

New Jersey Public Broadcasting Authority Meeting of the Members of the Board

June 14, 2021 at 9:00 a.m.
via Conference Call

Public Call Number: 844-867-6169
Access Code: 5450547

MINUTES

Elizabeth Maher Muoio, Chair, Presiding

Minutes of the meeting of the New Jersey Public Broadcasting Authority (“NJPBA” or “Authority”) held by Conference Call on June 14, 2021, at 9:03 a.m.

1. CALL TO ORDER, OPEN PUBLIC MEETINGS ACT STATEMENT AND ROLL CALL

Ms. Elizabeth Maher Muoio called the meeting to order. Ms. Muoio read the Open Public Meetings Act statement as follows:

In accordance with the provisions of the Open Public Meetings Act of the State of New Jersey, notice of this meeting has been filed with the Office of the Secretary of State, has been posted on the appropriate bulletin boards maintained for such purposes by the Authority, and distributed by press release to two daily newspapers in New Jersey. Notice was made in advance of this meeting.

Ms. Muoio then requested a roll call. NJPBA Members present and participating at the meeting were Elizabeth Maher Muoio (*via phone*); Douglas S. Eakeley (*via phone*); and Ford Scudder (*via phone*). Also present and participating were Catherine Brennan, Deputy State Treasurer (*via phone*); Kavin Mistry, Deputy Director, Division of Law (*via phone*); Susan Wilkerson, Deputy Attorney General (*via phone*); Janice Venables, Assistant Counsel, Governor’s Authorities Unit (*via phone*); Todd Gray, Attorney, Gray Miller Persh LLP (*via phone*); Richard Williams, Acting Executive Director, NJPBA (*via phone*); and Nichol R. Gee, Assistant Chief, NJPBA (*taking minutes*).

2. RESOLUTION APPROVING THE MINUTES OF THE FEBRUARY 1, 2021 MEETING

RESOLUTION OF THE NEW JERSEY PUBLIC BROADCASTING AUTHORITY APPROVING THE MINUTES OF THE FEBRUARY 1, 2021 MEETING

WHEREAS, the New Jersey Public Broadcasting Authority (the “Authority”) was

created pursuant to the New Jersey Public Broadcasting Authority Act of 1968, L. 1968, c. 405, as amended (the “Original Act”), including by the New Jersey Public Broadcasting System Transfer Act, L. 2010, c. 104 (the “Transfer Act,” and together with the Original Act, the “Act”); and

WHEREAS, the Members of the Authority desire to approve the minutes of the February 1, 2021 meeting of the Authority, attached hereto as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEW JERSEY PUBLIC BROADCASTING AUTHORITY AS FOLLOWS:

1. The Members of the Authority hereby approve the minutes of the February 1, 2021 meeting of the Authority.
2. This resolution shall take effect immediately in accordance with the Act.

Chair Muoio asked for a motion to approve the Resolution of the New Jersey Public Broadcasting Authority Approving the Minutes of the February 1, 2021 Meeting. Mr. Scudder made the motion to approve the resolution. Mr. Eakeley seconded the motion. Chair Muoio asked for a voice vote. The motion to approve the Resolution of the New Jersey Public Broadcasting Authority Approving the Minutes of the February 1, 2021 Meeting for the New Jersey Public Broadcasting Authority was voted upon and approved unanimously.

3. REPORT FROM THE AUDIT COMMITTEE

Chair Muoio asked Mr. Douglas Eakeley, Chair of the Audit Committee, to present a report on the work of the Audit Committee. Mr. Eakeley stated that the Audit Committee had met on June 7, 2021, to recommend engagement of Mercadien P.C. as the auditors for the next audit cycle. Ms. Nichol Gee, NJPBA Assistant Chief, confirmed the meeting date and stated that the original contract with Mercadien, P.C. for audit services was for a three-year term with two optional one-year extensions. Approval of the resolution on this meeting’s agenda would authorize the first one-year extension to engage Mercadien, P.C. for the Fiscal Year 2021 audit.

