

THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY

MINUTES

Thursday, September 24, 2020

Report on Prior Meeting's Minutes	61
Chairman's Report	61
Moment of Silence	61
John F. Kennedy International Airport – Gabrielli Brookville, LLC and Logan Bus Co., Inc. – License Agreement AYE-674 – Connection to Airport Water and Sanitary Lines	62
John F. Kennedy International Airport – Building 76 – China Airlines Ltd. - Lease AYE-401 - Supplement No. 1	64
LaGuardia Airport – Permanent Restrooms and Associated Driver Amenities at Taxi Hold Lots – Project Authorization – Newark Liberty International Airport – Permanent Restrooms and Associated Driver Amenities at For-Hire-Vehicle Staging Area – Early Works Authorization	65

**MINUTES of the Meeting of The Port Authority of New York and New Jersey held
Thursday, September 24, 2020 via teleconference.**

PRESENT:

NEW JERSEY

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

NEW YORK

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

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

James K. Allen, Chief of Staff to the Vice Chairman
Justin E. Bernbach, Director, Government and Community Affairs, New York
John Bilich, Chief Security Officer
Benjamin M. Branham, Chief Communications Officer
Ana Carvajalino, Director, Financial Planning
Brian Caraveo, Cinematographer, Marketing
Rebecca L. Cassidy, General Manager, Board Unit, Office of the Secretary
Edward T. Cetnar, Director, Public Safety/Superintendent of Police
Kimberley Collier, Principal Business Manager, Technology Department
Jennifer S. Davis, Chief Intergovernmental Affairs Officer
Clarelle D. DeGraffe, Director, Rail Transit
Michael P. Dombrowski, Audio Visual Specialist, Marketing
Diannae C. Ehler, Director, Tunnels, Bridges and Terminals
Benjamin Feldman, Senior Advisor to the Chairman
Amy H. Fisher, First Deputy General Counsel and Director of Legal Affairs
Robert E. Galvin, Chief Technology Officer
Jaime Garcia, IT System Support Specialist, Technology
Robert Gibbon, Special Counselor to the Executive Director
Mary Lee Hannell, Chief, Human Capital
Natasha G. Jean Philipp-Cumberbatch, Manager, Corporate Transparency, Office of the Secretary
Lukasz Konior, Training Coordinator, Technology Department
Cristina M. Lado, Director, Government and Community Affairs, New Jersey
Huntley A. Lawrence, Director, Aviation
Michael G. Massiah, Chief, Diversity and Inclusion
Elizabeth M. McCarthy, Chief Financial Officer
Tobi Mettle, Chief of Staff for Agency Initiatives, Office of the Executive Director
Alec Nadeau, Manager, Executive Initiatives and Policy

Hersh K. Parekh, Director, Government and Community Relations for Aviation
Redevelopment in New York

Steven P. Plate, Chief, Major Capital Projects

Alan L. Reiss, Director, World Trade Center Construction and Interim Director
of World Trade Center Operations

Sam Ruda, Director, Port

Peter D. Simon, Chief of Staff to the Chairman

James A. Starace, Chief Engineer/Director of Engineering

Debra M. Torres, Chief Ethics and Compliance Officer

Derek H. Utter, Chief Development Office

Lillian D. Valenti, Chief Procurement and Contracting Officer

Cheryl A. Yetka, Treasurer

Guests:

Edmund Caulfield, Associate Counsel, Authorities Unit, Office of the Governor of New Jersey

Public Commenters:

Art Blakey, PATH Labor Coalition

Joe Dominiczak, PATH Labor Coalition

Tom Malone, PATH Labor Coalition

Charlene Talarico

Neile Weissman, Complete George

Topic:

PATH Contract Negotiations

PATH Contract Negotiations

PATH Contract Negotiations

Port Authority

SUV Emissions Analysis

The public meeting was called to order by Chairman O'Toole at 12:10 p.m. and ended at 12:48 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 July 30, 2020 were delivered in electronic form to the Governors of New York and New Jersey on July 31, 2020. The time for action by the Governors of New York and New Jersey expired at midnight on August 14, 2020.

Chairman's Report

The Chairman advised that due to the ongoing public health crisis posed by COVID-19, and in light of the recommendation from the Centers for Disease Control and Prevention and the States of New York and New Jersey, today's meeting is being held via teleconference, with audio of the proceedings simultaneously webcast on the Port Authority's website.

The Chairman also advised that in lieu of the Port Authority's public speakers' program, five written statements were received and provided to the Commissioners and other relevant staff prior to today's Board Meeting. The written statements will also be filed with the transcripts of today's meetings on the Port Authority's website. The Chairman noted that none of the written comments received related to action items before the Board for approval.

