

**KENNETH A. PORRO, ESQ. (Attorney ID 003351988)  
CHASAN LAMPARELLO MALLON & CAPPUZZO, PC  
300 LIGHTING WAY  
SECAUCUS, NJ 07094-3621  
201-348-6000  
Attorneys for Plaintiff, Town of Secaucus  
CLMC File No. 11856-0087**

**TOWN OF SECAUCUS, a municipal  
governmental entity,**

**Plaintiff,**

**v.**

**NEW JERSEY SPORTS &  
EXPOSITION AUTHORITY (“NJSEA”)  
Formerly NEW JERSEY  
MEADOWLANDS COMMISSION  
 (“NJMC”); Formerly HACKENSACK  
MEADOWLANDS DEVELOPMENT  
COMMISSION (“HMDC”); ABC  
CORP., I, II, III; and JOHN DOE I, II, III,**

**Defendants.**

**SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: HUDSON COUNTY**

**DOCKET NO.**

***Civil Action***

**COMPLAINT**

The Town of Secaucus, a Hudson County municipal entity and organized governmental public body under the laws of the State of New Jersey, with offices located at 1203 Paterson Plank Road, Secaucus, New Jersey 07094, by way of Complaint says:

**PARTIES**

1. The Town of Secaucus hereinafter “Plaintiff” or “Secaucus” is a municipal entity organized under the laws of the State of New Jersey, with offices located at 1203 Paterson Plank Road, Secaucus, New Jersey 07094, Hudson County.

2. The New Jersey Sports & Exposition Authority (“NJSEA”); Formerly New Jersey Meadowlands Commission; Formerly Hackensack Meadowlands Development Commission is a State of New Jersey entity initially created in 1969, as found in N.J.S.A. 13:17-1 et al.

3. ABC CORP. I, II, III reflects possible private or public corporate entities defendant(s), not yet known.

4. JOHN DOE I, II, III reflects possible individual Defendant(s), not yet known.

#### **PROCEDURAL HISTORY**

5. Secaucus is located within the regional land mass known as the Hackensack Meadowlands.

6. Approximately 88% of the Town of Secaucus falls under the land use jurisdiction of the Defendant, which is more than any other municipality in the NJSEA district.

7. In 2015, the Legislature of New Jersey (Two Hundred Sixteenth Legislature, Second Annual Session) made the following re-affirming findings and declarations:

- a. The New Jersey Meadowlands Commission is currently the zoning and planning agency for a 30.4 square-mile area covering parts of fourteen (14) municipalities in Bergen and Hudson Counties. The New Jersey Meadowlands Commission, originally created in 1969, was charged with the development and redevelopment of the Hackensack Meadowlands in an orderly and comprehensive fashion, with special consideration to the

ecological and environmental challenges facing the Hackensack Meadowlands.

- b. During the past 45 years, the New Jersey Meadowlands Commission has provided for orderly comprehensive development, solid waste management, and environmental protection within the Hackensack Meadowlands, as well as guided the investment of tens of millions of dollars in development, municipal services, and significant infrastructure projects among other things.
- c. There are several vital components necessary for the continuation and expansion of the comprehensive plan for the economic growth development of the Hackensack Meadowlands. Among them are infrastructure improvements, transportation, tourism, the completion of the development of the sport complex site, the delivery of municipal services, flood control, and the continuance of the Intermunicipal Tax Sharing Program, which is the fiscal underpinning of the district's master plan.
- d. The New Jersey Sports and Exposition Authority has promoted the holding of athletic contests, horse racing, and other spectator sporting events, trade shows, and other expositions in the State.
- e. The 750 acres of the New Jersey Sport and Exposition Authority complex in the Hackensack Meadowlands is a significant economic stimulant to the development of the Meadowlands.

- f. The New Jersey Sports and Exposition Authority's ability to plan, construct, and maintain its holdings in the sports complex has been an extraordinary feat, making it a premier sporting facility.
  - g. The New Jersey Sport and Exposition Authority is also appropriate and necessary to recognize the consistent impact the Hackensack Meadowlands has on tourist related activities and development, including retail, sports, and entertainment venues constructed at New Jersey Sports and Exposition Authority properties with support from private investment.
  - h. In order to more effectively address the modern needs of the Hackensack Meadowlands, the New Jersey Legislature in 2015 merged the two agencies: New Jersey Meadowlands Commission ("NJMC") and the New Jersey Sports and Exposition Authority ("NJSEA") with the common interest of promoting the economic growth of the Meadowlands and northern New Jersey.
8. The Hackensack Meadowlands region prides itself as a fine example of cooperative local, county, state, federal and regional land use management.
9. The "American Dream" project is one of the Defendant's most recent approved projects.
10. The Defendant, NJSEA is therefore the Defendant responsible for the oversight, regulating and implementing the pleaded causes of action at hand.