4. REPORT FROM THE EXECUTIVE DIRECTOR

Ms. Muoio asked Acting Executive Director Richard Williams to report to the Board. Mr. Williams stated that the staff remained healthy and very busy despite the COVID restrictions. He reviewed the resolutions the Board would be voting on, stating that the Fiscal Year 2022 Budget continued an annual funding level that had not changed since 2011. Mr. Williams said the resolution to amend the 2021-2023 capital budget maintained the same overall funding level with a redistribution of funds from the tower maintenance budget to authorize the purchase of an aging and unreliable vehicle, and the two tower

related resolutions included new revenue from a first-time tenant and tenant facility upgrades.

Mr. Williams thanked Assistant Director of Engineering Charles Datz for his work with a structural engineering firm. As a result, NJPBA's Lawrenceville tower was cleared to accept new tenants for the first time in over a decade, and Mr. Datz was working on a slate of a new tower leases which he anticipated would be presented to the Board at the next meeting.

Mr. Williams reported that the New Jersey State Parole Board Electronic Monitoring Unit was relocating to the NJPBA building in Trenton, New Jersey, and that he was working closely with Treasury's Department of Property Management and Construction regarding the changes necessary to facilitate the move.

Mr. Williams stated that the NJPBA was the recipient of federal COVID relief funds, and he was seeking guidance from counsel as well as the appropriate state and federal agencies for the distribution and use of the funding. Staff was also working with the New Jersey Department of Environmental Protection on a federal matching grant to replace emergency power generators at the four large NJPBA transmission facilities. This initiative would replace obsolete systems with the latest power generating equipment capable of achieving current Tier 4 emissions and noise standards and ensure uninterrupted operations for years to come.

Mr. Williams asked Ms. Gee to report on the NJN Archives. Ms. Gee stated that the Authority continued to work with Public Media NJ, Inc., and WNET on the digitization and preservation of the NJN Archives. Packing and shipping of the 20,000 assets identified for digitization in this phase of work was nearly complete, representing virtually all NJN programs and documentaries along with key historical and educational materials.

Through agreements with GBH and the Library of Congress, Ms. Gee said the first group of 10,000 assets from this phase of work were being ingested into the American Archive for Public Broadcasting ("AAPB"), and once a significant collection of materials was ready to launch, a special New Jersey collection would be created in the AAPB. In Fiscal Year 2021, NJPBA received \$4,500.00 in revenue from the small collection of materials already available in the AAPB.

Ms. Gee also noted that on June 15, 2021, the Eagleton Institute of Politics at Rutgers would be launching an NJN Archive Collection on their Center on the American Governor website consisting of New Jersey governors' key speeches, debates, and other historical moments. She thanked the Board stating that none of this would have been possible without the significant investment they had made into the Archives along with grant funding from the Robert Wood Johnson Foundation.

Mr. Williams thanked Ms. Gee for her work and announced the promotion of NJPBA Finance Manager Dhara Trivedi to the title of Accountant 2 within the Department of the Treasury. He said that as NJPBA's Finance Manager, Dhara was responsible for all aspects

of NJPBA's finances and had a critical role in maintaining the Authority's stable operation. Mr. Williams also thanked the Board for all of their efforts to maintain the operation of the NJPBA.

Chair Muoio thanked Mr. Williams and offered congratulations to Ms. Gee and the team for their work on the NJN Archives and to Ms. Trivedi for her promotion.

5. ELECTION OF CHAIR

Chair Muoio requested nominations for Chair of the New Jersey Public Broadcasting Authority. Mr. Scudder made a motion to appoint Elizabeth Maher Muoio as Chair of the New Jersey Public Broadcasting Authority. Mr. Eakeley seconded the motion. Chair Muoio asked for a voice vote. The motion to appoint Elizabeth Maher Muoio as Chair of the New Jersey Public Broadcasting Authority was voted upon and approved unanimously.

6. ELECTION OF VICE CHAIR

Chair Muoio requested nominations for Vice Chair of the New Jersey Public Broadcasting Authority. Mr. Eakeley made a motion to appoint Ford Scudder for Vice Chair of the New Jersey Public Broadcasting Authority. Chair Muoio seconded the motion. Chair Muoio asked for a voice vote. The motion to appoint Ford Scudder as Vice Chair of the New Jersey Public Broadcasting Authority was voted upon and approved unanimously.

