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**SOUTH AMBOY REDEVELOPMENT AGENCY**

March 04, 2021

6:30 p.m.

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140 North Broadway

South Amboy, N.J.

1. Call to Order by Chairperson
2. Chairperson's Statement of Compliance with Open Public Meetings Act (R.S.10:4-6, et seq.)

The Notice requirements provided in the Open Public Meetings Act have been satisfied. Notice of this meeting was published in The Home News & Tribune on **December 9, 2020**, provided to the Star Ledger, filed with the City Clerk and posted in the City Municipal Building on December 9, 2020.

3. Salute to the Flag and Prayer

4. ROLL CALL:

A. CONRAD \_\_\_\_\_  
Z. DATO \_\_\_\_\_  
T. GONSALVES \_\_\_\_\_  
D. KALES \_\_\_\_\_  
K. F. MESZAROS \_\_\_\_\_  
F. MILATTA \_\_\_\_\_  
C. TOOKER \_\_\_\_\_

E. CHUBENKO\* \_\_\_\_\_  
\* Executive Director

C. J. COUGHLIN, ESQ.\* \_\_\_\_\_  
\* General Counsel

5. Correspondence:

6. Grant Activity:

7. Consent Agenda:

- A. Professional Appointments/Agency Resolutions:  
*(Resolution to be distributed at meeting.)*
  1. Resolution of the South Amboy Redevelopment Agency Approving Access Agreement with 135 Main ST SA, LLC (M: 03-04-2021 :01)
  2. Resolution of the South Amboy Redevelopment Agency Acknowledging intent to redevelop WAS Terminal a.k.a. the Wishe property site pursuant to a comprehensive plan within three years of remediation, and future contractual relationship with Dynamic Earth, LLC (M:03-04-2021 :02)
  
- B. Payment of Invoices:  
*(Bill lists to be distributed at meeting.)*
  1. Bill List payable 03/04/2021 – SARA Accounts
  2. Bill List payable 03/04/2021 – ESCROW Accounts
  
8. Executive Director's Report:
  
9. Planning Report:
  
10. Legal Report:
  
11. Old Business:
  
12. New Business:  
*(Minutes to be distributed at meeting.)*
  - A. Approval of February 4, 2021 Agency Meeting Minutes
  
13. Project updates:
  
14. Discussion:
  
15. Executive Session:
  
16. General Comments by Commissioners:
  
17. General Comments by Public:
  
18. Adjournment

**RESOLUTION OF THE SOUTH AMBOY REDEVELOPMENT AGENCY APPROVING  
ACCESS AGREEMENT WITH 135 MAIN ST SA, LLC**

**WHEREAS**, the South Amboy Redevelopment Agency ("**SARA**") may exercise all powers, duties and functions relating to redevelopment in the manner of a redevelopment entity under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.; and

**WHEREAS**, on February 28, 2017, GenOn Rema, LLC and NRG Energy, Inc. (together, "**GenOn**"), SARA and the City of South Amboy (the "**City**") entered into a Settlement Agreement (the "**Settlement Agreement**") providing, among other things that (1) GenOn would convey a 2 acre portion of Block 161.01, Lot 26 (the "**SARA Property**"), adjacent to the proposed ferry terminal parking lot, to SARA and that (2) SARA is responsible for costs associated with compliance with Industrial Site Recovery Act ("**ISRA**"); and

**WHEREAS**, on February 14, 2020, GenOn conveyed the SARA Property to SARA; and

**WHEREAS**, Main ST SA, LLC (the "**Developer**"), an affiliate of LS Power, intends to acquire GenOn's property (the balance of Block 161.01, Lot 26) and construct thereon a clean energy facility (the "**Project**"), providing a ratable for the City and creating union construction and permanent jobs; and

**WHEREAS**, the Developer proposes to access the SARA Property to, at its expense, conduct such environmental investigation and remediation as is necessary to comply with ISRA, which is necessary for the Developer to acquire GenOn's property and construct the Project; and

**WHEREAS**, the Developer proposes to enter into an Access and Remediation Agreement (the "**Access and Remediation Agreement**"); and

**WHEREAS**, SARA desires to approve execution of the Access and Remediation Agreement.

**NOW, THEREFORE BE IT RESOLVED**, by the Board of Commissioners of the South Amboy Redevelopment Agency, as follows:

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

**Section 2.** The Access and Remediation Agreement is hereby approved. The Chairman, Executive Director and Secretary are hereby authorized to execute the Access and Remediation Agreement in substantially the same form as that on file with the Executive Director, with such minor additions, deletions or modifications deemed necessary by the Chairman, Executive Director or Secretary, as applicable, after consultation with SARA's general and special counsel.

