as provide planning support services for these sites. A second element of the RFP calls for brokerage services, which includes marketing to prospective tenants and developers, and all negotiations with such parties; and

WHEREAS, the NJMC received (2) proposals in response to the RFP:

1. CB Richard Ellis, Inc. located in Saddle Brook, NJ
2. NAI James E. Hanson, NAI Atlantic Coast Realty and Integra Realty Resources with offices in Hackensack and Toms River, NJ

WHEREAS, The results of our required consultation with the Department of Treasury revealed that NAI James E. Hanson is ineligible pursuant to Chapter 51; and

WHEREAS, our criteria for evaluating each proposal include not only the cost of consulting work for the initial assessment and a commission rate for brokerage services, but also the firm's qualifications, experience, staffing, level of services and their approach to this assignment; and

WHEREAS, the proposal from CB Richard Ellis is responsive to the RFP. The firm has proposed consulting services costs not to exceed a sum of \$193,500 for the various tasks outlined in the RFP, as well as a sales commission percentage ranging from 5% to 6%. It meets all of the criteria in the RFP document.

NOW THEREFORE BE IT RESOLVED, by the New Jersey Meadowlands Commission that the Executive Director is authorized to enter into a contract for Brokerage and Consulting Services with CB Richard Ellis for a cost not to exceed \$193,500 and sales commission percentage ranging from 5% to 6%.

The foregoing was adopted on Commission vote.

Jay C. Nadel
Acting 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 October 26, 2009.

Robert R. Ceberio
Secretary

Resolution No. 09-77

Memorandum



New Jersey Meadowlands Commission

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

From: Irfan A. Bora Date: October 26, 2009

Subject: Contract for Brokerage and Consulting Services

As a result of the bankruptcy of EnCap and the NJMC's right of reversion, the NJMC holds equitable title to the property within the Kingsland Redevelopment Site. The Commission is currently in the process of finalizing an agreement with Cherokee Investment Partners for additional properties at the former Bethlehem Steel and Bergen County Utilities Authority (BCUA) Transfer Station sites in North Arlington.

The NJMC issued an RFP for Brokerage and Consulting Services on August 18, 2009. The purpose of the RFP is to provide consulting services to re-examine land use options, assess market conditions, including the highest and best use of these sites, as well as provide planning support services for these sites. A second element of the RFP calls for brokerage services, which includes marketing to prospective tenants and developers, and all negotiations with such parties.

The NJMC received (2) proposals in response to the RFP:

1. CB Richard Ellis, Inc. located in Saddle Brook, NJ
2. NAI James E. Hanson, NAI Atlantic Coast Realty and Integra Realty Resources with offices in Hackensack and Toms River, NJ.

The results of our required consultation with the Department of Treasury revealed that NAI James E. Hanson is ineligible pursuant to Chapter 51.

Our criteria for evaluating each proposal include not only the cost of consulting work for the initial assessment and a commission rate for brokerage services, but also the firm's qualifications, experience, staffing, level of services and their approach to this assignment.

the proposal from CB Richard Ellis is responsive to the RFP. The firm has proposed consulting services costs not to exceed a sum of \$193,500 for the various tasks outlined in the RFP, as well as a sales commission percentage ranging from 5% to 6%. It meets all of the criteria in the RFP document.

We would recommend an approval to enter into a contract for Brokerage and Consulting Services with CB Richard Ellis.

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO PROVIDE
\$200,000 TO THE BOROUGH OF RUTHERFORD**

WHEREAS, on May 8, 2008, EnCap filed a Chapter 11 petition in the United States Bankruptcy Court for the District of New Jersey relating to its Phase 1 redevelopment project in the Meadowlands District; and

WHEREAS, EnCap had failed to pay property taxes on portions of its redevelopment project located in the Borough of Rutherford (Rutherford); and

WHEREAS, the Court dismissed Encap's petition for bankruptcy; and

WHEREAS, despite diligent attempts, Rutherford was unable to sell tax liens on the EnCap properties; and

WHEREAS, as a result of the inability to sell the aforementioned tax liens, Rutherford faced serious financial difficulties; and

WHEREAS, accordingly, by Resolution No. 08-137, approved on December 19, 2008, the New Jersey Meadowlands Commission (NJMC) appropriated \$400,000 to the Borough of Rutherford, to be utilized by Rutherford in the event it was unable to sell the tax liens; and