7. ELECTION OF SECRETARY

Chair Muoio nominated Richard Williams as Secretary of the New Jersey Public Broadcasting Authority. Mr. Eakeley made a motion to appoint Richard Williams as Secretary of the New Jersey Public Broadcasting Authority. Mr. Scudder seconded the motion. Chair Muoio asked for a voice vote. The motion to appoint Richard Williams as Secretary of the New Jersey Public Broadcasting Authority was voted upon and approved unanimously.

8. ELECTION OF TREASURER

Chair Muoio requested nominations for Treasurer of the New Jersey Public Broadcasting Authority, Chair of the Authority's Audit Committee, and Chair of the Authority's EO 122 Evaluation Committee. Mr. Scudder made a motion to appoint Douglas Eakeley as Treasurer of the New Jersey Public Broadcasting Authority, Chair of the Audit Committee, and Chair of the EO 122 Evaluation Committee. Mr. Eakeley seconded the motion. Chair Muoio asked for a voice vote. The motion to appoint Douglas Eakeley as Treasurer of the New Jersey Public Broadcasting Authority, Chair of the Audit Committee, and Chair of the EO 122 Evaluation Committee was voted upon and approved unanimously.

9. RESOLUTION OF THE NEW JERSEY PUBLIC BROADCASTING AUTHORITY APPROVING THE FISCAL YEAR 2022 BUDGET

RESOLUTION OF THE NEW JERSEY PUBLIC BROADCASTING AUTHORITY APPROVING THE FISCAL YEAR 2022 BUDGET

WHEREAS, the New Jersey Public Broadcasting Authority (the “Authority”) was created pursuant to the New Jersey Public Broadcasting Authority Act of 1968, L. 1968, c. 405, as amended (the “Original Act”), including by the New Jersey Public Broadcasting System Transfer Act, L. 2010, c. 104 (the “Transfer Act,” and together with the Original Act, the “Act”); and

WHEREAS, the Members of the Authority are required to approve a budget for the Authority; and

WHEREAS, the staff of the Authority recommends approval of the budget for the time period beginning on July 1, 2021 through and including June 30, 2022 of the Authority (the “Fiscal Year 2022 Budget”) attached hereto as Exhibit A, authorizing a total expenditure of \$2,175,000 by the Authority during the course of Fiscal Year 2022.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEW JERSEY PUBLIC BROADCASTING AUTHORITY AS FOLLOWS:

1. The Members of the Authority hereby approve the Fiscal Year 2022 Budget of the Authority, as set forth in Exhibit A attached hereto and hereby authorize the Executive Director of the Authority to take all actions necessary to implement the Fiscal Year 2022 Budget, including the payment of legal fees for Federal Communication Commission special counsel and any costs to effectuate the Transfer Act.

2. In the event the amount eventually appropriated to the Authority as set forth in the Fiscal Year 2022 Appropriations Act differs from the amount set forth in the Fiscal Year 2022 Budget, the Executive Director is directed to prepare an amended Fiscal Year 2022 Budget taking into account such differences for consideration and approval by the Members of the Authority.

3. This resolution shall take effect immediately in accordance with the Act.

Chair Muoio asked for a motion to approve the Resolution of the New Jersey Public Broadcasting Authority Approving the Fiscal Year 2022 Budget. Mr. Scudder made the motion to approve the resolution. Mr. Eakeley seconded the motion. Chair Muoio asked for a roll call vote. The motion to approve the Resolution of the New Jersey Public Broadcasting Authority Approving the Fiscal Year 2022 Budget was voted upon and approved unanimously.

10. RESOLUTION APPROVING AN AMENDED AND RESTATED 2021-2023 CAPITAL BUDGET FOR THE NEW JERSEY PUBLIC BROADCASTING AUTHORITY

**RESOLUTION APPROVING AN AMENDED AND RESTATED
2021-2023 CAPITAL BUDGET
FOR THE NEW JERSEY PUBLIC BROADCASTING AUTHORITY**

WHEREAS, the New Jersey Public Broadcasting Authority (the “Authority”) was created pursuant to the New Jersey Public Broadcasting Authority Act of 1968, L. 1968, c. 405, as amended (the “Original Act”), including by the New Jersey Public Broadcasting System Transfer Act, L. 2010, c. 104 (the “Transfer Act,” and together with the Original Act, the “Act”); and

