THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY

COMMITTEE ON OPERATIONS
MINUTES
Thursday, July 23, 2009

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

THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY

MINUTES OF
COMMITTEE ON OPERATIONS
225 Park Avenue South
New York, NY
Thursday, July 23, 2009

PRESENT:

Hon. Anthony R. Coscia, Chair
Hon. Henry R. Silverman, Vice-Chair
Hon. Virginia S. Bauer
Hon. H. Sidney Holmes, III
Hon. David S. Steiner
Committee Members

Christopher O. Ward, Executive Director
Susan Bass Levin, Deputy Executive Director
Karen E. Eastman, Secretary

Steven A. Borrelli, General Manager, Port Property and Finance, Port Commerce
Steven J. Coleman, Assistant Director, Media Relations, Public Affairs
William R. DeCota, Director, Aviation
Francis A. DiMola, Director, Real Estate Services
Michael G. Fabiano, Deputy Chief Financial Officer/Comptroller
Michael B. Francois, Chief, Real Estate & Development
Richard Friedman, Senior Advisor to the Executive Director
Christopher M. Hartwyk, First Deputy General Counsel
Mark D. Hoffer, Special Advisor to the Executive Director
Richard M. Larrabee, Director, Port Commerce
Francis J. Lombardi, Chief Engineer
James E. McCoy, Manager, Board Management Support, Office of the Secretary
Desiree Ramos, Principal External Affairs Representative, Government & Community Affairs
Howard Sackel, Director, ARC
Stephen H. Sigmund, Chief, Public and Government Affairs
Sheree Van Duyne, Manager, Policies and Protocol, Office of the Secretary

Guest:
Sonia Frontera, Authorities Unit, Office of the Governor of New Jersey

The Committee meeting was called to order in public session by Commissioner Coscia at 10:17 a.m. and ended at 10:25 a.m. The Committee also met in executive session following the public session. Commissioner Bauer was present for a portion of the meeting.

Action on Minutes

The Secretary reported that the Minutes of the meeting of April 30, 2009 had been signed and distributed to the Commissioners.

Whereupon, the Committee approved the Minutes of the meeting of April 30, 2009.

HUDSON-RARITAN ESTUARY RESOURCES PROGRAM – 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 a Memorandum of Agreement (MOA) with Essex County, New Jersey (the County) pursuant to which the Port Authority would provide an amount not to exceed $7 million to the County to fund a portion of the County's cost to acquire, through good faith negotiations or 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). Funding by the Port Authority would be subject to the grant of a perpetual encumbrance with respect to the Property for the benefit of the Port Authority, created in a manner satisfactory to the Port Authority.

On July 26, 2001, the Board authorized the Executive Director and/or General Counsel, either one acting individually, to acquire, for and on behalf of the Port Authority, one or more sites in New York and New Jersey in the Port District areas of the Hudson-Raritan Estuary that may be identified by Port Authority staff as suitable for conservation, ecological enhancement, public access or environmental mitigation in support of Port Redevelopment, Economic Development and other Port Authority Capital Programs, in each case, with the final details of the acquisition to be presented to the Committee for approval prior to the acquisition. At the November 21, 2002 meeting of the Board, the Program was certified as a Port Authority facility.

The Property has been identified as suitable for conservation acquisition and public access. Acquisition of this site would advance the goals of the Program and the Port Authority's Capital Investment Plan Sustainability goal of protecting 50 acres of land per year from development. The acquired property would be included in the Program facility.

The MOA with the County would provide for the Port Authority to partially fund the County's acquisition of the Property, through good faith negotiations or condemnation, in an amount not to exceed $7 million, with any additional acquisition cost to be provided by the County and other sources. Under the MOA, the County would acquire fee title to, and would be the record owner of, the Property. As a condition of funding by the Port Authority, the deed conveying the Property to the County would be subject to a perpetual encumbrance for the benefit of the Port Authority in a manner satisfactory to the Port Authority, either through a conservation easement or through restrictive use covenants for the benefit of the Port Authority. The County intends to develop the site for public recreation and waterfront access, to be known as "Riverbank Park Extension." The Port Authority would have no obligation to provide any funds for environmental cleanup, should any be required.

Pursuant to the foregoing report, the following resolution was adopted by the Committee with Commissioners Coscia, Holmes, Silverman and Steiner voting in favor; none against:

RESOLVED, that the Executive Director be and he hereby is authorized, for and on behalf of the Port Authority, to enter into a Memorandum of Agreement with Essex County, New Jersey (County) pursuant to which the Port Authority will provide the County with an amount not to exceed $7 million, representing a portion of the cost for the County to acquire, through good faith negotiations or 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 such other related agreements as may be necessary in connection therewith, substantially in accordance with the terms and conditions outlined to the Committee; and it is further

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

Whereupon, the meeting was adjourned.

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Secretary