

THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY

MINUTES

Thursday, April 26, 2018

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**MINUTES of the Meeting of The Port Authority of New York and New Jersey held Thursday,
April 26, 2018 at 150 Greenwich Street, City, County and State of New York**

PRESENT:

NEW JERSEY

Hon. Kevin J. O'Toole, Chairman
Hon. Richard H. Bagger
Hon. Kevin P. McCabe
Hon. Raymond M. Pocino
Hon. David S. Steiner

NEW YORK

Hon. Jeffrey H. Lynford, Vice Chairman
Hon. Leecia R. Eve
Hon. Daniel J. Horwitz
Hon. Gary LaBarbera
Hon. George T. McDonald
Hon. Rossana Rosado

Richard Cotton, Executive Director
Michael E. Farbiarz, General Counsel
Karen E. Eastman, Secretary

Sima Abrams, Esq., Law
James K. Allen Jr., Chief of Staff to the Vice Chairman
Gail C. Altman, Esq., Law
Krystal Armenti, Police Officer
Adam L. Barsky, Chief of Staff to the Executive Director and Special Counselor
Justin E. Bernbach, Director, Government and Community Affairs, New York
John Bilich, Chief Security Officer
Benjamin M. Branham, Chief Communications Officer
Norman E. Burns, Legal Management Executive, Law
Molly C. Campbell, Director, Port
Ana M. Carvajalino, Director, Office of Financial Planning
Steven J. Coleman, Deputy Director, Media Relations
Catherine Conant, Police Officer
Janet D. Cox, Director, Management and Budget
Nicole Crifo, Deputy Chief Ethics and Compliance Officer
Jennifer Davis, Chief Intergovernmental Affairs Officer
John C. Denise, Audio Visual Supervisor, Marketing
Marci A. DiFrancesco, Esq., Law
Michael P. Dombrowski, Audio Visual Specialist, Marketing
Robert J. Donahue, Executive Financial Analyst, Chief Financial Office
Diannae C. Ehler, Director, Tunnels, Bridges and Terminals
Michael A. Fedorko, Director, Public Safety/Superintendent of Police
Benjamin Feldman, Senior External Relations Executive, Government and Community
Affairs
Amy H. Fisher, First Deputy General Counsel
Dana Fuller, Police Officer
Robert E. Galvin, Chief Technology Officer

Angela M. Garzon, Principal Legal Secretary
Ann M. Georgas, Manager, Legal Management Division, Law
Richard T. Gill Jr., Principal Property Specialist, Law
Martha L. Golar, Esq., Law
Iris L. Goldstein, Esq., Law
Mercedes Guzman, Senior Executive Secretary, Office of the Secretary
Linda C. Handel, Deputy Secretary, Office of the Secretary
Natasha G. Jean Philipp-Cumberbatch, Executive Secretary, Office of the Secretary
Howard G. Kadin, Esq., Law
Arnold D. Kolikoff, Esq., Law
Cristina M. Lado, Director, Government and Community Affairs, New Jersey
William Laventhal, Executive Policy Analyst, Office of the Executive Director
Huntley A. Lawrence, Director, Aviation
Stephen Marinko, Assistant General Counsel
Ronald Marsico, Director, Media Relations
Michael G. Massiah, Chief Diversity and Inclusion Officer
Salvatore Masucci, Principal Legal Management Specialist, Law
Hugh G. McCann, Director, World Trade Center Operations
Daniel G. McCarron, Comptroller
Elizabeth M. McCarthy, Chief Financial Officer
James E. McCoy, General Manager, Board Unit, Office of the Secretary
Christopher J. Mohr, Supervising Management Analyst, Real Estate
Mark F. Muriello, Deputy Director, Tunnels, Bridges and Terminals
Michael Nestor, Inspector General
Danny Y. Ng, Principal Business Manager, Law
Maria Oliveri, Associate Board Management and Support Specialist, Office of the Secretary
Steven Pasichow, Director, Office of Investigation
Annie O. Persaud, Deputy Director, Management and Budget
Steven P. Plate, Chief, Major Capital Projects
Stephen E. Powell, Esq., Law
Suchetha Premchan, Principal Board Management and Support Specialist, Office of the Secretary
Racquel H. Reinstein, Esq., Law
Alan L. Reiss, Director, World Trade Center Construction
Risa A. Resnick, Esq., Law
Veronica Rodriguez, Esq., Law
Elizabeth Rogak, Esq., Law
Benjamin I. Schneider, Esq., Law
William B. Shalewitz, Principal Business Manager, Law
Emily Shaw, Senior Paralegal Specialist, Law
Peter D. Simon, Chief of Staff to the Chairman
Dorene E. Smith, Executive Secretary, Office of Business Diversity and Civil Rights
Mark Spector, Director, Real Estate Development Initiatives
James A. Starace, Chief Engineer/Director of Engineering
Sarah K. Stern, Esq., Law