**Section 3.** This resolution shall take effect immediately.

\_\_\_\_\_  
Kevin F. Meszaros, Chairman

Attested to:

\_\_\_\_\_  
Kelly A. Wolff, Secretary

Meeting Date: March 4, 2021

<b>Member:</b>	<b>Moved</b>	<b>Seconded</b>	<b>Ayes</b>	<b>Nays</b>	<b>Abstain</b>	<b>Absent</b>
Anthony Conrad						
Zusette Dato						
Tony Gonsalves						
Dave Kales						
Kevin Meszaros						
Frank Milatta						
Camille Tooker						

M: 03-04-2021 :02

**RESOLUTION OF THE SOUTH AMBOY REDEVELOPMENT AGENCY  
ACKNOWLEDGING INTENT TO REDEVELOP WAS TERMINAL a.k.a. THE WISCHE  
PROPERTY SITE PURSUANT TO A COMPREHENSIVE PLAN WITHIN THREE YEARS  
FROM REMEDIATION, AND FUTURE CONTRACTUAL RELATIONSHIP WITH DYNAMIC  
EARTH, LLC**

**WHEREAS**, the South Amboy Redevelopment Agency (SARA), a subdivision of the political State of New Jersey, has applied for a grant from the Hazardous Discharge Site Remediation Fund ("HDSRF") Municipal Grant Program, through the Department of Environmental Protection (NJDEP) and the New Jersey Economic Development Authority (NJEDA), to implement a preliminary assessment ("PA"), site investigation ("SI"), remedial investigation ("RI"), and/or remedial action ("RA"), each as necessary, (the "Grant") for the WAS Terminal a.k.a. The Wische Property, located on Rosewell Street at Block 161.02, Lot 24 (the "Property"); and

**WHEREAS**, it is in the interests of SARA and its citizens to apply for, and to accept, the Grant for the Property; and

**WHEREAS**, application for the Grant requires the Municipality to (a) resolve that it has a comprehensive plan, (b) evidence intent to redevelop the Property within three years of remediation; (c) form a contractual relationship with an environmental consultant; and

**WHEREAS**, there exists a realistic opportunity that the Property will be redeveloped in accordance with the City of South Amboy's (the "City") comprehensive redevelopment plan within three (3) years from completion of remediation; and

**NOW, THEREFORE, BE IT RESOLVED** by SARA that the Redevelopment Plan for the Property, as amended from time to time, is a Comprehensive Plan, that the City anticipates redevelopment of the Property within three years of remediation.

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be forwarded to the NJDEP and the NJEDA.

\_\_\_\_\_  
Kevin F. Meszaros, Chairman

Attested to:

\_\_\_\_\_  
Kelly A. Wolff, Secretary

Meeting Date: March 4, 2021

<b>Member:</b>	<b>Moved</b>	<b>Seconded</b>	<b>Ayes</b>	<b>Nays</b>	<b>Abstain</b>	<b>Absent</b>
Anthony Conrad						
Zusette Dato						
Tony Gonsalves						
Dave Kales						
Kevin Meszaros						
Frank Milatta						
Camille Tooker						

10:53 AM

03/02/21

Accrual Basis

# South Amboy Redevelopment Agency

## BILL LIST

February 5 through March 4, 2021

Date	Num	Name	Memo	Account	Amount
<b>Feb 5 - Mar 4, 21</b>					
02/23/2021	2583	City of South Amboy	Reimburse City for Interest / Phone-February 2021	432 · Telepho...	95.39
02/23/2021	2584	PSEG CO	Gas Service for period 12/2/20 to 12/31/20	560 · Utilities	133.94
02/23/2021	2585	PSEG CO	Gas Service for period 12/31/20 to 01/30/21	560 · Utilities	32.96
02/23/2021	2586	JCP&L	Electric for period 1/20/21 to 2/16/21	560 · Utilities	58.30
02/23/2021	2587	Historic Downtown Property M...	April rent-141 North Broadway - additional Unit	540 · Rent	1,128.00
02/23/2021	2588	Historic Downtown Property M...	April Rent for 141 North Broadway	540 · Rent	2,416.00
03/04/2021	2589	McManimon, Scotland & Bau...	Legal Services - Gen-On site	402 · Legal	348.50
03/04/2021	2590	McManimon, Scotland & Bau...	Legal Service - Gen-On / Ravenswood	402 · Legal	2,182.50
<b>Feb 5 - Mar 4, 21</b>					<b>6,395.59</b>