**FACTS COMMON TO ALL COUNTS**

11. One of the regional statutory mandates is found within the Hackensack Meadowlands, Transportation Planning District Act (hereinafter "TPD Act").

12. The TPD Act allows for the assessment of fees on approved future development to ensure that adequate transportation infrastructure is put into place to accommodate the vehicular and pedestrian traffic caused by that future development.

13. Based upon information and belief, the Transportation Planning District Fund has been in existence since 2008 and more than \$16 million has been collected by Defendant to fund various Meadowlands multi-modal transportation improvement projects.

14. In accordance with the TPD Act found at N.J.S.A. 5:10A-74(k); "At least 30% of any development fees collected in accordance with this section shall be used for transportation related projects within the municipality where the development, for which a particular fee was collected, is located."

15. These TPD Act payment requirements are implemented, tracked, monitored and maintained by Defendant.

16. Secaucus has demanded its TPD Act 30% statutory Development fee collected for Secaucus situs projects from Defendant to no avail.

17. From the inception of the TPD Act, Defendant has not sought the approval of or consulted with Secaucus as to the allocation of Secaucus' share of the TPD funds and has, by and large, unilaterally determined how the TPD funds are allocated.

18. NJSEA has unilaterally claimed an offset or accounting deductions as against Secaucus' TPD Act 30% funds collected.

19. NJSEA actions are arbitrary and capricious.

20. There is no basis in law or fact to permit the NJSEA to offset or deduct from Secaucus' TPD 30% statutory development fee.

## COUNT I

### DECLARATORY JUDGMENT

21. Plaintiff seeks Declaratory Judgment relief pursuant to N.J.S.A. 2A:16-50 to 62 as it pertains to Defendant, NJSEA's improper oversight of Secaucus' N.J.S.A. 5:10A-74(k)'s thirty (30%) percent development fee payment.

22. Defendant's unilateral interpretation, improper accounting deductions and cost offsets as related to Plaintiff's N.J.S.A. 5:10A-74(k)'s 30% development fee entitlement is an abuse of discretion and is arbitrary and capricious.

23. Plaintiff seeks to settle and afford itself relief from Defendant's uncertainty and insecurity with respect to its rights, status and other legal relations at hand.

24. Plaintiff further seeks determination as to its rights, status or other legal relations affected by N.J.S.A. 5:10A-74(k).

25. Defendant's unilateral and improper interpretation with related accounting of Plaintiff's 30% developer fee entitlement under N.J.S.A. 5:10A-74(k) has and continues to cause Plaintiff damages.

**WHEREFORE**, Plaintiff demands the following:

1. Compensatory damages;
2. Statutory damages;
3. TPD accounting with verified audit certification;
4. Immediate turnover of the Plaintiff's vested 30% TPD Act funds,  
and;
5. Any other relief the Court deems just and proper.

**COUNT II**

**WRIT OF MANDAMUS**

26. Plaintiff seeks to task Defendant to compel its specific ministerial duties under N.J.S.A. 5:10A-74(k).

27. Defendant's non-performance of its mandated ministerial statutory obligations is causing Plaintiff damages.

**WHEREFORE**, Plaintiff demands the following:

1. Compensatory damages;
2. Statutory damages;
3. TPD accounting with verified audit certification;
4. Immediate turnover of the Plaintiff's vested 30% TPD Act funds,  
and;
5. Any other relief the Court deems just and proper.

**COUNT III**

**BREACH OF STATUTORY EXPRESS LANGUAGE OBLIGATION(S)**

28. The TPD Act specifically states that 30% of the developer assessed transportation fee shall inure to the benefit of the municipality where the development is located.

29. The NJSEA has breached the express language of the TPA Act mandate.

30. The breach has caused Plaintiff damages.

**WHEREFORE**, Plaintiff demands the following:

1. Compensatory damages;
2. Statutory damages;

3. TPD accounting with verified audit certification;
4. Immediate turnover of the Plaintiff's vested 30% TPD Act funds, and;
5. Any other relief the Court deems just and proper.