Timothy G. Stickelman, Senior Counselor
 K. Ocean Stokes, Senior Business Manager, Engineering
 Faith Tabafunda, Esq., Law
 John A. Tomasulo, Debt Manager, Treasury
 Debra M. Torres, Chief Ethics and Compliance Officer
 Derek H. Utter, Chief Development Officer
 Lillian D. Valenti, Chief Procurement and Contracting Officer
 Sheree R. Van Duyne, Manager, Policies and Protocol, Office of the Secretary
 Allison C. Voetsch, Esq., Law
 Cheryl A. Yetka, Treasurer

Guests:

Edmund Caulfield, Senior Counsel, Authorities Unit, Office of the Governor of New Jersey
 Diana Lopez, General Counsel, Gateway Development Corporation
 Michael Wojnar, Assistant Secretary for Transportation, Office of the Governor of New York

Speakers:

Murray Bodin, Member of the Public
 Margaret Donovan, The Twin Towers Alliance
 Fernando Garcia, Unite Here, Local 100
 Bruce Hain, Rail NYC Access
 Richard Hughes, The Twin Towers Alliance
 Patrick Jean, Unite Here, Local 100
 Akil McNeil, SEIU 32BJ
 Zakkiy Medina, SEIU 32BJ
 Charlene Talarico, Port Authority Employee

 Omar Vera, Member of the Public
 Neile Weissman, Complete George
 Brend Wilson, SEIU 32BJ

Topic:

Transportation Issues
 Transparency
 Airport Wages
 LaGuardia Direct Route
 Port Authority Practices
 Airport Wages
 Airport Wages
 Airport Wages
 Human Resources Policies and
 Procedures
 Airport Redevelopment
 George Washington Bridge Bike Path
 Airport Wages

The public meeting was called to order by Chairman O’Toole at 12:15 p.m. and ended at 1:25 p.m. The Board also met in executive session prior to the public session. Commissioner LaBarbera was present for the executive session and a portion of the public session.

Report on Prior Meeting’s Minutes

Copies of the Minutes of the meeting of March 22, 2018 were delivered to the Governors of New York (in electronic form) and New Jersey (in paper form) on March 23, 2018. The time for action by the Governors of New York and New Jersey had expired at midnight on April 9, 2018.

CENSURE AND REFERRAL RESOLUTION

The Inspector General is an independent investigative entity, insulated from interference by the Port Authority By-Laws and charged with “receiving and investigating . . . complaints regarding wrongdoing . . . and abuse by Commissioners[.]”

On April 11, 2018, the Inspector General received a complaint from the Tenafly Police Department about the March 31, 2018 conduct of then-Commissioner Caren Z. Turner. The Inspector General quickly undertook an investigation of then-Commissioner Turner’s actions, obtaining video evidence and conducting a set of interviews.

The investigation revealed conduct that was profoundly disturbing, and suggested the strong possibility that then-Commissioner Turner had violated the Code of Ethics for Port Authority Commissioners. Accordingly, under the leadership of the Chairman, the Board rapidly began to take steps to form a special committee --- so that the Commissioners could assess Commissioner Turner’s conduct, and determine how to proceed in light of it.

This work was well underway when, on April 20, 2018, the Inspector General contacted then-Commissioner Turner to set up an interview with investigators. Later in the day on April 20, then-Commissioner Turner resigned from the Board. The next day, through her attorney, former Commissioner Turner declined the Inspector General’s interview request.