WHEREAS, under the Programming and Services Agreement dated as of July 1, 2011 (the “Programming and Services Agreement”) by and between the New Jersey Public Broadcasting Authority (“NJPBA”) and Public Media NJ, Inc. (“PMNJ”), PMNJ has agreed to provide programming, including New Jersey-centric news, public affairs and information programming (the “Programming”), on the stations (WNJT(TV) Trenton, WNJB(TV) New Brunswick, WNJN(TV) Montclair, WNJS(TV) Camden, W35DK-D Sussex, W49BE-D Hackettstown, and W43CH-D Belvidere)(collectively, the “Stations”) in the State of New Jersey’s (the “State”) public broadcasting system; and

WHEREAS, the Authority is responsible for keeping in good working order and repair the transmission equipment and facilities, including, but not limited to, the Authority’s microwave hub site at Lawrenceville, New Jersey, transmitters and transmission lines, all necessary auxiliary facilities, and all electrical and utility services (collectively, the “Transmission Facilities”) serving the Stations in the State’s public broadcasting system; and

WHEREAS, the Authority adopted a capital budget for fiscal years 2021 through 2023 (the “2021-2023 Capital Budget”) on November 13, 2020, authorizing a total expenditure of \$2,600,000 by the Authority in fiscal years 2021 through 2023 to undertake certain capital projects; and

WHEREAS, the Authority-approved projects and the amounts budgeted need to be revised based on changes in priorities, funding, and updated costs for the Authority-approved capital projects; and

WHEREAS, the Authority will undertake certain additional capital projects as more fully described in an amended and restated 2021-2023 capital budget (the “Amended and Restated 2021-2023 Capital Budget”) attached hereto as Exhibit A; and

WHEREAS, Authority staff recommends approval of the Amended and Restated 2021-2023 Capital Budget, attached hereto as Exhibit A, authorizing a total expenditure of \$2,600,000 by the Authority on the capital projects as described in the Amended and

Restated 2021-2023 Capital Budget.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEW JERSEY PUBLIC BROADCASTING AUTHORITY AS FOLLOWS:

1. The Members of the Authority hereby approve the Amended and Restated 2021-2023 Capital Budget of the Authority, as set forth in Exhibit A attached hereto and hereby authorize the Executive Director of the Authority to take all actions necessary to implement the Amended and Restated 2021-2023 Capital Budget, subject to the availability of funds.

2. This resolution shall take effect immediately in accordance with the Act.

Chair Muoio asked for a motion to approve a Resolution Approving an Amended and Restated 2021-2023 Capital Budget for the New Jersey Public Broadcasting Authority. Mr. Eakeley made the motion to approve the resolution. Mr. Scudder seconded the motion. Chair Muoio asked for a roll call vote. The motion to approve the Resolution Approving an Amended and Restated 2021-2023 Capital Budget for the New Jersey Public Broadcasting Authority was voted upon and approved unanimously.

11. RESOLUTION OF THE NEW JERSEY PUBLIC BROADCASTING AUTHORITY APPROVING THE INDEPENDENT AUDITOR FISCAL YEAR 2021 FEE QUOTE

RESOLUTION OF THE NEW JERSEY PUBLIC BROADCASTING AUTHORITY APPROVING THE INDEPENDENT AUDITOR FISCAL YEAR 2021 FEE QUOTE

WHEREAS, the New Jersey Public Broadcasting Authority (the “Authority”) was created pursuant to the New Jersey Public Broadcasting Authority Act of 1968, L. 1968, c. 405, as amended (the “Original Act”), including by the New Jersey Public Broadcasting System Transfer Act, L. 2010, c. 104 (the “Transfer Act,” and together with the Original Act, the “Act”); and

WHEREAS, the Authority is constituted as an instrumentality of the State of New Jersey exercising public and essential governmental functions; and