WHEREAS, these funds were in addition to the more than \$4.4 million in direct aid and services the NJMC has provided to Rutherford in the past five years; and

WHEREAS, the tax liens were ultimately sold to American Home Assurance (AHA) in July 2009, when AHA agreed in negotiations with the NJMC to purchase tax liens of \$1.5 million from Rutherford and \$550,000 in North Arlington to cover tax debts in both communities; and

WHEREAS, the contingency specified in Resolution No. 08-137 did not occur inasmuch as the tax liens were sold to AHA; and

WHEREAS, the Mayor of Rutherford has since informed the NJMC that, despite the sale of the tax liens, Rutherford still requires \$200,000 of the \$400,000 appropriated by the NJMC in December 2008 in order to prevent new financial hardships; and

WHEREAS, at its meeting on September 21, 2009, the NJMC took action to approve appropriating \$200,000 of the \$400,000 to the Borough of Rutherford, subject to ratification by formal resolution;

NOW, THEREFORE BE IT RESOLVED, that the Executive Director is hereby authorized to accept the return of \$200,000, or half, of the \$400,000 granted to the Borough of Rutherford in December 2008 ; and

BE IT FURTHER RESOLVED, that Rutherford is authorized to retain and utilize the other half of the \$400,000, or \$200,000, to stabilize its budget and allow it to plan for its own independent financial future; and

BE IT FURTHER RESOLVED, that this shall represent the final form of assistance from the NJMC relating to the former EnCap project.

The foregoing was adopted on Commission vote.

Jay C. Nadel
Acting 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 October 26, 2009.

Robert R. Ceberio
Secretary

Resolution No. 09-78

Memorandum



New Jersey Meadowlands Commission

To: NJMC Commissioners

From: Robert R. Ceberio, Executive Director

Date: October 26, 2009

Subject: Appropriation of \$200,000 to the Borough of Rutherford

On May 8, 2008, EnCap filed a Chapter 11 petition in the United States Bankruptcy Court for the District of New Jersey relating to its Phase 1 redevelopment project in the Meadowlands District. EnCap had failed to pay property taxes on portions of its redevelopment project located in the Borough of Rutherford and the Court dismissed Encap's petition for bankruptcy.

Despite diligent attempts, Rutherford was unable to sell tax liens on the EnCap properties and as a result of the inability to sell the tax liens, Rutherford faced serious financial difficulties.

Accordingly, by Resolution No. 08-137, approved on December 19, 2008, the New Jersey Meadowlands Commission (NJMC) appropriated \$400,000 to Rutherford to be utilized in the event it was unable to sell the tax liens. These funds were in addition to the more than \$4.4 million in direct aid and services the NJMC has provided to Rutherford in the past five years.

The tax liens were ultimately sold to American Home Assurance (AHA) in July 2009, when AHA agreed in negotiations with the NJMC to purchase tax liens of \$1.5 million from Rutherford and \$550,000 in North Arlington to cover tax debts in both communities. The contingency specified in Resolution No. 08-137 did not occur inasmuch as the tax liens were sold to AHA.

The Mayor of Rutherford has since informed the NJMC that, despite the sale of the tax liens, Rutherford still requires \$200,000 of the \$400,000 appropriated by the NJMC in December 2008 in order to prevent new financial hardships; and

At its meeting on September 21, 2009, the NJMC took action to approve appropriating \$200,000 of the \$400,000 to the Borough of Rutherford, subject to ratification by formal resolution.

Rutherford is authorized to retain and utilize the other half of the \$400,000, or \$200,000, to stabilize its budget and allow it to plan for its own independent financial future. This shall represent the final form of assistance from the NJMC relating to the former EnCap project.

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO PROVIDE
\$200,000 TO THE BOROUGH OF NORTH ARLINGTON**

WHEREAS, the New Jersey Meadowlands Commission operated a solid waste transfer facility in the Borough of North Arlington; and

WHEREAS, the operation of this facility provided tax relief to North Arlington in the form of \$1.6 million in annual no cost solid waste disposal and host community fees; and

WHEREAS, the Borough of North Arlington and the NJMC entered into separate but common land use agreements with EnCap and its parent company, Cherokee, that ultimately lead to the closure of the facility on December 2008; and

WHEREAS, the collapse of the EnCap Phase II project, the subsequent court cases, and the NJMC's settlement with Cherokee as approved by the Attorney General allowed for the potential reopening of the solid waste facility; and

