

Duffy, Daniel

From: rebuild@twintowersalliance.com
Sent: Thursday, April 14, 2011 3:57 PM
To: Van Duyne, Sheree
Cc: Torres Rojas, Genara; Duffy, Daniel
Subject: Freedom of Information Online Request Form

Information:

First Name: Margaret
Last Name: Donovan
Company: The Twin Towers Alliance
Mailing Address 1: 186 Pinehurst Avenue
Mailing Address 2: 6E
City: New York
State: NY
Zip Code: 10033
Email Address: rebuild@twintowersalliance.com
Phone: 212-568-0207
Required copies of the records: Yes

List of specific record(s):

We request the minutes of the executive session that presumably took place prior to the October 2, 2008, Board Meeting. Since the archived minutes do not include Board Meeting transcripts, we do not know for sure that the Commissioners met in executive session before the October 2, 2008 public session, but it is safe to assume that they did. We therefore request the minutes of that session on the grounds that while executive sessions MAY deal with matters that were legitimately withheld from public scrutiny when the meeting took place, once the narrow criteria expire, so does the executive privilege, putting the past proceedings properly in the public domain.

THE PORT AUTHORITY OF NY & NJ

*Daniel D. Duffy
FOI Administrator*

April 28, 2011

Ms. Margaret Donovan
The Twin Towers Alliance
186 Pinehurst Avenue 6E
New York, NY 10033

Re: Freedom of Information Reference No. 12280.

Dear Ms. Donovan:

This is a response to your March 14, 2011 request, which has been processed under the Port Authority's Freedom of Information Policy (the "Policy," copy enclosed) for copies of minutes from the October 2, 2008 Executive Session of the Board.

Material responsive to your request and available under the Policy, which consists of 3 pages, is enclosed, for a 75¢ photocopying charge for this material (25¢ per page). Payment should be made in cash, certified check or money order payable to "The Port Authority of New York & New Jersey" and should be sent to my attention at 225 Park Avenue South, 17th Floor, New York, NY 10003.

Please refer to the above FOI Reference number in any future correspondence relating to your request.

Sincerely,



Daniel D. Duffy
FOI Administrator

Enclosure

NEW JERSEY MARINE TERMINALS – ACQUISITION OF CERTAIN PROPERTY IN BAYONNE, NEW JERSEY FOR MARINE TERMINAL PURPOSES AND PURPOSES INCIDENTAL THERETO

It was recommended that the Board provide for the Port Authority to acquire, to the extent of its statutory authority, through negotiation, purchase or condemnation, fee simple absolute title to property interests in certain lands, and associated rights and interests, adjacent to Lot 1, Block 400, Bayonne, New Jersey (the acquisition of which the Board authorized at its meeting of December 18, 2007), identified in a Redevelopment Agreement, dated March 24, 2008, by and between the Bayonne Local Redevelopment Authority (BLRA) and Capital Growth Realty Holdings, LLC and Pulaski Street Real Estate, LLC (the owner of Lot 1), as the BLRA Parcel, the Pulaski Parcel and Access Road, for marine terminal purposes and purposes incidental thereto.

At its meeting of December 18, 2007, the Board authorized the acquisition, to the extent of the Port Authority's statutory authority, of the real property generally shown and identified on the Tax Map of the City of Bayonne, County of Hudson, State of New Jersey, dated August 2003, as Block 400, Lots 1, 2 and 3, for statutorily authorized marine terminal purposes and purposes incidental thereto. Subsequently, the owner of Lot 1, Pulaski Street Real Estate, LLC, and a related company, Capital Growth Realty Holdings, LLC (the Project Developer), entered into a Redevelopment Agreement, dated March 24, 2008, with the BLRA. The Redevelopment Agreement contains, as an exhibit, a letter dated January 25, 2008 from the Port Authority to the owner of Lot 1, advising that the Port Authority has been authorized to acquire Lot 1.

In the Redevelopment Agreement, among other provisions, the BLRA agreed to convey to the Project Developer title to a certain BLRA Parcel consisting of approximately 11.4 acres adjacent to, and to the south of, Lot 1, shown as Proposed Lot 2, Block 1190, on a map entitled *Preliminary/Final Minor Subdivision Plan The Peninsula At Bayonne Harbor Lot 1 Block 1190 Situated In The City of Bayonne, Hudson County, New Jersey*, along with access easement rights to a certain Pulaski Parcel, adjacent to Lot 1 (sometimes also referred to as the Pulaski Street Access Parcel), now owned by the BLRA, and to an Access Road which the BLRA is planning to construct on BLRA lands adjacent to the BLRA Parcel. The Redevelopment Agreement, subject to the Project Developer's obtaining certain approvals, and on various conditions, provided a closing on the BLRA Parcel occurred, would enable the Project Developer to develop a truck terminal project which would include Lot 1, the BLRA Parcel and rights of access over the Pulaski Parcel and the Access Road.