WHEREAS, on October 23, 2018, upon the recommendation of the Audit Committee, the Authority approved the engagement of Mercadien, P.C. (the “Auditor”) to serve as the independent auditor to the Authority for a three-year term in connection with the annual audit of the Authority for the fiscal years ending June 30, 2018, June 30, 2019, and June 30, 2020, with two options to extend the engagement at the sole determination of the Authority for one (1) additional year each in connection with the annual audit of the Authority for the fiscal years ending June 30, 2021 and June 30, 2022 under the same terms

and conditions as set forth in the Request for Quote for Independent Audit Services issued by the Authority on May 17, 2018 (the “RFP”); and

WHEREAS, pursuant to the RFP, the Auditor submitted a response to the RFP (the “RFP Response”) providing its approved hourly rates for conducting the audit of the Authority during the term set forth in the RFP; and

WHEREAS, the Auditor has submitted its not to exceed fee quote of \$23,562 for the audit of the Authority for the fiscal year ended June 30, 2021 (“Fiscal Year 2021 Audit”) in accordance with the Auditor’s approved hourly rates in the RFP; and

WHEREAS, the Authority’s Audit Committee has reviewed the fee quote of the Auditor for the Fiscal Year 2021 Audit;

WHEREAS, the Audit Committee recommends that the Members of the Authority approve the Auditor’s fee quote for the Fiscal Year 2021 Audit; and

WHEREAS, the Members of the Authority wish to approve the fee quote of the Auditor for the Fiscal Year 2021 Audit.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEW JERSEY PUBLIC BROADCASTING AUTHORITY AS FOLLOWS:

1. The Members of the Authority hereby approve the fee quote of the Auditor of \$23,562 for the Fiscal Year 2021 Audit.
2. The Members of the Authority hereby authorize the Chair of the Audit Committee and the Executive Director to take any and all action necessary to effectuate the fee quote of the Auditor with respect to the Fiscal Year 2021 Audit including, but not limited to, execution and delivery of any documents in connection therewith.
3. This Resolution shall take effect upon adoption in accordance with the Act.

Chair Muoio asked for a motion to approve the Resolution of the New Jersey Public Broadcasting Authority Approving the Independent Auditor Fiscal Year 2021 Fee Quote. Mr. Eakeley made the motion to approve the resolution. Mr. Scudder seconded the motion. Chair Muoio asked for a roll call vote. The motion to approve the Resolution of the New Jersey Public Broadcasting Authority Approving the Independent Auditor Fiscal Year 2021 Fee Quote was voted upon and approved unanimously.

12. RESOLUTION APPROVING A TOWER ACCESS AND LICENSE AGREEMENT BETWEEN WORLD CLASS WIRELESS, LLC AND THE NEW JERSEY PUBLIC BROADCASTING AUTHORITY

RESOLUTION APPROVING A TOWER ACCESS AND LICENSE AGREEMENT BETWEEN WORLD CLASS WIRELESS, LLC AND THE NEW JERSEY PUBLIC BROADCASTING AUTHORITY

WHEREAS, the New Jersey Public Broadcasting Authority (the “Authority”) was created pursuant to the New Jersey Public Broadcasting Authority Act of 1968, L. 1968, c. 405, as amended (the “Original Act”), including by the New Jersey Public Broadcasting System Transfer Act, L. 2010, c. 104 (the “Transfer Act,” and together with the Original Act, the “Act”); and

WHEREAS, the Authority wishes to enter into a Tower Access and License Agreement (the “Agreement”) with World Class Wireless, LLC, for the purpose of providing access and a license to place wireless telecommunications equipment on the Authority’s broadcasting tower located at 42 Clove Road located in the municipality of Little Falls in the County of Passaic, State of New Jersey (the “Tower”); and

WHEREAS, the term of the Agreement will be for five (5) years with three (3) five (5) year renewal options with an initial rental fee of \$20,040.00 per year and \$1,402.80 per year for land use for location of the wireless telecommunications equipment being installed pursuant to the Agreement. Upon each anniversary of the Agreement, the License Fee shall increase three percent (3%) over the previous year’s License Fee; and

WHEREAS, World Class Wireless, LLC, is only authorized to install equipment on the Tower which has been approved by the Authority’s engineering department and is consistent with current Authority standards and policies; and

WHEREAS, the Authority wishes to approve the entry into the Agreement with World Class Wireless, LLC;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEW JERSEY PUBLIC BROADCASTING AUTHORITY AS FOLLOWS:

1. The Members of the Authority hereby approve the Agreement attached hereto as Exhibit A, in substantially the form presented to at this meeting and authorize the Executive Director to execute and deliver the Agreement, with such changes, revisions and omissions in consultation with the Office of the Attorney General.