WHEREAS, the NJMC has taken positive steps to reopen the facility, such as permit renewal and a Request for Proposals for operators that would include similar terms for free disposal and host community fees for North Arlington; and

WHEREAS, the NJMC provided \$800,000 to North Arlington in December 2008 to help offset any financial hardships due to the closure of the facility; and

WHEREAS, the NJMC in July 2009 negotiated with American Home Assurance, holder of the EnCap performance bond for landfill closure, a payment to North Arlington for property taxes owed to the Borough for portions of the Kingsland Landfill and adjoining properties in the amount of \$550,000; and

WHEREAS, the Borough of North Arlington receives annual funding from the Intermunicipal Tax Sharing Pool because of its lack of ratables in the Meadowlands, due in part to the Borough's history of accepting solid waste at these sites; and

WHEREAS, the Borough of North Arlington will receive a total of \$872,031 in tax sharing dollars in 2009; and

WHEREAS, despite the aforementioned assistance, representatives of the Borough's governing body requested additional financial assistance in the form of an advance on potential host community fees or a grant for the purpose of offsetting the Borough's solid waste disposal costs for the interim period between

the potential award of an operating contract for the solid waste facility and the re-start of operations at the aforementioned facility; and

WHEREAS, the NJMC is not legally authorized to provide loans, but believes it to be appropriate to provide the Borough of North Arlington an additional \$200,000 grant; and

WHEREAS, with this grant the NJMC will have provided the Borough of North Arlington a total of \$1 million in direct grants in an effort to offset any financial hardships caused by the closing of the solid waste facility and has negotiated \$550,000 in tax payments to the Borough for the Kingsland Landfill; and the Borough of North Arlington will also benefit from \$872,031 provided through the NJMC's Intermunicipal Tax Sharing Pool in 2009; and

WHEREAS, at its meeting on September 21, 2009, the NJMC took action to approve granting \$200,000 to the Borough of North Arlington, subject to ratification by formal resolution.

NOW, THEREFORE BE IT RESOLVED, that the Executive Director is hereby authorized to appropriate \$200,000 to the Borough of North Arlington; and

BE IT FURTHER RESOLVED, that given the near depletion of the NJMC's Municipal Assistance Fund and the NJMC's own financial situation, this final form of assistance from the NJMC shall be used by the Borough of North Arlington to stabilize its own finances and to allow it to plan for its independent financial future.

The foregoing was adopted on Commission vote.

Jay C. Nadel
Acting 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 October 26, 2009.

Robert R. Ceberio
Secretary

Memorandum



New Jersey Meadowlands Commission

To: NJMC Commissioners

From: Robert R. Ceberio, Executive Director Date: October 26, 2009

Subject: Appropriation of \$200,000 to the Borough of North Arlington

The New Jersey Meadowlands Commission operated a solid waste transfer facility in the Borough of North Arlington. The operation of this facility provided tax relief to North Arlington in the form of \$1.6 million in annual no cost solid waste disposal and host community fees.

The Borough of North Arlington and the NJMC entered into separate but common land use agreements with EnCap and its parent company, Cherokee, that ultimately lead to the closure of the facility on December 2008.

The collapse of the EnCap Phase II project, the subsequent court cases, and the NJMC's settlement with Cherokee as approved by the Attorney General allowed for the potential reopening of the solid waste facility.

The NJMC has taken positive steps to reopen the facility, such as permit renewal and a Request for Proposals for operators that would include similar terms for free disposal and host community fees for North Arlington.

In December, 2008 by Resolution No. 08-135, the NJMC appropriated \$800,000 to North Arlington to help offset any financial hardships for the Borough due to the closure of the facility.

In July, 2009 the NJMC negotiated with American Home Assurance, holder of the EnCap performance bond for landfill closure, a payment to North Arlington for property taxes owed to the Borough for portions of the Kingsland Landfill and adjoining properties in the amount of \$550,000.

The Borough of North Arlington receives annual funding from the Intermunicipal Tax Sharing Pool because of its lack of ratables in the Meadowlands, due in part to the Borough's history of accepting solid waste at these sites. In the 2009, the Borough of North Arlington will receive a total of \$872,031 in tax sharing dollars.

Despite the aforementioned assistance, representatives of the Borough's governing body requested additional financial assistance in the form of an advance on potential host community fees or a grant for the purpose of offsetting the Borough's solid waste disposal costs for the interim period between

the potential award of an operating contract for the solid waste facility and the re-start of operations at the aforementioned facility.

