

11-2012-4

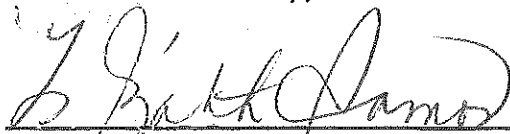
**RESOLUTION OF THE HUDSON COUNTY IMPROVEMENT
AUTHORITY AUTHORIZING PAYMENT OF CERTAIN
COSTS AND EXPENSES OF THE AUTHORITY
FOR THE MONTH NOVEMBER 2012**

WHEREAS, the costs and expenses set forth on the attached lists, having been reviewed and authorized for payment by the Executive Director from funds available for such purpose, are herewith presented to the Authority's Board for final approval and authorization to pay.

RECORDED VOTE:

	YES	NO	ABSTAIN	NOT PRESENT
Fred M. Bado	X			
Oren K. Dabney, Sr.				X
James P. Doran, ED.D	X			
Stephen J. Gallo	X			
Frank Lorenzo	X			
Martin T. Martinetti	X			
John A. Peneda	X			
Frank Pestana				X
John L. Shinnick	X			

The foregoing is a true and complete copy of a resolution of the Hudson County Improvement Authority adopted at a meeting thereof, duly called and held on Wednesday, November 28, 2012.



**ELIZABETH RAMOS, ASSISTANT SECRETARY
(SEAL)**

11-2012-5

RESOLUTION OF THE HUDSON COUNTY IMPROVEMENT AUTHORITY RATIFYING THE EXECUTION OF AGREEMENTS WITH CARDELLA WASTE SERVICES, INC., AND INTERSTATE WASTE SERVICES OF NEW JERSEY, INC. FOR THE TEMPORARY ACCEPTANCE AND DISPOSAL OF STORM DEBRIS RESULTING FROM HURRICANE SANDY AND THE STATE OF EMERGENCY THAT WAS DECLARED IN THE STATE OF NEW JERSEY

WHEREAS, the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. ("Act"), designated each of the twenty-one counties in the State of New Jersey, and the Hackensack Meadowlands District, as solid waste management districts, and required each such district to adopt a solid waste management plan; and

WHEREAS, the Board of Chosen Freeholders ("Freeholders") of the County of Hudson ("County") has adopted the Hudson County District Solid Waste Management Plan, as amended from time to time (the "County Plan"); and

WHEREAS, the Hudson County Improvement Authority ("HCIA") is a public body corporate and politic of the State of New Jersey, organized pursuant to and in accordance with the County Improvement Authorities Law, N.J.S.A. 40:37A-44 et seq., and exercises essential governmental functions for the public health, benefit and welfare of the citizens of the County; and

WHEREAS, the Freeholders have designated the HCIA as the implementing agency for the County Plan, charged with implementing and recommending updates and amendments to the aforesaid County Plan from time to time, as well as planning, acquiring, constructing, maintaining and operating facilities for the processing and disposal of County solid waste and/or the recovery of recyclable materials; and

WHEREAS, in anticipation of the United States Supreme Court's denial of certiorari in Atlantic Coast Demolition and Recycling, Inc. v. Board of Chosen Freeholders of Atlantic County, the County adopted a Plan Amendment in November 1997 that reaffirmed regulatory waste flow, and the Plan Amendment was certified by DEP on December 30, 1997; and

WHEREAS, in order to maintain regulatory waste flow control, the HCIA has undertaken various non-discriminatory procurements for solid waste disposal services and, as a result of such procurements, has awarded contracts to the Hackensack Meadowlands Development Commission (now known as the New Jersey Meadowlands Commission, "NJMC"), as the lowest responsible bidder, for the disposal of all Solid Waste Types 10, 13, 23, 25 and 27 generated within the County ("Regulated Waste"); and

WHEREAS, NJDEP has approved the contracts with the NJMC, finding that the contracts would enable the HCIA to continue to provide safe, adequate and proper disposal services for Regulated Waste, subject to regulatory flow control under the County Plan, and an amendment to the County Plan, incorporating the solid waste facilities and contracts, and reaffirming the effectuation of regulatory waste flow control by the HCIA with respect to; and