2. The Members of the Authority hereby approve the execution and delivery of any documents necessary to effectuate and implement the Agreement, and authorize the Executive Director to take any and all action necessary to effectuate and implement the Agreement, including, but not limited to, execution and delivery of documents in connection therewith.

3. This resolution shall take effect immediately in accordance with the Act.

Chair Muoio asked for a motion to approve the Resolution Approving a Tower Access and License Agreement Between World Class Wireless, LLC and the New Jersey Public

Broadcasting Authority. Mr. Scudder made the motion to approve the resolution. Mr. Eakeley seconded the motion. Chair Muoio asked for a roll call vote. The motion to approve the Resolution Approving a Tower Access and License Agreement Between World Class Wireless, LLC and the New Jersey Public Broadcasting Authority was voted upon and approved unanimously.

13. RESOLUTION APPROVING A SECOND AMENDMENT OF A TOWER ACCESS AND LICENSE AGREEMENT BETWEEN SUBCARRIER COMMUNICATIONS AND THE NEW JERSEY PUBLIC BROADCASTING AUTHORITY

**RESOLUTION APPROVING A SECOND AMENDMENT
OF A TOWER ACCESS AND LICENSE AGREEMENT BETWEEN
SUBCARRIER COMMUNICATIONS, INC.
AND THE NEW JERSEY PUBLIC BROADCASTING AUTHORITY**

WHEREAS, the New Jersey Public Broadcasting Authority (the “Authority”) was created pursuant to the New Jersey Public Broadcasting Authority Act of 1968, L. 1968, c. 405, as amended (the “Original Act”), including by the New Jersey Public Broadcasting System Transfer Act, L. 2010, c. 104 (the “Transfer Act,” and together with the Original Act, the “Act”); and

WHEREAS, the Authority entered into a lease agreement with Subcarrier Communications, Inc. (“Subcarrier”) dated as of October 7, 2008 (the “Original Agreement”), for the purpose of installing radio frequency equipment at the Authority’s broadcasting tower located at 42 Clove Road, located in the municipality of Little Falls in the County of Passaic, State of New Jersey (the “WNJN Tower”); and

WHEREAS, the Authority entered into a First Amendment to Tower Access and License Agreement dated as of October 29, 2018 (the “First Amendment,” and together with the Original Agreement, the “Agreement”) whereby the Authority agreed to alter the make-up of and location of Subcarrier’s radio frequency equipment on the WNJN Tower; and

WHEREAS, the Licensee desires to add equipment to the Agreement as specified in the Second Amendment to Tower Access and License Agreement to be entered into between the Authority and Subcarrier (the “Second Amendment”) attached hereto as Exhibit A; and

WHEREAS, Subcarrier is authorized to install such electrical equipment as approved by the Authority’s engineering department and consistent with current standards, codes, and policies; and

WHEREAS, the Authority wishes to approve the Second Amendment.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEW JERSEY PUBLIC BROADCASTING AUTHORITY AS FOLLOWS:

1. The Members of the Authority hereby approve the Second Amendment attached hereto as Exhibit A, in substantially the form presented to at this meeting and authorize the Executive Director to execute and deliver the Second Amendment, with such changes, revisions and omissions in consultation with the Office of the Attorney General.

2. The Members of the Authority hereby approve the execution and delivery of any documents necessary to effectuate and implement the Second Amendment, and authorize the Executive Director to take any and all action necessary to effectuate and implement the Second Amendment, including, but not limited to, execution and delivery of documents in connection therewith.

3. This resolution shall take effect immediately in accordance with the Act.

Chair Muoio asked for a motion to approve the Resolution Approving a Second Amendment of a Tower Access and License Agreement Between Subcarrier Communications and the New Jersey Public Broadcasting Authority. Mr. Eakeley made the motion to approve the resolution. Mr. Scudder seconded the motion. Chair Muoio asked for a roll call vote. The motion to approve the Resolution Approving a Second Amendment of a Tower Access and License Agreement Between Subcarrier Communications and the New Jersey Public Broadcasting Authority was voted upon and approved unanimously.

