

THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY

COMMITTEE ON OPERATIONS

MINUTES

Tuesday, May 18, 2010

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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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COMMITTEE ON OPERATIONS**

225 Park Avenue South

New York, NY

Tuesday, May 18, 2010

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

Hon. Jeffrey A. Moerdler
 Commissioner

Christopher O. Ward, Executive Director
 William Baroni, Jr., Deputy Executive Director
 Karen E. Eastman, Secretary

Susan M. Baer, Director, Aviation
 A. Paul Blanco, Chief Financial Officer
 Steven J. Coleman, Assistant Director, Media Relations, Public Affairs
 Francis A. DiMola, Director, Real Estate Services
 Michael G. Fabiano, Deputy Chief Financial Officer/Comptroller
 Michael B. Francois, Chief, Real Estate and Development
 Richard Friedman, Manager, Special Projects, Office of Environmental and Energy Programs
 Kevin N. Georges, Leadership Fellow, Human Resources
 Christopher M. Hartwyk, First Deputy General Counsel
 Mark D. Hoffer, Senior Counsel, Law
 Cristina M. Lado, Director, Government and Community Affairs
 Richard M. Larrabee, Director, Port Commerce
 James E. McCoy, Manager, Board Management Support, Office of the Secretary
 Sanjay S. Mody, Advisor to the Chairman
 Peter L. Rinaldi, Assistant Director Special Projects, Engineering
 Howard Sackel, Director, Access to the Region's Core Project
 Stephen H. Sigmund, Chief, Public and Government Affairs
 Aaron Singer, Supervising Financial Analyst, Financial Analysis
 Gerald B. Stoughton, Director, Financial Analysis
 Andrew S. Warshaw, Chief of Staff to the Executive Director

Guest:

Deborah Gramiccioni, Director, Authorities Unit, Office of the Governor of New Jersey

The Committee meeting was called to order in public session by the Chair at 10:32 a.m. and ended at 11:00 a.m. The Committee met in executive session following the public session.

Action on Minutes

The Secretary reported that the Minutes of the meeting of March 25, 2010 had been signed and distributed to the Commissioners.

Whereupon, the Committee approved the Minutes of the meeting of March 25, 2010.

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), in order to increase by \$660,000 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 is to 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 \$7,660,000, as of October 30, 2009. The County’s updated appraisal included analysis of a recent sale of a comparable piece of property in the vicinity, which had not been considered in connection with the earlier appraisal of the Property. That new transaction was considered essential in appraising the market value of the Property, because it was the most recent transaction analyzed, and the property involved in that transaction also contained frontage along the Passaic River in Newark and was similar in size to the Property. Based on the updated appraisal and the order issued by the court in the condemnation proceeding, the total amount of Port Authority funding needed by the County in order to acquire the Property via condemnation is \$7,660,000, which is in excess of the amount previously authorized by the Committee.

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

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; Commissioner Bauer recused:

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) pursuant to which the maximum amount that the Port Authority will provide the County will increase, from \$7,000,000 to \$7,660,000, 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