WHEREAS, most recently, the HCIA and NJMC entered into an Interlocal Services Agreement in 2009, pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq., for the provision of disposal services for Regulated Waste; and

WHEREAS, NJDEP approved the Interlocal Services Agreement with NJMC in a solid Waste Order, dated May 28, 2009, based upon a determination that the Interlocal Services Agreement was not contrary to law and was in the public interest; and

WHEREAS, Cardella Waste Services, Inc. ("Cardella") is the owner of a materials recovery facility in North Bergen, New Jersey, where it performs recycling and solid waste disposal operations in accordance with its solid waste facility permit issued by NJDEP; and

WHEREAS, Interstate Waste Services of New Jersey, Inc. ("IWS") is the owner of a transfer station facility located at 375 Routes 1 & 9 South, Jersey City, New Jersey, where it performs recycling and solid waste disposal operations in accordance with a solid waste facility permit issued by NJDEP; and

WHEREAS, the Governor declared a formal state of emergency for the State of New Jersey as a result of the damage caused by Hurricane Sandy, which hit the State and the County of Hudson on October 29th and 30th of 2012; and

WHEREAS, as a result of the flooding due to Hurricane Sandy, the HCIA learned that the Keegan Landfill was inaccessible to certain municipalities in the County for the disposal of Regulated Waste in accordance with the Interlocal Agreement; and

WHEREAS, the inability of the NJMC to accept and dispose of Regulated Waste necessitated that the Authority take immediate action to make temporary disposal services available to certain municipalities in the County in order to preserve the public health, safety and welfare; and

WHEREAS, the HCIA entered into temporary agreements with Cardella and IWS to establish the terms for the emergent performance of Regulated Waste disposal services consistent with the HCIA's responsibilities as the implementing agency for the Hudson Plan; and

WHEREAS, the Authority deems it to be in its best interests and the best interests of the citizens of the County to ratify the entry into temporary agreements with Cardella and IWS for the performance of emergency solid waste disposal services; and

WHEREAS, the award of temporary agreements to Cardella and IWS for the performance of emergency solid waste disposal services was necessary for the protection of the health, safety and welfare of the citizens of the County and for the HCIA's efficient operations;

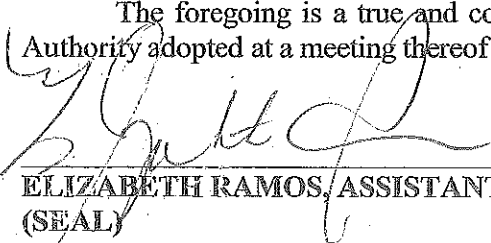
NOW, THEREFORE, BE IT RESOLVED BY THE HUDSON COUNTY IMPROVEMENT AUTHORITY, as follows:

1. That the aforesaid recitals are incorporated herein as if fully set forth at length.
2. That the agreement attached hereto by and between the HCIA and Cardella Waste Services, Inc. is hereby ratified.
3. That the agreement attached hereto by and between the HCIA and Interstate Waste Services of New Jersey, Inc. is hereby ratified.
4. A copy of this Resolution, together with copies of the executed agreements, shall be available, upon execution by the parties, for public inspection at the offices of the HCIA in Jersey City, New Jersey.
5. This resolution shall take effect immediately.

RECORDED VOTE:

	YES	NO	ABSTAIN	NOT PRESENT
Fred M. Bado	X			
Oren K. Dabney, Sr.				X
James P. Doran, Ed.D.	X			
Stephen J. Gallo	X			
Frank Lorenzo	X			
Martin T. Martinetti	X			
John A. Peneda	X			
Frank Pestana				X
John L. Shinnick	X			

The foregoing is a true and complete copy of a resolution of the Hudson County Improvement Authority adopted at a meeting thereof duly called and held on Wednesday, November 28, 2012.