The Port Authority can utilize the 11.4-acre BLRA Parcel, together with Lot 1, Block 400, for marine terminal purposes and purposes incidental thereto. Certain use restrictions and other conditions imposed by the BLRA would run with the land, binding successor owners of the property, and would require the BLRA's consent to eliminate, if necessary. Also, the New Jersey Department of Environmental Protection (NJDEP) Waterfront Development Permit obtained by the BLRA for work on the BLRA Parcel, the Pulaski Parcel and the Access Road authorizes, among other matters, a tractor-trailer marshalling yard with parking for 215 tractor-trailers. An alternate use by the Port Authority may require NJDEP approval of a permit modification. All applicable environmental permits or permit amendments will be obtained for development of the real estate to be acquired.

Together with other Port Authority marine terminal initiatives in Newark, Elizabeth, Bayonne, and Jersey City, the development of the Bayonne/Jersey City waterfront for marine terminal purposes and purposes incidental thereto will be for purposes authorized by bi-state legislation applicable to the Port Authority.

This action shall not be made available for public inspection until such time as it becomes a matter of public record, in connection with the property acquisition process.

Pursuant to the foregoing report, the following resolution was adopted in executive session with Commissioners Bauer, Blakeman, Chasanoff, Hochberg, Holmes, Pocino, Silverman and Steiner voting in favor; none against; Commissioners Coscia and Sartor recused:

RESOLVED, that it is hereby found and determined that it is necessary for public use for marine terminal purposes and purposes incidental thereto for the Port Authority to acquire, to the extent of the Port Authority's statutory authority: (1) fee simple absolute title to certain real property, namely, a parcel (the BLRA Parcel) containing approximately 11.4 acres, generally shown and designated as Proposed Lot 2, Block 1190 on a map entitled *Preliminary/Final Minor Subdivision Plan The Peninsula At Bayonne Harbor Lot 1 Block 1190 Situated In The City of Bayonne, Hudson County, New Jersey*, prepared by LGA Engineering Inc., dated February 15, 2008, as such may be amended, and filed or about to be filed in the Hudson County Clerk's Office; (2) fee simple absolute title to, or a lesser interest in, a certain Pulaski Street Access Parcel, also known as the Pulaski Parcel, containing approximately 0.884 acres, shown and described in a Declaration of Taking signed on February 1, 2008 and filed in a Civil Action in Condemnation in the Superior Court of New Jersey, Law Division: Hudson County, Docket No. L 623-08; and (3) fee simple absolute title to, or a lesser interest in, a certain parcel identified as the Access Road, providing access between the parcel identified in (1), above, and Pulaski Street, in a certain Easement Agreement and Deed of Easement for Temporary and Permanent Access Easements between the Bayonne Local Redevelopment Authority (BLRA), Grantor, and Capital Growth Realty Holdings, LLC and Pulaski Street Real Estate, LLC, Grantees, signed March 25, 2008, on behalf of the BLRA, and, with respect to items (1), (2) and (3), above, associated rights and interests by way of agreements or otherwise; the property corner coordinates, the areas and the bearings and distances of which are subject to verification and correction by a survey prepared by a licensed Professional Land Surveyor; and it is further

RESOLVED, that the Executive Director and/or General Counsel, either one acting individually, be and they each hereby are authorized, for and on behalf of the Port Authority, to acquire, to the extent of the Port Authority's statutory authority, fee simple absolute title to, or a lesser interest in, such real property which the Port Authority has hereby determined that it is necessary to acquire, by negotiation or purchase, or by condemnation pursuant to applicable law; to incur all related costs and expenses and execute all related documents, including, without limitation, conveyances relating to the transfer of property interests to or from the Port Authority, and agreements with the City of Bayonne and the BLRA and other public and private entities, involving, among other matters, payments in lieu of taxes, maintenance and jurisdiction, use and occupancy, utilities and utility relocation, environmental studies, appraisals, surveys, title searches and title insurance, including

agreements with consultants, as may be necessary to effectuate the foregoing; and to obtain environmental permits and approvals; and it is further

RESOLVED, that the form of all contracts, agreements, documents and pleadings in connection with the foregoing shall be subject to the approval of General Counsel or his authorized representative.