

**THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY**

**MINUTES**

**Thursday, October 27, 2022**

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**MINUTES of the Meeting of The Port Authority of New York and New Jersey held Thursday, October 27, 2022 at 150 Greenwich Street, New York, New York and via videoconference.**

**PRESENT:**

**NEW JERSEY**

Hon. Kevin J. O'Toole, Chairman  
 Hon. Dana M. Martinotti  
 Hon. Kevin P. McCabe\*  
 Hon. Robert J. Menendez  
 Hon. Michelle E. Richardson

**NEW YORK**

Hon. Steven M. Cohen  
 Hon. Leecia R. Eve  
 Hon. Daniel J. Horwitz  
 Hon. Gary LaBarbera\*  
 Hon. Rossana Rosado\*

Richard Cotton, Executive Director  
 Michael E. Farbiarz, General Counsel  
 James E. McCoy, Secretary

James K. Allen Jr., Chief Communications Officer  
 Christopher Beacham, Chief of Staff, Chief Financial Officer\*  
 Marco Belardo, Director, Audit\*  
 Meredith L. Brooks, Associate Board Management Support Specialist, Office of the Secretary  
 Michael Brown, Deputy Superintendent of Port Authority Police Department  
 Ana Carvajalino, Director, Financial Planning\*  
 Rebecca L. Cassidy, General Manager, Board Unit, Office of the Secretary  
 Edward T. Cetnar, Superintendent of Police  
 David Compton, Manager, Marketing  
 Janet D. Cox, Chief of Staff and Special Counselor to the Executive Director\*  
 Jennifer S. Davis, Chief, Intergovernmental Affairs  
 Joshua DeFlorio, Program Manager, Engineering  
 Alfred P. Doblin, Director Strategic Communications, Chief Communications Office  
 Diannae C. Ehler, Director, Tunnels, Bridges and Terminals\*  
 Benjamin Feldman, Deputy Chief Communications Officer  
 Kristen Figaro, Senior External Relations Client Manager, Intergovernmental Affairs  
 Robert E. Galvin, Chief Technology Officer\*  
 John Gay, Inspector General  
 Robert W. Gibbon, Special Counselor to the Executive Director\*  
 Jawauna M. Greene, Director, Brand & Customer Partnerships, Marketing  
 Mary Lee Hannell, Chief, Human Capital\*  
 Kirsten Hernandez, Special Assistant to the Executive Director\*  
 Natasha G. Jean Philipp-Cumberbatch, Manager, Corporate Transparency, Office of the Secretary

Amanda M. Kwan, Manager, Media Support Services, Media Relations  
 Scott Ladd, Assistant Director, Media Relations  
 Cristina M. Lado, Director, Government and Community Affairs, New Jersey  
 Huntley A. Lawrence, Chief Operating Officer  
 Elizabeth M. McCarthy, Chief Financial Officer  
 Matthew Murray, Senior Advisor to the Chairman  
 Thomas Pietrykoski, Director, Corporate Communications  
 Steven P. Plate, Chief, Major Capital Projects\*  
 Alan L. Reiss, Director, World Trade Center Construction\*  
 Bethann Rooney, Director, Port  
 Jessica Russ, Executive Policy Analyst, Office of the Secretary\*  
 Peter D. Simon, Chief of Staff to the Chairman\*  
 James A. Starace, Chief Engineer  
 Debra M. Torres, Chief Ethics and Compliance Officer  
 Derek H. Utter, Chief Development Officer  
 Lillian D. Valenti, Chief Procurement Officer

Guests:

Noreen M. Giblin, Deputy Chief Counsel, Authorities Unit, Office of the Governor of New Jersey\*  
 Natalie Millstein, Senior Advisor for Transportation, Office of the Governor of New York\*  
 Kerry Varvaro

Public Commenter:

Murray Bodin

Topic:

Safety

The public meeting was called to order by Chairman O'Toole at 1:17 p.m. and ended at 2:12 p.m. The Board also met in executive session prior to the public session.