 ELIZABETH RAMOS, ASSISTANT SECRETARY
 (SEAL)

11-2012-6

**RESOLUTION OF THE HUDSON COUNTY IMPROVEMENT
AUTHORITY CONCERNING REVIEW OF THE FINDINGS OF
THE LOCAL FINANCE BOARD MADE AT A MEETING OF SAID
BOARD ON NOVEMBER 7, 2012 IN ACCORDANCE WITH THE
PROVISIONS OF N.J.S.A. 40A:5A-7 WITH RESPECT TO THE
ISSUANCE OF COUNTY-GUARANTEED POOLED NOTES
(LOCAL UNIT LOAN PROGRAM)**

WHEREAS, the Local Finance Board (the "Board") has issued findings in connection with a resolution (the "Resolution") of the Hudson County Improvement Authority (the "Authority") providing for the issuance of not to exceed \$300,000,000 aggregate principal amount of the Authority's County-Guaranteed Pooled Notes (Local Unit Loan Program) with respect to a \$48,244,000 project financing on behalf of the cities of Jersey City and Union City, the Township of Weehawken, the Town of West New York, and the Parking Authority of the Township of Weehawken, through the Authority's County-Guaranteed Pooled Note Local Unit Loan Program; and

WHEREAS, N.J.S.A. 40A:5A-7 requires that the governing body of the Authority, within 45 days of receipt of the Board's findings and recommendations, certify by resolution to the Board that the members of the Authority have personally reviewed the findings and recommendations; and

WHEREAS, the members of the governing body of the Authority have personally reviewed the Board's findings on the proposed financing, as set forth in the form resolution of the Board attached hereto, as evidenced by a group affidavit of the governing body; and

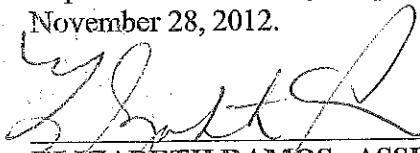
WHEREAS, failure to comply with this requirement may subject the members of the Authority to the penalty provisions of R.S. 52:27BB-52; and

NOW THEREFORE, BE IT RESOLVED that the members of the Authority hereby state that the Authority has complied with the requirements of N.J.S.A. 40A:5A-6 and does hereby submit a certified copy of this resolution and the required affidavit to the Board to show evidence of compliance with N.J.S.A. 40A:5A-7.

RECORDED VOTE:

	YES	NO	ABSTAIN	NOT PRESENT
Fred M. Bado	X			
Oren K. Dabney, Sr.				X
James P. Doran, ED.D.	X			
Stephen J. Gallo	X			
Frank Lorenzo	X			
Martin T. Martinetti	X			
John A. Peneda	X			
Frank Pestana				X
John L. Shinnick	X			

The foregoing is a true and complete copy of a resolution of the Hudson County Improvement Authority adopted at a meeting thereof duly called and held on Wednesday, November 28, 2012.



**ELIZABETH RAMOS, ASSISTANT SECRETARY
(SEAL)**

11-2012-7

**RESOLUTION OF THE HUDSON COUNTY IMPROVEMENT
AUTHORITY AUTHORIZING THE EXTENSION OF THE
EARTHWORK SERVICES AGREEMENT AWARDED TO
PERSISTENT CONSTRUCTION, INC. IN CONNECTION WITH
THE DEVELOPMENT OF THE LINCOLN PARK WEST SITE
LOCATED WITHIN THE CITY OF JERSEY CITY, NEW JERSEY**

WHEREAS, the Hudson County Improvement Authority (the "Authority") was duly created by resolution of the Board of Chosen Freeholders of the County of Hudson (the "County"), State of New Jersey, duly adopted September 25, 1974, as a public body corporate and politic of the State of New Jersey pursuant to and in accordance with the County Improvement Authorities Law, *N.J.S.A. 40:37A-44 et seq.*; and

WHEREAS, the County created the Authority for the express purpose, among other things, of facilitating the development and financing of public facilities and development projects within the County; and

WHEREAS, the County is the fee simple owner of approximately 160 acres of property located along the Hackensack River near the intersection of Duncan Avenue and Routes 1 & 9 (also known as route 440), known as Block 16002, Lot 1 in Jersey City, New Jersey (the "Lincoln Park West Site"); and

WHEREAS, pursuant to its express purpose the Authority desires to facilitate the development of the Lincoln Park West Site consisting of the closure of the existing landfill area, a New Jersey Department of Environmental Protection ("NJDEP") Wetland Restoration Project, and construction of a nine-hole golf course, all in accordance with various NJDEP approvals, including: Landfill Closure and Post-Closure Plan Approval, May 20, 2009, revised September 27, 2012, and Waterfront Development Permit, Freshwater Wetlands General Permits, Transition Area Waiver-Averaging Plan and Flood Hazard Area Permits, most recently dated December 15, 2011, (the "Project"); and