South Amboy Redevelopment Agency

ESCROW BILL LIST

March 4, 2021

Invoice Date	Check #	Name	Memo	Escrow Account	Amount
01/21/21	1552	McManimon, Scotland & Baumal	Professional Svcs - thru 12/31/2020 Inv 178079	5043 - Woodmont	\$ 1,380.00
01/21/21	1553	McManimon, Scotland & Baumal	Professional Svcs - thru 12/31/2020 Inv 178078	5045-March Dev/Claremont Redev.	345.00
02/04/21	1554	TRC	Professional Svcs, - thru 01/22/2021, Inv 457899	5045-March Dev/Claremont Redev.	558.62
<b>TOTAL</b>					\$ 2,283.62

## SOUTH AMBOY REDEVELOPMENT AGENCY

MINUTES OF THE FEBRUARY 04, 2020 MEETING (the meeting can be viewed on the City website <http://www.southamboyni.gov/gallery#videos-redevelopment>)

### Public Session

Kevin Meszaros called the meeting to order and led the Agency Commissioners, professionals and attending public in the Salute to the Flag. He then certified that this meeting had been advertised as prescribed by law.

ROLL CALL: Anthony Conrad, Zusette Dato, Tony Gonsalves, Dave Kales, Kevin Meszaros, Frank Milatta, Camille Tooker

ABSENT:

Also, in attendance: Eric Chubenko, Executive Director  
Dan Balka, CFO  
Glenn Skarzynski, BA  
Craig Coughlin, Esq.

Kevin Meszaros introduced the evening's bill list and said the general bill list contained fees for monthly legal services, rent and utilities. (*Agenda Items no. 7.B.1.*)

Anthony Conrad made a motion to approve the Bill List with an amendment to revise the date of 12/4/2021 to 12/4/2020. The motion was seconded by Camille Tooker to include the date change amendment.

ROLL CALL: Conrad – Yes, Dato – Yes, Gonsalves – Yes, Kales – Yes, Meszaros – Yes, Tooker – Yes

Kevin Meszaros called for a motion to approve the January 7, 2021, Agency Meeting Minutes (*Agenda item no. 12. A.*)

A motion to approve the January 7, 2021 Agency Meeting Minutes as presented was made by Zusette Dato. The motion was seconded by Tony Gonsalves.

ROLL CALL: Conrad – Yes, Dato – Yes, Gonsalves – Yes, Kales – Abstain, Meszaros – Yes, Tooker – Abstain

Kevin McManimon of McManimon, Scotland & Baumann joined the call to discuss the NRG GenOn power plant site. SARA owns the property and the new developer is willing to take on the redevelopment costs. Approving the access agreement with 135 Main ST SA, LLC will give the developer access to conduct the necessary environmental investigation and remediations necessary to comply with ISRA.

Kevin Meszaros called for a motion to authorize the execution approving an access agreement with 135 Main ST SA, LLC, doing the necessary action to facilitate the remediation process.

A motion to approve was presented by Anthony Conrad. The motion was seconded by Zusette Date.

ROLL CALL: Conrad – Yes, Dato – Yes, Gonsalves – Yes, Kales – Abstain, Meszaros – Yes, Milatta – Abstain, Tooker – Yes,

Kevin Meszaros called for a motion amending the previously adopted resolution to include this as a time sensitive resolution.

A motion to approve was presented by Camille Tooker. The motion was seconded by Dave Kales.

ROLL CALL: Conrad – Yes, Dato – Yes, Gonsalves – Yes, Kales – Abstain, Meszaros – Yes, Milatta – Abstain, Tooker – Yes

Mayor Henry updated that we are moving forward with the Army Corps of Engineers and it is moving at a slow pace, but in the right direction.

Kevin Meszaros opened the meeting to the public.

Kevin Meszaros closed the public portion of the meeting.

Kevin Meszaros then requested a Motion to adjourn.

A Motion to adjourn was made by Camille Tooker. Anthony Conrad seconded the Motion.

Voice vote taken: all in favor.

Meeting adjourned.

Submitted by:

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Kelly Wolff