

THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY

**COMMITTEE ON OPERATIONS
MINUTES**

Thursday, October 18, 2012

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Hudson-Raritan Estuary Resources Program – Amendment of Memorandum of Agreement with Essex County, New Jersey for the Acquisition of Land for the Riverbank Park Extension in Newark, New Jersey	3

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**MINUTES OF
COMMITTEE ON OPERATIONS**

225 Park Avenue South

New York, NY

Thursday, October 18, 2012

PRESENT:

Hon. David Samson, Chair
Hon. Scott H. Rechler, Vice-Chair
Hon. James P. Rubin
Hon. Anthony J. Sartor
Committee Members

Hon. Rossana Rosado
Commissioner

Patrick J. Foye, Executive Director
William Baroni, Jr., Deputy Executive Director
Karen E. Eastman, Secretary

Susan M. Baer, Director, Aviation
Rosemary Chiricolo, Deputy Director, Management and Budget
Steven J. Coleman, Deputy Director, Media Relations
Stephanie E. Dawson, Acting Chief Operating Officer
Phillip Kwon, First Deputy General Counsel
Diana Lopez, Senior Advisor, Port Commerce
Lisa MacSpadden, Director, Media Relations
Michael G. Massiah, Director, Management and Budget
Carlene V. McIntyre, Assistant General Counsel
Edward S. Nathan, Assistant Director of Planning and Project Development, Real Estate and
Development
Patrick O'Reilly, Senior Advisor to the Chairman
Jared Pilosio, Staff External Relations Representative, Government and Community Affairs
Brian W. Simon, Director, Government and Community Affairs, New York
I. Midori Valdivia, Principal Financial Analyst, Executive Director's Office
Lillian D. Valenti, Director, Procurement
Sheree Van Duyn, Manager, Policies and Protocol, Office of the Secretary
David M. Wildstein, Director, Interagency Capital Projects, Office of the Deputy Executive
Director

Guest:

Regina Egea, Director, Authorities Unit, Office of the Governor of New Jersey

The Committee meeting was called to order in public session by Chairman Samson at 9:23 a.m. and ended at 10:04 a.m.

Action on Minutes

The Secretary reported that the Minutes of the meeting of April 26, 2012 had been signed and distributed to the Commissioners.

Whereupon, the Committee approved the Minutes of the meeting of April 26, 2012.

HUDSON-RARITAN ESTUARY RESOURCES PROGRAM – AMENDMENT OF MEMORANDUM OF AGREEMENT WITH ESSEX COUNTY, NEW JERSEY FOR THE ACQUISITION OF LAND FOR THE RIVERBANK PARK EXTENSION IN NEWARK, NEW JERSEY

It was recommended that the Committee on Operations (Committee) authorize the Executive Director to enter into an amendment of the existing Memorandum of Agreement (MOA) with Essex County, New Jersey (the County), as amended previously, in order to increase by \$1.3 million the maximum amount that the Port Authority is to provide to the County to fund the County's cost to acquire, through condemnation, three properties totaling approximately 12.25 acres of real property located to the north of the intersection of Raymond Boulevard and Brill Street and south of the Passaic River in Newark, New Jersey (Property), for inclusion in the Hudson-Raritan Estuary Resources Program (Program).

At its meeting of July 23, 2009, the Committee authorized the Executive Director to enter into the MOA with the County, pursuant to which the Port Authority would provide the County with an amount not to exceed \$7 million toward the cost of the County's acquisition of the Property. Subsequently, the County initiated proceedings in the Superior Court of New Jersey to acquire the Property via condemnation. In connection with those condemnation proceedings, it was necessary for the County to submit an updated appraisal for each of the three parcels comprising the Property, which appraisal valued the Property at \$7.66 million, as of October 30, 2009. Therefore, at its meeting of May 18, 2010, the Committee authorized the Executive Director to enter into an amendment of the MOA pursuant to which the maximum amount that the Port Authority would provide the County toward the cost of acquiring the Property was increased from \$7 million to \$7.66 million.

Subsequently, the court overseeing the condemnation proceedings awarded the owners of the Property a total of \$8.96 million for the County's acquisition of the Property. The County has requested that the Port Authority provide an additional \$1.3 million toward the cost of acquiring the Property, to offset the difference between the \$7.66 million authorized by the Committee in May 2010 and the \$8.96 million awarded by the Court.

The other material terms of the MOA would remain the same.

Pursuant to the foregoing report, the Committee adopted the following resolution, with Commissioners Rechler, Rubin and Samson voting in favor; Commissioner Sartor recused and did not participate in the consideration of, or vote on, this item. General Counsel confirmed that sufficient affirmative votes were cast for the action to be taken, a quorum of the Committee being present.

RESOLVED, that the Executive Director be and he hereby is authorized, for and on behalf of the Port Authority, to enter into an amendment of the existing Memorandum of Agreement with Essex County, New Jersey (County), as amended previously, pursuant to which the maximum amount that the Port Authority will provide the County will increase, from \$7.66 million to \$8.96 million, representing the cost for the County to acquire, through condemnation, three properties totaling approximately 12.25 acres of real property located to the north of the intersection of Raymond Boulevard and Brill Street and south of the Passaic River in Newark, New

Jersey for inclusion in the Port Authority's Hudson-Raritan Estuary Resources Program; and it is further

RESOLVED, that the form of the foregoing amendment shall be subject to the approval of General Counsel or his authorized representative.

Whereupon, the meeting was adjourned.

Secretary