### **Report on Prior Meeting's Minutes**

Copies of the Minutes of the meeting of September 22, 2022 were delivered in electronic form to the Governors of New York and New Jersey on September 23, 2022. The time for action by the Governors of New York and New Jersey expired at midnight on October 7, 2022.

### **Moments of Silence**

The Chairman noted the recent passing of Port Authority Police Sergeant Grace Nelson and Port Authority toll collector Latoya Galloway. The Chairman called for moments of silence in memory of Sergeant Nelson and Ms. Galloway.

**AWARD OF ROBERT F. WAGNER DISTINGUISHED PUBLIC SERVICE MEDAL –  
POLICE OFFICER ANTHONY M. VARVARO**

In memory of his six years of dedicated service to The Port Authority of New York and New Jersey, which ended tragically on September 11, 2022, when he lost his life in a fatal car accident, we acknowledge and commend Police Officer Anthony M. Varvaro for his commitment to service, including both to the safety of the traveling public and his brothers and sisters in the Port Authority Police Department, and his deep and longstanding commitment to the local community in which he resided.

By resolution adopted by the Board on May 16, 1991, the Robert F. Wagner Distinguished Public Service Medal was established to honor Robert F. Wagner for his outstanding achievements and contributions to the Port Authority and service to the people of the Port District, having served as a Commissioner and Vice Chairman of the agency over a significant period of time; and is awarded by the Board of Commissioners to employees who have rendered unusually effective or distinguished service to the organization or the community. In the case of Police Officer Anthony M. Varvaro, it was recommended that the Robert F. Wagner Distinguished Public Service Medal be awarded to him for his extraordinary service to this agency, his integrity and dedication to a career in public service and deep commitment to community service, which has benefited the Port Authority and all its employees.

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

**NOW, therefore, be it**

**RESOLVED**, that the Robert F. Wagner Distinguished Public Service Medal be awarded to Police Officer Anthony M. Varvaro for the performance of outstanding service.

## **NEWARK LIBERTY INTERNATIONAL AIRPORT – REHABILITATION OF RUNWAY 4L-22R – PLANNING AUTHORIZATION**

It was recommended that the Board authorize planning work to develop a project for the rehabilitation of Runway 4L-22R at Newark Liberty International Airport (EWR), at a total estimated cost of \$5 million.

Runway 4L-22R is 11,000 feet long and 150 feet wide and was last rehabilitated in 2014. It is one of three runways at EWR, and it serves as the primary departure runway. The most recent inspection of the runway determined that the pavement is nearing the end of its useful life.

Planning and engineering services are necessary to develop a project for the rehabilitation of the Runway 4L-22R pavement and associated infrastructure. This work would also include the identification of civil and electrical improvements to facilitate the safe movement of aircraft, reduce delays, and comply with Federal Aviation Administration standards.

Pursuant to the foregoing report, the following resolution was adopted, with Commissioners Cohen, Eve, Horwitz, LaBarbera, Martinotti, Menendez, McCabe, O'Toole, Richardson and Rosado 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 to develop a project for the rehabilitation of Runway 4L-22R at Newark Liberty International Airport, at an estimated total cost of \$5 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 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 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 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.

**ELIZABETH-PORT AUTHORITY MARINE TERMINAL - EXPRESSRAIL  
ELIZABETH SOUTHBOUND CONNECTOR – AUTHORIZATION OF PHASE II  
PLANNING**

It was recommended that the Board authorize Phase II planning and design work for a project to construct a southbound connector from ExpressRail Elizabeth to Conrail's Garden State Secondary Line ("Southbound Connector"), at a total cost of approximately \$1.925 million. The cost of the Phase II work would be funded through (i) a Regional Freight Assistance Program (RFAP) grant from the New Jersey Department of Transportation in the amount of \$851,400, (ii) a contribution of \$535,000 provided by Marine Millennium Rail, LLC ("MMR"), which is a joint venture of Maher Terminals and APM Terminals and which operates ExpressRail Elizabeth, and (iii) Port Authority funds in the amount of \$550,000.