The NJMC is not legally authorized to provide loans, but believes it to be appropriate to provide the Borough of North Arlington an additional \$200,000 grant. With this grant the NJMC will have provided the Borough of North Arlington a total of \$1 million in direct grants in an effort to offset any financial hardships caused by the closing of the solid waste facility and has negotiated \$550,000 in tax payments to the Borough for the Kingsland Landfill; and the Borough of North Arlington will also benefit from \$872,031 provided through the NJMC's Intermunicipal Tax Sharing Pool in 2009.

At its meeting on September 21, 2009, the NJMC took action to approve granting \$200,000 to the Borough of North Arlington, subject to ratification by formal resolution.

Given the near depletion of the NJMC's Municipal Assistance Fund and the NJMC's own financial situation, this final form of assistance from the NJMC shall be used by the Borough of North Arlington to stabilize its own finances and to allow it to plan for its independent financial future.

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO
A MEMORANDUM OF AGREEMENT BETWEEN THE MEADOWLANDS
ENVIRONMENT CENTER AND LIBERTY SCIENCE CENTER**

WHEREAS, the New Jersey Meadowlands Commission has identified an opportunity to collaborate on an educational partnership with the Liberty Science Center that has the potential to enrich the environmental science educational experience for students, adults and families from New Jersey, and

WHEREAS, potential areas for joint programming include:

- Summer camp activities at the MEC and LSC building on the MEC's successful partnerships with Town Recreation, Boys and Girls Clubs, YMCA and 4H day camp programs from the area.
- Programs for older adults as part of the on-going Summer Senior Program sponsored by the Commission and the MEC.
- Programs for schools that use videoconferencing to connect students at both locations performing activities that relate to our common aquatic ecosystem.
- Development of weekend family programs to expand understanding of various topics in science. These might include astronomy programming that integrates the IMAX at LSC and the McDowell Observatory.
- Developing joint activities associated with MarshAccess (Ramapo College/MEC grants from the National Science Foundation) for students and adults with disabilities.

NOW, THEREFORE BE IT RESOLVED by the New Jersey Meadowlands Commission that the Executive Director is authorized to enter into a Memorandum of Agreement with the Liberty Science Center for programs at the Environment Center for a one-year period at a cost of \$250,000.

The foregoing was adopted on Commission vote.

Jay C. Nadel
Acting 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 October 26, 2009.

Robert R. Ceberio
Secretary

Memorandum



New Jersey Meadowlands Commission

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

From: Irfan A. Bora **Date:** October 26, 2009

Subject: Collaboration between Meadowlands Environment Center and Liberty Science Center

The New Jersey Meadowlands Commission has identified an opportunity to collaborate on an educational partnership with the Liberty Science Center that has the potential to enrich the environmental science educational experience for students, adults and families from New Jersey.

Potential areas for joint programming include:

- Summer camp activities at the MEC and LSC building on the MEC's successful partnerships with Town Recreation, Boys and Girls Clubs, YMCA and 4H day camp programs from the area.
- Programs for older adults as part of the on-going Summer Senior Program sponsored by the Commission and the MEC.
- Programs for schools that use videoconferencing to connect students at both locations performing activities that relate to our common aquatic ecosystem.
- Development of weekend family programs to expand understanding of various topics in science. These might include astronomy programming that integrates the IMAX at LSC and the McDowell Observatory.
- Developing joint activities associated with MarshAccess (Ramapo College/MEC grants from the National Science Foundation) for students and adults with disabilities.

The Commission recommends entering into a Memorandum of Agreement between the Liberty Science Center and the Environment Center for a one-year period at a cost of \$250,000.

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR
TO ENTER INTO AN AGREEMENT
WITH NJDOT FOR
THE RESTORATION OF THE RUTHERFORD
DRAINAGE DITCH SYSTEM - PHASE II**

WHEREAS, in developing the Hackensack Meadowlands Floodplain Management Plan, the NJMC identified the flooding on Route 17 in Rutherford and East Rutherford as an "extreme" priority; and

WHEREAS, Phase I of the Restoration of the Rutherford/East Rutherford Drainage Ditch System project, consisting of the removal and replacement of the existing tide gates and the installation of additional culverts and tide gates, was completed in May 2009;