WHEREAS, to further effectuate the completion of the Project the Authority determined that supply and placement of fill material, as well as rough grading services, were required and desired to engage non-Authority personnel to perform such earthwork services ("Earthwork Services"); and

WHEREAS, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., on or about January 19, 2011, the Authority publically advertised a request for bids ("Request for Bids") to provide such Earthwork Services to the Lincoln Park West Site; and

WHEREAS, on or about February 2, 2011 the Authority issued an addendum to the Request for Bids; and

WHEREAS, following a thorough evaluation of the bids the Authority determined that the bid submitted by Persistent Construction, Inc., with an address of 58 Industrial Avenue, Fairview, New Jersey 07022 ("Persistent") was complete and that Persistent was the bidder providing the most advantageous offer to the Authority; and

WHEREAS, on or about May 26, 2011, the Authority executed a contract with Persistent for the performance of Earthwork Services in accordance with the bid specifications (the "Earthwork Services Agreement"); and

WHEREAS, the initial primary objective of the Earthwork Services was to procure and manage, in accordance with a NJDEP-approved Materials Acceptance Protocol, a total of approximately 600,000 cubic yards of fill material for the Lincoln Park West Site Project of which approximately 300,000 cubic yards must meet the NJDEP's residential direct contact soil remediation standards ("RDCSRS") and approximately 300,000 cubic yards must meet the NJDEP's non-residential direct contact soil remediation standards ("NRDCSRS"); and

WHEREAS, pursuant to the Earthwork Services Agreement, Persistent would pay the Authority \$2.00 (two dollars) per cubic yard of fill material meeting RDCSRS and \$6.50 (six dollars and fifty cents) per cubic yard of fill material meeting NRDCSRS; and

WHEREAS, based on the terms of the Earthwork Services Agreement, the revenues generated by the import of fill material were anticipated to net the Authority approximately \$2,075,000 (two million seventy five thousand dollars); and

WHEREAS, while the Earthwork Services Agreement provided that all services should be completed by either November 1, 2011 or the approximate nine-month term of the Earthwork Services Agreement, Article 17 of the Earthwork Services Agreement allowed the Authority to extend the term of said Agreement if it was in the best interest of the Authority and to ensure the successful completion of the Project; and

WHEREAS, if additional earthwork services related to, but not explicitly identified in the bid specifications, were deemed necessary by the Authority, Article 12 of the Earthwork Services Agreement allowed the Authority to procure said additional earthwork services from Persistent upon agreement of the parties; and

WHEREAS, on or about April 13, 2012, in accordance the Article 17 of the Earthwork Services Agreement, the Authority extended its term to December 31, 2012; and

WHEREAS, the extension of the Earthwork Services Agreement allowed the Authority to accept additional fill material, thereby increasing the revenue generated for the Authority by approximately \$715,000 (seven hundred fifteen thousand dollars) through October 31, 2012; and

WHEREAS, on or about September 20, 2012, in accordance with Article 12 of the Earthwork Services Agreement, the Authority and Persistent agreed to the scope, terms and conditions of certain additional earthwork services; and

WHEREAS, the scope and value of the additional earthwork services was determined by the engineering firm retained by the Authority to oversee the Project (the "Authority Engineer"); and

WHEREAS, the value of the additional earthwork services, \$1,326,986 (one million three hundred twenty six thousand nine hundred eighty six dollars), as determined by the Authority Engineer, was applied against the amount owed to the Authority by Persistent for the fill material it supplied for Project; and

WHEREAS, since the initial April 13, 2012 extension, despite Persistent's best efforts and through no fault of its own, Persistent has been unable to secure sufficient quantities of additional fill material meeting either NRDCSRS and RDCSRS standards required for the Project beyond the amount originally estimated in the Earthwork Services Agreement; and

WHEREAS, Resolution No. 10-2010-6 duly adopted by the Authority on or about October 13, 2010 further authorizes the Authority to enter into agreements to accept fill material for the Project; and