Against this backdrop, it was and is especially important that the full Board consider this matter --- so that the Board as a whole can assess the relevant facts, and quickly determine how to proceed. Committees of the Board have occasionally inquired into the conduct of a Commissioner, especially when doing so requires analysis of a sprawling body of information. But that does not preclude the full Board from taking up this matter, under Article XIV of the By-Laws. And the matter in question concerns a relatively discrete set of events, which took place over the course of a single day.

The full Board has now reviewed all of the evidence collected by the Inspector General with respect to this matter, including the above-referenced video evidence. The video evidence is, simply, deeply disturbing. The conduct captured on the video is bullying and obstructionist. It is utterly unbecoming of a public servant --- and entirely inexcusable. Those who aspire to serve the public must earn the public’s trust. And then-Commissioner Turner forfeited that trust with her actions on March 31, 2018. Had she not resigned, the Board would have, today, demanded that she do so.

Then-Commissioner Turner’s conduct on March 31 was deplorable. And her conduct that day clearly and unambiguously violated the Code of Ethics for Port Authority Commissioners, in multiple ways. First, then-Commissioner Turner sought “unwarranted privileges” for herself and a family member, in violation of Section III.E of the Code of Ethics. Second, then-Commissioner Turner used her Port Authority badge for emphatically non-official purposes, in violation of Section III.A of the Code of Ethics. And third, then-Commissioner Turner “pursue[d] a course of conduct” that was plainly “in violation of . . . her trust,” in violation of Section I.G of the Code of Ethics.

In reaching the above conclusion, the Board has sought advice from the General Counsel, pursuant to Section IV.B of the Code of Ethics. The General Counsel has advised that then-Commissioner Turner's conduct on March 31, 2018 violated the Code of Ethics.

Unethical and even criminal wrongdoing by past Port Authority leaders has badly damaged the agency's reputation. We, the current Board, have worked relentlessly to hold the agency --- and ourselves --- to the highest possible ethical standards. Since September of 2017, the Board of Commissioners and the staff of the Port Authority have undertaken systematic and thorough-going integrity reforms, including: the promulgation of a Code of Ethics for Employees, of a Code of Ethics for Vendors, and of a False Claims Policy; the hiring of a Chief Ethics and Compliance Officer; the completion of ethics training for thousands of employees; and the issuance of a rigorous Code of Ethics for Port Authority Commissioners.

Then-Commissioner Turner's conduct only underscores how very important all that work is. We will redouble that work. And we will not go back to what once was. Let it be clear: there is absolutely zero tolerance for unethical conduct --- at the Port Authority, or on this Board.

Although our power to take certain concrete remedial measures has been ended by former Commissioner Turner's resignation, the Board has resolved to definitively assess and address her conduct.

Pursuant to the foregoing report, the following resolution was adopted, with Commissioners Bagger, Eve, Horwitz, LaBarbera, Lynford, McCabe, McDonald, O'Toole, Pocino, Rosado and Steiner voting in favor. General Counsel confirmed that sufficient affirmative votes were cast for the action to be taken, a quorum of the Board being present.

RESOLVED, that then-Commissioner Turner clearly and unambiguously violated the Code of Ethics for Port Authority Commissioners by her conduct on March 31, 2018; and it is further

RESOLVED, that then-Commissioner Turner's conduct was outrageous and profoundly disturbing, and represented a betrayal of the public trust; and it is further

RESOLVED, that, in light of her conduct, then-Commissioner Turner's resignation from the Board was the only appropriate and justified resolution; and it is further

RESOLVED, that this matter shall be referred to the New Jersey State Ethics Commission, which is statutorily authorized to consider alleged ethics violations by current or former Port Authority Commissioners; and it is further

RESOLVED, that the Inspector General shall provide the Commission with the instant Resolution, as well as all evidence collected in connection with the Inspector General's investigation; and it is further

RESOLVED, that, based on her conduct on March 31, 2018, Caren Z. Turner is hereby censured by the unanimous vote of the Board of Commissioners.

COMMENDATION OF TENAFLY POLICE DEPARTMENT

On April 11, 2018, the Inspector General received a complaint from the Tenafly Police Department, about the March 31, 2018 conduct of then-Commissioner Caren Z. Turner.