**COUNT IV**

**BREACH OF STATUTORY DUTY (FIDUCIARY OVERSIGHT)**

31. The NJSEA has a duty to follow the N.J.S.A. 5:10A-74(k) mandates and directions.

32. The NJSEA has breached its governmental fiduciary duty to collect, protect and distribute the NJSEA statutory fiduciary funds.

33. NJSEA's breach of its fiduciary duties has caused plaintiff damages.

**WHEREFORE**, Plaintiff demands the following:

1. Compensatory damages;
2. Statutory damages;
3. TPD accounting with verified audit certification;
4. Immediate turnover of the Plaintiff's vested 30% TPD Act funds, and;
5. Any other relief the Court deems just and proper.

**JURY DEMAND R. 4:35-1**

Plaintiff, Town of Secaucus, hereby demands a trial by jury on all issues so triable.



**DESIGNATION OF TRIAL COUNSEL**

Pursuant to R. 4:25-4, Kenneth A. Porro, Esq. is designated as trial counsel in the within action.

Respectfully Submitted:

CHASAN LAMPARELLO MALLON & CAPPUZZO, PC  
Attorneys for Plaintiff Town of Secaucus

**s/KENNETH A. PORRO, ESQ.**

By: \_\_\_\_\_  
Kenneth A. Porro, Esq.

Dated: September 27, 2021

**CERTIFICATION PURSUANT TO R. 4:5-1(b)(2)**

1. This matter in controversy is not the subject of any other action pending in any court or of a pending arbitration proceeding, and no other action or arbitration proceeding is contemplated.

2. Further, no other party is presently known to plaintiffs who should be joined in this action, except as pleaded herein as ABC Corp. I, II, III and John Doe I, II, III.

3. I certify that the foregoing statements made by me are true to the best of my knowledge. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Respectfully submitted:  
CHASAN LAMPARELLO MALLON & CAPPUZZO, PC  
Attorneys for Plaintiff Town of Secaucus

**s/KENNETH A. PORRO, ESQ.**

By: \_\_\_\_\_  
Kenneth A. Porro, Esq.

**CERTIFICATION PURSUANT TO R. 4:5-1(b)(3)**

I certify to the best of my knowledge that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with R. 1:38-7(b).

Respectfully Submitted:  
CHASAN LAMPARELLO MALLON & CAPPUZZO, PC  
Attorneys for Plaintiff Town of Secaucus

**s/KENNETH A. PORRO, ESQ.**

By: \_\_\_\_\_  
Kenneth A. Porro, Esq.

Dated: September 27, 2021

# Civil Case Information Statement

## Case Details: HUDSON | Civil Part Docket# L-003775-21

**Case Caption:** TOWN OF SECAUCUS VS NJSEA

**Case Initiation Date:** 09/27/2021

**Attorney Name:** KENNETH A PORRO

**Firm Name:** CHASAN LAMPARELLO MALLON & CAPPUZZO, PC

**Address:** 300 LIGHTING WAY STE 200

SECAUCUS NJ 07094

**Phone:** 2013486000

**Name of Party:** PLAINTIFF : Town of Secaucus

**Name of Defendant's Primary Insurance Company**  
(if known): Unknown

**Case Type:** CONTRACT/COMMERCIAL TRANSACTION

**Document Type:** Complaint with Jury Demand

**Jury Demand:** YES - 6 JURORS

**Is this a professional malpractice case?** NO

**Related cases pending:** NO

**If yes, list docket numbers:**

**Do you anticipate adding any parties (arising out of same transaction or occurrence)?** NO

**Are sexual abuse claims alleged by: Town of Secaucus?** NO

## THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

**Do parties have a current, past, or recurrent relationship?** YES

**If yes, is that relationship:** Other(explain) Governmental Agencies

**Does the statute governing this case provide for payment of fees by the losing party?** NO

**Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:**

None

**Do you or your client need any disability accommodations?** NO

**If yes, please identify the requested accommodation:**

**Will an interpreter be needed?** NO

**If yes, for what language:**

**Please check off each applicable category: Putative Class Action?** NO **Title 59?** NO **Consumer Fraud?** NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule* 1:38-7(b)

09/27/2021

Dated

/s/ KENNETH A PORRO

Signed