

NEW HAVEN PORT AUTHORITY

MINUTES

#179

REGULAR MEETING – August 4, 2022

This was an entirely remote meeting.

Chairman Abbagnaro called the Annual Meeting of the New Haven Port Authority to order at 5:32 PM.

Commissioners Present: John Abbagnaro, Chair; Patricia Drax, Treasurer; Jody Ortiz – Vice Chair; Giovanni Zinn

Staff Present: Sally Kruse; Judi Sheiffele

Counsel: Carolyn Kone - Brenner, Saltzman & Wallman; Holly Winger – Brenner, Saltzman & Wallman

Public: Sal Punzo – New Haven Board of Alders; Al Paolillo – CT State Legislature

The meeting was called to order at 5:32 pm.

AGENDA

MINUTES

1. Approval of the Minutes of the Special Meeting held on June 6, 2022. Commissioner Drax provided minor comments. Upon a motion by Commissioner Abbagnaro, seconded by Commissioner Ortiz, the minutes of the July 7, 2022, Regular Meeting were unanimously approved by all Commissioners present at the meeting.

FINANCIAL REPORT

2. Review of Bank Statements and Reconciliations for June 30, 2022 (STIF) and July 31, 2022 (Citizen's Bank). 3. Balance Sheet and Profit and Loss Statement for period ending June 30, 2022 (including STIF interest) and for July 31, 2022 (not including STIF interest). Treasurer Drax reported on interest activity for STIF account for June 30, 2022, and the Citizen's Bank Money Market and Checking accounts for July 2022. She reported on the Profit and Loss and the Fiscal YTD Balance Sheet including all accounts for June 2022 and the Profit and Loss and Fiscal YTD Balance Sheet through July 2022, not including STIF interest. She reported that the reconciliations seemed in good order. Upon a motion by Commissioner Abbagnaro, seconded by Commissioner Ortiz, the Financial Report was accepted by unanimous vote of all Commissioners present at the meeting.

4. Expenditures requiring Board approval. There were no expenditures during July 2022 requiring Board approval.

UPDATES

Connecticut Maritime Coalition - no meeting held in July

Connecticut Port Authority – no meeting held in July

Army Corps of Engineers (ACOE) – Channel Deepening Project – ACOE is finalizing agreements with Connecticut Port Authority (CPA) for the design phase. Overall schedule is expected to require ~1.5 years for design phase, followed by dredging. Earliest possible start date for dredging would be autumn of 2024. Relocation of Cross Sound Cable represents a risk to that schedule. Mr. Martin of the ACOE indicated that the cable owner is working well with the ACOE but needs to plan and budget for the work. ACOE will share geotechnical boring data with the cable owner. Ms. Sheffele added that the cable owner will need to get permits for the work which may also require extra time.

New Haven Marine Group – no meeting held in July

New Haven Harbor Co-Op – Rick Fontana of New Haven’s Emergency Operations Department reviewed the incident of the plane landing in the river. The Co-Op will not have an August meeting.

OLD BUSINESS

5. New Haven Bank – Because information regarding changes in the manner of Citizen’s Bank banking are expected soon which may influence the decision-making regarding whether the NHPA would like to move any or all funds to New Haven Bank, this item was tabled to another meeting.

6. June 2021 Single Audit – Upon a motion by Commissioner Abbagnaro, seconded by Commissioner Drax, all commissioners present voted to accept this report.

NEW BUSINESS

See below. *

PUBLIC COMMENT

None

EXECUTIVE DIRECTOR’S REPORT

1. FY 21-22 Financial Audit materials were delivered to T.M. Byxbee.
2. High level meeting held with City Plan (Laura Brown and Nate Hougrand) regarding the possible change in uses of certain Parklands parcels, such as construction of a warehouse and installation of rail spurs. This conversation was preliminary and that the grant for rail construction had not been received. With respect to previous City Plan report at the time the parcels were transferred to the NHPA which states that the parcels are to be used for outdoor storage, they said that the change in use could occur at the same time as the review for the specific project.
3. Regarding 135 Fulton Terrace and 54 Edgemere Street, CT Department of Transportation (CT DOT) sent the results of their recent appraisals and a letter with an asking price of \$195,000.00. However, the

probable parcel developer had an independent survey performed which resulted in a combined parcel size (combined sizes of 135 Fulton Terrace and 54 Edgemere Street) that is 0.04 acres less than that used by CT DOT.

4. Reviewed NHPA Board of Commissioners replacements in process.

5. Representative Paolillo had suggested having a tour of the port in September or October for local, state, and federal partners to include US. Representative DeLauro, Governor Lamont, Lieutenant Governor Bysiewicz, State Senator Martin Looney, Commissioner Giulietti (CT DOT) and Mayor Elicker. Others to be invited would be one of the US Senators for Connecticut, the NHPA Board of Commissioners, and representatives of the Connecticut Port Authority, the Connecticut Department of Economic and Community Development, and port businesses.

6. Attorney Winger reported on the results of the business risk scope Phase 2 environmental site assessments (ESA's) performed on Parcels 1, 4, and 6. Parcel 5 was not included because the city is using that property and is performing ESA's, the results of which they will share with NHPA. The discussion covered the risks present on the parcels. Parcel 1 has widespread shallow soil contamination and some groundwater contamination. Parcel 4 has more limited soil contamination and no groundwater contamination. Parcel 6 has some soil and some groundwater contamination. While NHPA is not covered by the existing Property Transfer Act, that program may be replaced with a release based remediation program under which the NHPA might have some risk. Under the release-based remediation program, if a property owner or tenant causes a release on a property, they are required to clean up that release and all other contamination discovered while cleaning up that release. Another potential risk is historic contamination that someone could be considered "maintaining". Per an October 2021 DEEP memo, a property owner/tenant can also be required to remediate a release to the waters of the state, which include groundwater, even if they are not in any other remediation program. Because the release-based remediation program has not been finalized, the future risk is undefined and undefinable.

The Board discussed risk-management and potential capping of the parcels once purchased. One can control the risk by controlling the use of the land and by writing lease agreements to require the tenant to respond to releases and historic contamination around the release.

Attorney Winger left the meeting after this discussion.

*At 6:30 pm, Commissioner Abbagnaro moved to add to the agenda a discussion of the selection of a site for the possible purchase of real estate when the publicity regarding such site would adversely impact the price. The motion was seconded by Commissioner Ortiz and passed by unanimous consent of all commissioners present at the meeting.

Commissioner Abbagnaro moved to go into Executive Session to discuss the added agenda item above and to discuss strategy and negotiations regarding pending litigation to which the New Haven Port Authority is a party with all commissioners and staff present at the meeting, Representative Paolillo, and Attorney Kone. The motion was seconded by Commissioner Ortiz and approved by unanimous consent of all commissioners present at the meeting. The Board moved into Executive Session at 6:32 pm.

Mr. Punzo left the meeting prior to the Executive Session.

EXECUTIVE SESSION

7. To discuss strategy and negotiations regarding pending litigation to which the New Haven Port Authority is a party.

8. Selection of a site for the possible purchase of real estate when the publicity regarding such site would adversely impact the price.

After the meeting came out of Executive Session, Commissioner Abbagnaro moved to research and identify an appraiser for the property discussed in Executive Session and to allow contracting of such an appraiser, for a cost less than \$15,000.00. The motion was seconded by Commissioner Drax and approved by unanimous consent of all commissioners present at the meeting.

ADJOURNMENT – Upon a motion by Commissioner Abbagnaro to adjourn the meeting, seconded by Commissioner Drax, the meeting was adjourned at 7:02 pm with all Commissioners present at the meeting voting in favor.