14. RESOLUTION OF THE NEW JERSEY PUBLIC BROADCASTING AUTHORITY REGARDING THE APPROVAL TO ENTER INTO EXECUTIVE SESSION TO DISCUSS CONTRACTUAL MATTERS AND RECEIVE LEGAL ADVICE RELATING TO THE EDUCATIONAL BROADBAND SERVICE SPECTRUM LICENSES

RESOLUTION OF THE NEW JERSEY PUBLIC BROADCASTING AUTHORITY REGARDING THE APPROVAL TO ENTER INTO EXECUTIVE SESSION TO DISCUSS CONTRACTUAL MATTERS AND RECEIVE LEGAL ADVICE RELATING TO THE EDUCATIONAL BROADBAND SERVICE SPECTRUM LICENSES

WHEREAS, the New Jersey Public Broadcasting Authority (the “Authority”) was created pursuant to the New Jersey Public Broadcasting Authority Act of 1968, L. 1968, c. 405, as amended (the “Original Act”), including by the New Jersey Public Broadcasting System Transfer Act, L. 2010, c. 104 (the “Transfer Act,” and together with the Original Act, the “Act”); and

WHEREAS, pursuant to the Open Public Meetings Act, P.L. 1975, c. 231, as amended, N.J.S.A. 10:4-6 et seq. (the “OPMA”), members of the public are permitted to be excluded from a meeting of the Authority to discuss certain matters as set forth in

Section 7 of the OPMA (N.J.S.A. 10:4-12) in an executive session; and

WHEREAS, the Members of the Authority wish to enter into executive session to discuss contractual matters and receive legal advice relating to its Educational Broadband Spectrum licenses and is authorized to discuss such matter in executive session under Section 7(b)(7) of the OPMA (N.J.S.A. 10:4-12(b)(7)); and

WHEREAS, in order to enter executive session, the Authority is required to adopt a resolution in compliance with the requirements of the provisions of Section 8 of the OPMA (N.J.S.A. 10:4-13); and

WHEREAS, the minutes of the executive session shall be released to the public after the need for confidentiality no longer exists.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEW JERSEY PUBLIC BROADCASTING AUTHORITY AS FOLLOWS:

1. The Members of the Authority hereby authorize the entry into executive session pursuant to the provisions of Section 7(b)(7) of the OPMA (N.J.S.A. 10:4-12(b)(7)) and Section 8 of the OPMA (N.J.S.A. 10:4-13) to discuss contractual matters and receive legal advice relating to its Educational Broadband Spectrum licenses.

2. The minutes of the executive session shall be released to the public after the need for confidentiality no longer exists.

3. This resolution shall take effect immediately in accordance with the Act.

Chair Muoio asked for a motion to approve the Resolution of the New Jersey Public Broadcasting Authority Regarding the Approval to Enter into Executive Session to Discuss Contractual Matters and Receive Legal Advice Relating to the Educational Broadband Service Spectrum Licenses. Mr. Scudder made the motion to approve the resolution. Mr. Eakeley seconded the motion. Chair Muoio asked for a roll call vote. The motion to approve the Resolution of the New Jersey Public Broadcasting Authority Regarding the Approval to Enter into Executive Session to Discuss Contractual Matters and Receive Legal Advice Relating to the Educational Broadband Service Spectrum Licenses was voted upon and approved unanimously. The Members entered into executive session at 9:21 a.m..

The Members re-entered public session at 9:36 a.m.

15. OTHER BUSINESS (*if any*)

Chair Muoio asked if there was any other business to discuss. No further discussion occurred.

16. PUBLIC COMMENTS

Chair Muoio asked if any members of the public wanted to make a comment. No members of the public spoke before the Board.

17. ADJOURNMENT

Chair Muoio thanked everyone for their participation and asked for a motion to adjourn the meeting. Mr. Scudder made a motion to adjourn the meeting. Mr. Eakeley seconded the motion. Chair Muoio asked for a voice vote. The motion was voted upon and approved unanimously. The meeting was adjourned at 9:37 a.m.