WHEREAS, plans and specifications for the "Restoration of the Rutherford/East Rutherford Drainage Ditch System - Phase II" were prepared by the Louis Berger Group and the NJMC and were publicly bid, with two (2) bids received on June 16, 2009; and

WHEREAS, the two submitted bid amounts were rejected since the lowest bidder at \$1,933,380.00 was higher than the project's funding limits; and

WHEREAS, the NJDOT has an existing contract with Tilcon, for the performance of the Route 17 Bergen County Intersections Project, which includes drainage improvements on Route 17 connecting to the Rutherford ditch system; and

WHEREAS, Pursuant to N.J.S.A. 52:34-10(a) the NJMC consulted with the NJDOT regarding the possibility of using Tilcon for the ditch restoration in the Borough of Rutherford; and

WHEREAS, the NJMC and the NJDOT requested that Tilcon submit a cost proposal for the ditch restoration in the Borough of Rutherford; and

WHEREAS, Tilcon submitted a cost proposal, received on September 9, 2009, in the amount of \$1,505,525.92; and

WHEREAS, the NJMC review of the cost proposal indicates that the proposal is reasonable; and

WHEREAS, the cost proposal will be issued as a change order to the existing contract with NJDOT; and

WHEREAS, the NJDOT will provide \$500,000.00 to the ditch restoration project in the Borough of Rutherford; and

WHEREAS, the NJMC will be funding the above-mentioned project through the Flood Control Reserve program in the amount of \$1,206,000,00 which includes a small contingency fund above the \$1,005,525.92 that would be the NJMC share.

NOW, THEREFORE, BE IT RESOLVED by the New Jersey Meadowlands Commission that the Executive Director is hereby authorized to enter into an Intergovernmental Agreement with NJDOT for the "Restoration of the Rutherford Drainage Ditch System - Phase II" at a cost of \$1,206,000.00.

The foregoing Resolution was adopted by Commission vote.

Jay C. Nadel
Acting 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 October 26, 2009.

Robert R. Ceberio
Secretary

Resolution No. 09-81

Memorandum



New Jersey Meadowlands Commission

To: NJMC Commissioners and Robert Ceberio, Executive Director

From: Thomas Marturano

Date: October 26, 2009

Subject: Restoration of the Rutherford Drainage Ditch System - Phase II

The Hackensack Meadowlands Floodplain Management Plan identifies the flooding on Route 17 in Rutherford and East Rutherford as an "extreme" priority. The NJMC has recently completed Phase I of the Rutherford/East Rutherford Drainage Ditch System project, which was designed to reduce flooding at Route 17, local roadways, and flood-prone industrial areas. The Phase I project included the installation of ten (10) 72-inch culverts and ten (10) associated tide gates.

The plans and specifications for the "Restoration of the Rutherford/East Rutherford Drainage Ditch System - Phase II" were prepared by the Louis Berger Group, with minor modifications made by the NJMC. On June 16, 2009, two (2) bids were received and were rejected since the lowest bidder at \$1,933,380.00 was higher than the project's funding limits.

The NJDOT has an existing contract with Tilcon, for the performance of the Route 17 Bergen County Intersections Project, which includes drainage improvements on Route 17 connecting to the Rutherford ditch system. Pursuant to N.J.S.A. 52:34-10(a) the NJMC consulted with the NJDOT regarding the possibility of using Tilcon for the ditch restoration in the Borough of Rutherford. The NJMC and NJDOT requested that Tilcon submit a cost proposal for the ditch restoration in the Borough of Rutherford.

Tilcon submitted a cost proposal, received on September 9, 2009, in the amount of \$1,505,525.92.

The submitted cost proposal will be issued as a change order to the existing contract with NJDOT. Additionally, the NJDOT will provide \$500,000.00 to the ditch restoration project in the Borough of Rutherford. The NJMC will be funding the above-mentioned project through the Flood Control Reserve program in amount of \$1,206,000.00 which includes a small contingency fund above the \$1,005,525.92 that would be the NJMC share.

Therefore, the NJMC staff is requesting Commission authorization for the Executive Director to enter into an Intergovernmental Agreement with NJDOT for the "Restoration of the Rutherford Drainage Ditch System - Phase II" at a cost of \$1,206,000.00.

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:
 - Marcal Bankruptcy Settlement
 - Gil Hawkins Settlement
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.

Jay C. Nadel
Acting 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 October 26, 2009.

Robert R. Ceberio
Secretary

Resolution No. 09-82