The Inspector General conducted an expeditious and thorough investigation, which revealed deeply disturbing conduct by former Commissioner Turner. That conduct is the subject of a separate Resolution passed today by the Board.

But the Inspector General's investigation also revealed something positive. Then-Commissioner Turner pressed Tenafly police officers --- speaking to them in an insulting and condescending manner; using foul and aggressive language; and invoking her status as a Port Authority Commissioner. In the face of this demeaning behavior, the police officers in question kept their cool. They would not be provoked. They remained polite, focused, and professional. In short, they did their duty --- and did it very well.

We ask a great deal of our police officers. To protect and to serve, and to do so with calm and composure --- even in the most difficult of situations. It is deeply unfortunate that former Commissioner Turner tested the patience and professionalism of the Tenafly Police Department on March 31, 2018. But it is a credit to the Tenafly Police Department that she did not succeed.

The members of the Tenafly Police Department who participated in the events of March 31, 2018 and their aftermath --- Officer Matthew Savitsky, Officer Tom Casper, and Chief Robert Chamberlain --- deserve the admiration of the public for their extraordinary professionalism, and for a job well done. And they deserve the thanks of this Board, for the way in which they did their duty in difficult circumstances.

Pursuant to the foregoing, the following resolution was adopted, with Commissioners Bagger, Eve, Horwitz, LaBarbera, Lynford, McCabe, McDonald, O'Toole, Pocino, Rosado and Steiner voting in favor. General Counsel confirmed that sufficient affirmative votes were cast for the action to be taken, a quorum of the Board being present.

RESOLVED, that on March 31, 2018, and in the aftermath of the events of that day, members of the Tenafly Police Department --- Officer Matthew Savitsky, Officer Tom Casper, and Chief Robert Chamberlain --- conducted themselves with extraordinary professionalism and composure in the face of insulting and provocative conduct by then-Commissioner Turner; and it is further

RESOLVED, that, based on their actions on and after March 31, 2018, Officer Matthew Savitsky, Officer Tom Casper, and Chief Robert Chamberlain are hereby commended by this Board for their exemplary conduct, by the unanimous vote of the Board of Commissioners.

TRIBUTE TO TIMOTHY G. STICKELMAN

In recognition of his more than 30 years of dedicated and distinguished service to the Port Authority, we congratulate Timothy G. Stickelman on his upcoming retirement.

Tim has served in a broad number of positions since he first joined the Law Department of the Port Authority as a Law Intern in 1986. Following his graduation from law school, Tim worked in the Litigation Division of the Department. Later, he served in the Commercial Litigation Division. In 2005, Tim became Chief of the Public Securities Division of the Law Department, where he was responsible for the legal work necessary for the Port Authority to obtain public financing for the redevelopment of the World Trade Center site and other capital projects. Tim was named Assistant General Counsel for Finance in 2008, and in 2017, he became Senior Counselor for the Department.

Tim's talent, dedication and versatility enabled him to work on an exceptionally diverse and important range of matters during his distinguished career. He earned two Port Authority Exceptional Team Service Awards for his outstanding legal work in the wake of the events of September 11, 2001. In the following years, Tim worked on all of the projects related to the redevelopment of the World Trade Center site, where he handled an unprecedented range of novel and complex legal issues and transactions. He also has played an important role in many other major capital projects over the past 15 years, including the current LaGuardia Airport redevelopment effort. Tim has provided legal advice to virtually every Department and Office within the Port Authority, and to attorneys in every practice group within the Law Department. Tim's expertise and judgment have been admired by his Law Department colleagues, sought by the rest of the agency, and respected by negotiators across the table.

It is with sincere gratitude that we congratulate Timothy G. Stickelman upon his retirement, and thank him for his extraordinary and honorable service to the Port Authority and the people of the region.

TETERBORO AIRPORT – REHABILITATION OF RUNWAY 6-24 – PLANNING AUTHORIZATION

It was recommended that the Board authorize planning work and engineering services to develop a project for the rehabilitation of Runway 6-24 at Teterboro Airport (TEB), at a total estimated cost of \$770,000.