Moment of Silence

In observance of the 19th anniversary of the September 11, 2001 terrorist attacks on The World Trade Center, the Chairman requested a moment of silence in memory of the 84 Port Authority employees lost on that day, and the first responders and recovery workers who were lost due to illnesses relating to their work at the World Trade Center site, as well as for those who perished as a result of the bombing of The World Trade Center on February 26, 1993.

**JOHN F. KENNEDY INTERNATIONAL AIRPORT – GABRIELLI BROOKVILLE, LLC
AND LOGAN BUS CO., INC. – LICENSE AGREEMENT AYE-674 –
CONNECTION TO AIRPORT WATER AND SANITARY LINES**

It was recommended that the Board authorize the Executive Director to enter into a License Agreement with Gabrielli Brookville, LLC and Logan Property, Inc. (Gabrielli and Logan) to connect their off-airport utility lines to Port Authority water and sanitary lines at John F. Kennedy International Airport (JFK) property (Water System), for a term of approximately 30 years, at an aggregate fee of approximately \$261,000.

In 2006, Logan Bus Co, Inc. purchased off-airport property located along Eastern Road and North Boundary Road adjacent to JFK, for use as a school bus parking lot.

At its November 18, 2010 meeting, the Board authorized a transaction for the Port Authority to purchase approximately four acres of property from Logan, to be used for the required extension of JFK Runway 4L-22R, per Federal Aviation Administration requirements. As part of that transaction, the Board also authorized future license agreements for Logan to connect to Port Authority water and sanitary lines at JFK. The purchase of these four acres did not materialize, as the Port Authority instead pursued a land exchange agreement with the New York City Economic Development Corporation (NYCEDC).

In 2016, Gabrielli purchased a property adjacent to Logan's, and has since constructed a truck maintenance and training facility, which now requires access to Water System lines. The facility is also able to accommodate the maintenance and repair of airport ground service equipment. Since these properties are located on the south side of Rockaway Boulevard, extension of Water System service from the New York City system north of Rockaway Boulevard would represent an extraordinary expense to Gabrielli and Logan.

Gabrielli and Logan requested that the Port Authority provide a connection to the airport Water System services adjacent to their sites. The NYCEDC and New York City Department of Environmental Protection are supportive of this request. The Port Authority has existing relationships with both Gabrielli and Logan. The Port Authority entered into an agreement with Gabrielli to access the North Boundary Road through December 31, 2050, and an agreement with Logan to access the North Boundary Road and North Hangar Road through July 15, 2050.

In addition to an annual license fee, as part of the license agreement, Gabrielli and Logan would bear responsibility for all costs associated with the design and construction, and subsequent operation and maintenance, of the connections to the Port Authority's water and sanitary lines. Gabrielli and Logan also would pay the Port Authority a one-time fee, in the amount of approximately \$20,000, for installation of a water meter, including plumbing and advanced metering infrastructure equipment, to enable the Port Authority to monitor and charge Gabrielli and Logan for water usage.

The Port Authority commissioned an independent appraisal, which determined the license fees to be within market range for subsurface rights associated with water systems.

Pursuant to the foregoing report, the following resolution was adopted, with Commissioners Bagger, Eve, Horwitz, LaBarbera, Lynford, McCabe, McDonald, O'Toole, Pocino 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 the Executive Director be and he hereby is authorized, for and on behalf of the Port Authority, to enter into a License Agreement with Gabrielli Brookville, LLC and Logan Property, Inc. to connect their off-airport utility lines to Port Authority water and sanitary lines at John F. Kennedy International Airport property, for a term of approximately 30 years, at an aggregate fee of approximately \$261,000, substantially in accordance with the terms outlined to the Board; 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 any other contracts and agreements necessary or appropriate in connection with the foregoing; 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.

JOHN F. KENNEDY INTERNATIONAL AIRPORT – BUILDING 76 – CHINA AIRLINES LTD. - LEASE AYE-401 - SUPPLEMENT NO. 1

It was recommended that the Board authorize the Executive Director to enter into a supplement to Lease AYE-401 (the Lease Supplement) with China Airlines Ltd. (China Airlines) for the letting of Building 76 at John F. Kennedy International Airport (JFK) for an additional term of three years, retroactive to January 1, 2020. The Lease Supplement would expire on December 31, 2022, with two one-year extension options, subject to mutual agreement.

China Airlines has been a tenant at JFK since January 1, 1988, providing trans-Pacific cargo operations. China Airlines would pay an aggregate fixed rental over the term of the Lease Supplement of approximately \$11 million. China Airlines only requires approximately 8,600 of the approximately 16,000 square feet of office space in Building 76, and while it would be responsible for all operating and maintenance costs associated with the entire leasehold, it would pay rent only on its occupied office space. The Port Authority and China Airlines would work to identify tenants for the approximately 7,400 square feet of unused office space. If any space is subleased, China Airlines would pay the Port Authority rentals and a sublease fee.

