

THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY

**COMMITTEE ON OPERATIONS
MINUTES**

Thursday, September 22, 2011

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**MINUTES OF
COMMITTEE ON OPERATIONS**

225 Park Avenue South

New York, NY

Thursday, September 22, 2011

PRESENT:

Hon. David Samson, Chair

Hon. Virginia S. Bauer

Hon. H. Sidney Holmes III

Hon. David S. Steiner

Committee Members

Hon. Jeffrey H. Lynford

Hon. Jeffrey A. Moerdler

Hon. Raymond M. Pocino

Hon. Scott H. Rechler

Hon. Anthony J. Sartor

Hon. William P. Schuber

Commissioners

William Baroni, Jr., Deputy Executive Director

Karen E. Eastman, Secretary

Ernesto L. Butcher, Chief Operating Officer

Steven J. Coleman, Deputy Director, Media Relations

Michael P. DePallo, Director, Rail Transit

Michael A. Fedorko, Director, Public Safety/Superintendent of Police

Michael B. Francois, Chief, Real Estate and Development

Christopher M. Hartwyk, First Deputy General Counsel

Mark D. Hoffer, Director, New Port Initiatives, Port Commerce

Cristina M. Lado, Director, Government and Community Affairs, New Jersey

Jamie E. Loftus, Chief, Public and Government Affairs

Ronald Marsico, Assistant Director, Media Relations, Public Affairs

James E. McCoy, Manager, Board Management Support, Office of the Secretary

Patrick O'Reilly, Senior Advisor to the Chairman

Steven P. Plate, Deputy Chief, Capital Planning/Director, World Trade Center Construction

Monika A. Radkowska, Principal Board Management and Support Specialist, Office of the Secretary

Alan L. Reiss, Deputy Director, World Trade Center Construction

Brian W. Simon, Director, Government and Community Affairs, New York

Gerald B. Stoughton, Director, Financial Analysis

Lillian D. Valenti, Director, Procurement

David M. Wildstein, Director, Interagency Capital Projects, Office of the Deputy Executive Director

Peter J. Zipf, Chief Engineer

Guest:

Johanna Jones, Assistant Counsel, Authorities Unit, Office of the Governor of New Jersey

The Committee meeting was called to order in public session by the Chair at 10:23 a.m. and ended at 10:40 a.m.

Action on Minutes

The Secretary reported that the Minutes of the meeting of February 3, 2011 had been signed and distributed to the Commissioners.

Whereupon, the Committee approved the Minutes of the meeting of February 3, 2011.

**HUDSON-RARITAN ESTUARY RESOURCES PROGRAM – FUNDING AGREEMENT
FOR THE ACQUISITION OF THE McNAMEE PROPERTY IN HAZLET
TOWNSHIP, NEW JERSEY**

It was recommended that the Committee on Operations (the Committee) authorize the Executive Director to enter into an agreement with Raritan Baykeeper, Inc. (Baykeeper) pursuant to which the Port Authority would provide the Baykeeper or its designee, Hazlet Township, New Jersey (Township), with an amount not to exceed \$265,000 toward the cost to purchase approximately 4.7 acres of property known as the “McNamee Property” (Property), located at 158-160 Liberty Place (Block 146, portions of Lots 13 and 14) in the Township, for inclusion in the Hudson-Raritan Estuary Resources Program (the 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, either through a conservation easement or restrictive deed covenants ensuring the site’s preservation as a natural site in perpetuity. At closing, the Property, along with an additional parcel of approximately 5.9 acres to be donated by the Property owner, would be conveyed to the Township for preservation, conservation and public access.

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 by staff as suitable for conservation and public access. The Property is considered a priority acquisition for the Program, because it contains a combination of forested and scrub / scrub broad-leaved deciduous seasonally saturated wetlands, along with a variety of birds and other wildlife. Acquisition of this site for conservation purposes is supported by various entities, including several local communities, Monmouth County, the State of New Jersey, key federal and state natural resource agencies and local and state elected officials. Acquisition of this site also would advance the Port Authority’s sustainability goal of protecting 50 acres of land per year from development. The Port Authority would not be responsible for any environmental clean-up costs in the event that environmental issues exist. The acquired Property would be included in the Program facility.

The Township would acquire the Property from its owner for \$265,000, of which the Port Authority would fund the Baykeeper or its designee, the Township, an amount not to exceed \$265,000. The Property has been appraised for the Port Authority at a value of \$265,000.

Pursuant to the foregoing report, the Committee adopted the following resolution, with Commissioners Bauer, Holmes, Samson and Steiner voting in favor. 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 agreement with Raritan Baykeeper, Inc. (Baykeeper) for the Port Authority to provide the Baykeeper or its designee, Hazlet Township, New Jersey (Township), with an amount not to exceed \$265,000 toward the cost to purchase approximately 4.7 acres of property known as the "McNamee Property," located at 158-160 Liberty Place (Block 146, portions of Lots 13 and 14) in the Township, for inclusion in the Hudson-Raritan Estuary Resources Program, and to enter into such other related agreements as may be necessary in connection therewith, substantially in accordance with the terms outlined to the Committee on Operations; 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.

Secretary