Runway 6-24, one of two runways at TEB, is approximately 6,000 feet long and 150 feet wide. This runway handled approximately half of the 174,884 flight operations at TEB in 2017. The runway was last rehabilitated in 2009. The most recent inspection of the runway determined that the pavement is nearing the end of its useful life.

The proposed planning authorization would provide for planning and engineering services necessary to develop the Runway 6-24 rehabilitation project, including evaluation of existing electrical and drainage infrastructure to determine improvements that may be required to comply with Federal Aviation Administration standards. Professional planning and engineering services would be retained from existing “call-in” contracts that were established through a publicly advertised Request for Proposals.

Pursuant to the foregoing report, the following resolution was adopted, with Commissioners Bagger, Eve, Horwitz, Lynford, McCabe, McDonald, O'Toole, Pocino, Rosado and Steiner voting in favor. General Counsel confirmed that sufficient affirmative votes were cast for the action to be taken, a quorum of the Board being present.

RESOLVED, that planning work and engineering services to develop a project for the rehabilitation of Runway 6-24 at Teterboro Airport, at a total estimated cost of \$770,000, be and they hereby are authorized; and it is further

RESOLVED, that the Executive Director be and he hereby is authorized, for and on behalf of the Port Authority, to take action with respect to contracts for professional and advisory services and such other contracts and agreements as may be necessary to effectuate the foregoing, pursuant to authority granted in the By-Laws or other resolution adopted by the Board; and it is further

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

**GEORGE WASHINGTON BRIDGE – HUDSON RAMPS REHABILITATION –
PLANNING AUTHORIZATION**

It was recommended that the Board authorize: (1) planning work for the future rehabilitation of portions of the Hudson Ramps Complex (Complex) at the George Washington Bridge (GWB), at a total estimated cost of \$5.6 million; and (2) the Executive Director to enter into an agreement to retain architectural and engineering services in support of the foregoing planning effort, at an estimated cost of \$3 million, which is included in the total estimated planning cost.

The GWB is a critical link between New York and New Jersey. The Complex is composed of 19 ramps, which include 17 bridge structures, that connect upper and lower levels of the GWB to the Henry Hudson Parkway and local streets in New York City.

A biennial inspection of the Complex identified eight of the 17 bridge structures as priorities for rehabilitation, in order to maintain a state of good repair and extend the useful life of the Complex. The proposed planning work would include a detailed condition assessment, life cycle cost analysis, a structural rehabilitation plan, load rating assessment, seismic evaluation, construction staging and traffic analysis, and an assessment of the viability of implementing the rehabilitation via a design/build contract.

Architectural and engineering services would be retained, through an award to the highest-rated proposer pursuant to a Request for Proposals process, to conduct portions of the assessments and planning for the rehabilitation of the Complex.

Pursuant to the foregoing report, the following resolution was adopted, with Commissioners Bagger, Eve, Horwitz, Lynford, McCabe, McDonald, O'Toole, Pocino, Rosado and Steiner voting in favor. General Counsel confirmed that sufficient affirmative votes were cast for the action to be taken, a quorum of the Board being present.

RESOLVED, that planning work for the future rehabilitation of eight bridges that are part of the Hudson Ramps Complex at the George Washington Bridge, at a total estimated planning cost of \$5.6 million, be and it hereby is authorized; and it is further

RESOLVED, that the Executive Director be and he hereby is authorized, for and on behalf of the Port Authority, to enter into an agreement, with the highest-rated proposer pursuant to a Request for Proposals process, to provide architectural and engineering services in support of the foregoing planning effort, at an estimated cost of \$3 million, which is included in the total estimated planning cost; and it is further

RESOLVED, that the Executive Director be and he hereby is authorized, for and on behalf of the Port Authority, to take action with respect to other contracts for professional and advisory services and such other contracts and agreements as may be necessary to effectuate the foregoing planning work, pursuant to authority granted in the By-Laws or other resolution adopted by the Board; and it is further

RESOLVED, that the form of all contracts, agreements and other documents in connection with the foregoing planning work shall be subject to the approval of General Counsel or his authorized representative, and the terms of such contracts, agreements and other documents shall be subject to review by General Counsel or his authorized representative.

Whereupon, the meeting was adjourned.

Secretary