Effective April 1, 2020, China Airlines would surrender to the Port Authority, from its existing leasehold, approximately 1.3 acres of open landside unpaved land (Surrendered Land). The Surrendered Land would be made available to terminal developers as a construction laydown area. China Airlines would invest approximately \$85,000 in airside ramp paving at Building 76 by no later than December 31, 2020.

Pursuant to the foregoing report, the following resolution was adopted, with Commissioners Bagger, Eve, Horwitz, LaBarbera, Lynford, McCabe, McDonald, O'Toole, Pocino 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 the Executive Director be and he hereby is authorized, for and on behalf of the Port Authority, to enter into a lease supplement with China Airlines Ltd. for the letting of Building 76 at John F. Kennedy International Airport, for a term of approximately three years, with two one year extensions, substantially in accordance with the terms outlined to the Board; 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 any other contracts and agreements as may be necessary or appropriate in connection with the foregoing; and it is further

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

LAGUARDIA AIRPORT – PERMANENT RESTROOMS AND ASSOCIATED DRIVER AMENITIES AT TAXI HOLD LOTS – PROJECT AUTHORIZATION – NEWARK LIBERTY INTERNATIONAL AIRPORT – PERMANENT RESTROOMS AND ASSOCIATED DRIVER AMENITIES AT FOR-HIRE-VEHICLE STAGING AREA – EARLY WORKS AUTHORIZATION

It was recommended that the Board authorize: (1) a project for the final design and construction of a new 2,500-square-foot structure at LaGuardia Airport (LGA) to contain permanent restrooms, meditation areas and washing stations (driver amenities), and all required utility connections, at an estimated total cost of \$8.5 million; (2) the Executive Director to submit a change order pursuant to the Port Authority's lease with LaGuardia Gateway Partners (LGP) at LGA, to provide for the delivery of this project by LGP on behalf of the Port Authority; and (3) early works funding for the construction of utility connections to service existing modular restrooms and associated driver amenities at the for-hire-vehicle (FHV) staging area at Newark Liberty International Airport (EWR), at an estimated total cost of \$1.2 million.

As part of the Driver Experience Improvement Plan outlined to the Board in September 2019 to improve conditions for taxi and FHV drivers, the Port Authority has committed to providing permanent restrooms, driver amenities, and associated utility connections at all taxi hold lots and FHV staging areas at John F. Kennedy International Airport, EWR, and LGA, to replace temporary facilities that are currently located at all three airports. On February 13, 2020, the Board approved planning funds to advance these projects at all three airports, at an estimated total cost of \$2 million.

The currently proposed project would provide for the construction of a new permanent building containing restrooms, washing stations, meditation areas, and all associated utility connections at a new taxi hold lot adjacent to the new LGA Terminal B. The new building would include plumbing, electrical, heating, ventilation, air conditioning (HVAC), civil, and structural elements. The permanent building would be delivered in phases. The first phase would include construction of utility connections for the entire building, all restroom facilities, an electrical room and an HVAC system sized to support the full building. The second phase would include construction of the washing stations and meditation area connected directly to the restrooms.

With respect to the early action work at EWR, the proposed authorization would provide for the construction of utilities to service the existing modular restrooms, meditation area, and washing facilities, which will be replaced with permanent facilities in the future, in coordination with the EWR Redevelopment Program. The utilities would include electrical, domestic water, and sanitary sewer connections. These utility connections would provide more reliable service to EWR's modular FHV lot facilities, reduce ongoing operating costs to deliver water and remove sanitary effluent via truck, and eliminate the need for a diesel generator that currently powers the modular facilities.

Pursuant to the foregoing report, the following resolution was adopted, with Commissioners Bagger, Eve, Horwitz, LaBarbera, Lynford, McCabe, McDonald, O'Toole, Pocino 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 a project for the final design and construction of permanent restrooms and associated driver amenities, including all required utility connections, at the taxi hold lot at LaGuardia Airport (LGA), at an estimated total cost of \$8.5 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 submit a change order pursuant to the Port Authority's lease with LaGuardia Gateway Partners (LGP) at LGA, to provide for the delivery of the foregoing project by LGP on behalf of the Port Authority; and it is further

RESOLVED, that early works funding for the construction of utility connections to service existing modular restrooms and associated driver amenities at the for-hire-vehicle staging area at Newark Liberty International Airport, at an estimated total cost of \$1.2 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 construction contracts, 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.

Whereupon, the meeting was adjourned.

Secretary