WHEREAS, in order to not only ensure the successful completion of the Project, but also maintain a source of income for the Authority, pursuant to Resolution No. 10-2010-6 and Article 17 of the Earthwork Services Agreement, the Authority concludes that it is in its best interest to continue to accept fill material from Persistent by extending the term of the Earthwork Services Agreement a second time to June 30, 2013; and

WHEREAS, by extending the Earthwork Services Agreement to June 30, 2013, thereby allowing Persistent to continue to provide fill material required for the Project, the Authority estimates that the additional revenues generated will exceed \$1,500,000 (one million five hundred thousand dollars), the exact amount of which shall be determined pursuant to a final accounting upon conclusion of the Earthwork Services Agreement, as extended; and

WHEREAS, as part of an extension of the Earthwork Services Agreement to June 30, 2013, Persistent shall also provide certain specific earthwork services established by the Authority Engineer and valued at more than \$50,000 as determined by the Authority Engineer; and

WHEREAS, for the reasons set forth herein, should further earthwork services be required for the successful completion of the Project, in accordance with Article 12 of the Earthwork Services Agreement and in conjunction with the extension, the Authority may also authorize Persistent to provide such additional services, the scope and value of which shall be determined by the Authority Engineer and applied against any outstanding balance owed by Persistent to the Authority for fill material it supplied for the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE HUDSON COUNTY IMPROVEMENT AUTHORITY, as follows:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Authority hereby authorizes the Chief Executive Officer and/or Executive Director/Chief Financial Officer to extend the term of the Earthwork Services Agreement to June 30, 2013, as well as any date(s) thereafter until a sufficient amount of fill material has been received to complete the Project.

Section 3. The Authority hereby authorizes the Chief Executive Officer and/or Executive Director/Chief Financial Officer, in conjunction with the extension, to agree to the completion by Persistent of additional services pursuant to and in accordance with Article 12 of the Earthwork Services Agreement.

Section 4. A copy of this Resolution shall be available for public inspection at the offices of the Authority.

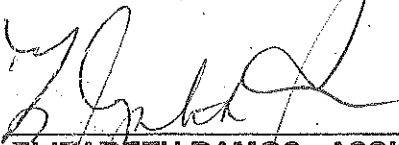
Section 5. This resolution shall take effect immediately in accordance with

Law.

RECORDED VOTE:

	YES	NO	ABSTAIN	NOT PRESENT
Fred M. Bado	X			
Oren K. Dabney, Sr.				X
James P. Doran, Ed.D.	X			
Stephen J. Gallo	X			
Frank Lorenzo	X			
Martin T. Martinetti	X			
John A. Peneda	X			
Frank Pestana				X
John L. Shinnick	X			

The foregoing is a true and complete copy of a resolution of the Hudson County Improvement Authority adopted at a meeting thereof duly called and held on Wednesday, November 28, 2012.



ELIZABETH RAMOS, ASSISTANT SECRETARY
(SEAL)

CERTIFICATE

I, Elizabeth Ramos, Assistant Secretary of The Hudson County Improvement Authority, a public body corporate and politic of the State of New Jersey, HEREBY CERTIFY, that the foregoing resolution entitled "RESOLUTION OF THE HUDSON COUNTY IMPROVEMENT AUTHORITY AUTHORIZING THE EXTENSION OF THE EARTHWORK SERVICES AGREEMENT AWARDED TO PERSISTENT CONSTRUCTION, INC. IN CONNECTION WITH THE DEVELOPMENT OF THE LINCOLN PARK WEST SITE LOCATED WITHIN THE CITY OF JERSEY CITY, NEW JERSEY" is a true copy of an original resolution which was duly adopted by said Authority at a meeting thereof which was duly called and held on November 28, 2012, and at which a quorum was present and acted throughout, and that said copy has been compared by me with the original resolution recorded in the records of the Authority and that it is a correct transcript thereof and of the whole of said resolution, and that said original resolution has not been altered, amended or repealed but is in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Authority this 28th day of November, 2012.

[SEAL]

THE HUDSON COUNTY IMPROVEMENT
AUTHORITY

By: 

Elizabeth Ramos, Assistant Secretary