The Port Authority's existing ExpressRail Elizabeth facility began operation in 2004 with northbound rail access, which was significantly expanded in 2010. At the time of the 2010 expansion, the Southbound Connector was identified as a future potential project to enable concurrent arrival and departure of trains from both the north and south, further enhancing the throughput capacity and efficient rail movement at the facility and across the ExpressRail network.

On March 26, 2020, the Board authorized Phase I preliminary planning and conceptual design work for the Southbound Connector, at an estimated total cost of \$850,000 (of which \$425,000 was reimbursed by MMR). Phase I preliminary design and planning work has now been completed, having identified a preferred track alignment and conducted preliminary land use and utility investigations for the alignment.

The proposed Phase II planning work would include further design services to define the project scope, cost and schedule, including identification of property interests that may be required for the project.

Pursuant to the foregoing report, the following resolution was adopted, with Commissioners Cohen, Eve, Horwitz, LaBarbera, Martinotti, McCabe, O'Toole, Richardson and Rosado in favor. Commissioner Menendez did not participate in the consideration of, or vote on this matter. General Counsel confirmed that sufficient affirmative votes were cast for the action to be taken, a quorum of the Board being present.

**RESOLVED**, that Phase II planning and design work to develop a project to construct a southbound connector from ExpressRail Elizabeth to Conrail's Garden State Secondary Line, at an estimated total cost of \$1.9 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 Millennium Marine Rail, LLC (MMR), a joint venture of Maher Terminals and APM Terminals, pursuant to which MMR will provide the Port Authority with funds covering a portion of the cost of the Phase II planning and design work; 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 Phase II planning and design work and to accept a Regional Freight Assistance Program (RFAP) grant from the New Jersey Department of Transportation in the amount of \$851,400, to fund a portion of the Phase II costs, in accordance with his authority under 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.



## **ELIZABETH-PORT AUTHORITY MARINE TERMINAL – WATER SYSTEM REHABILITATION – INCREASE IN PLANNING AUTHORIZATION**

It was recommended that the Board authorize increase of \$4.5 million in the amount authorized for planning work for the repair and relocation of the water system at the Elizabeth-Port Authority Marine Terminal (EPAMT), resulting in a total estimated amount of \$6.2 million.

The Port Elizabeth water distribution system consists of a water main shared with the local water utility, New Jersey American Water, the Port Authority's piped distribution system serving Port Elizabeth tenants (at metered rates), a fire pump station and water storage tanks. The proposed increase of \$4.5 million in funding would be used to better pinpoint the cause of significant water leakage from the existing pipes originally installed in the 1960s and to prepare a preliminary plan to relocate certain fire protection equipment from its existing location inside Maher Terminals, LLC's container terminal leasehold, to provide for more efficient space use and easier maintenance and repair.

In May 2016, the Board authorized planning and preliminary design work for the future rehabilitation of the underground water system piping at the EPAMT, at an estimated total cost of \$1.7 million. That planning work resulted in the development of a hydraulic model of the EPAMT pipe network to evaluate future design criteria. That planning work also determined that the fire protection equipment and associated water tanks are past their useful service lives and should be relocated and replaced. A proposed new location was also identified on Port Authority property.

Pursuant to the foregoing report, the following resolution was adopted, with Commissioners Cohen, Eve, Horwitz, LaBarbera, Martinotti, Menendez, McCabe, O'Toole, Richardson and Rosado 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 an increase of \$4.5 million in the amount authorized for planning work to identify the cause of leakage in the water distribution system at the Elizabeth Port Authority Marine Terminal and to plan for relocation of fire protection equipment on site, resulting in a total estimated cost of \$6.2 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 take action with respect to contracts for professional, technical, 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.

**CONFIDENTIAL ITEM**

The Board approved a matter in executive session, which shall not be made available for public inspection until such time as litigation related to this matter has concluded.

Whereupon, the meeting was adjourned.

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Secretary