



SPECIAL MEETING OF THE  
CONNECTICUT PORT AUTHORITY  
BOARD OF DIRECTORS

**Tuesday October 5, 2021 (12:00 P.M.)**

**In response to concerns regarding the spread of coronavirus disease (COVID-19), and in the interest of the safety and well-being of participants, this meeting was held remotely by conference call.\***

*\*Please Note: In addition to the minutes below, an audio recording of this meeting can be found on the Authority's website at <https://ctportauthority.com/governance/>*

**Board Attendance**

Chair David Kooris; Jeff Beckham; Brian Thompson; John Flores; Alexandra Daum; Parker Wise; John Johnson; Tom Patton; Felix Reyes

Absent: Dave Pohorylo; Judi Sheffele; Gregg Scully; Don Frost; Grant Westerson

CPA Staff: John Henshaw; Andrew Lavigne; Joe Salvatore; James Peterson (OPM); Marlin Peterson (AECOM)

**MINUTES**

**1. Call to Order**

Chair Kooris called the meeting to order at 12:03pm.

**2. Public Comment**

**3. Consideration and approval of a resolution authorizing the Executive Director to negotiate and enter into a Second Amendment to that certain Construction Manager-at-Risk Early Work Guaranteed Maximum Price (GMP) Agreement with Kiewit Infrastructure Co.**

**RESOLVED**, that the Executive Director be and hereby is authorized, empowered and directed, for and on behalf of the Connecticut Port Authority (the "Authority"), to enter into a Second Amendment to that certain Construction Manager-at-Risk Early Work Guaranteed Maximum Price (GMP) Agreement with Kiewit Infrastructure Co., in connection with construction activities at the State Pier, for the services and amounts as substantially described in the Exhibits to Agenda Item #3, and to take such reasonable and necessary actions to execute and deliver any and all other reasonable and necessary documents in furtherance thereof.

Motion by John Johnson, seconded by Parker Wise.

Tom Patton asked for a project permitting update. Felix Reyes inquired about site access opportunities for Board members and project progress materials. Mark Rolfe asked for a general update on the project at the next meeting. Chair Kooris noted that the project has a standing item at Regular Meetings led by OPM and suggested that we ask AECOM to give a detailed status update on the work as part of that item.

So voted.

**4. Consideration and approval of a resolution authorizing the Executive Director to negotiate and enter into a Memorandum of Agreement by and between the Authority, U.S. Army Corps of Engineers (USACE) and the State Historic Preservation Office, relating to the State Pier Infrastructure Improvements Project, incorporating revisions made by USACE.**

**RESOLVED**, that the Executive Director be and hereby is authorized, empowered and directed, for and on behalf of the Connecticut Port Authority, to negotiate and enter into a Memorandum of Agreement (MOA) by and between the Authority, U.S. Army Corps of Engineers (USACE) and the State Historic Preservation Office (SHPO), relating to the State Pier Infrastructure Improvements Project, incorporating revisions made by USACE, substantially in the form attached hereto as the Exhibit to Agenda Item #4, and to take such reasonable and necessary actions to execute and deliver any and all other reasonable and necessary documents in furtherance thereof.

Motion by John Johnson, seconded by Tom Patton.

Chair Kooris described the Board's prior approval authorizing the executive director to execute an earlier draft of the MOA. The Authority is not a direct party to the MOA, but is an "invited signatory." When the Authority's approval of the document took place USACE legal review had not yet occurred. USACE legal subsequently suggested several changes, which have been incorporated in the revised document before the Board.

The two most substantive changes include: questions from USACE regarding the mitigation work at Ledge Lighthouse, which were answered by SHPO in the revised document; and USACE counsel requested that the provision which enabled members of the public to object directly to the implementation of the document be removed. USACE did so, because it was apparently without precedent - there was not a mechanism to arbitrate those. There exists within the document a process for the signatories to object to the implementation as it occurs. The public is absolutely able to reach out to the two signatories, USACE and SHPO, if they feel like there is an issue with implementation. It will be up to those two signatories to gauge whether or not there is an issue and log their objection accordingly.

Chair Kooris added that Board approval is necessary to give the executive director permission to sign, as this MOA is part of the USACE federal permit.

John Flores requested that “invited signatory” be defined within the body of document. Chair Kooris agreed. The Authority’s role is limited to the mitigation payment. The agreement is between USACE and SHPO.

John Flores asked about budgeting of costs for the booklet and website costs associated with the mitigation. Kooris stated that the total obligation is in the \$150,000 range and is a budgeted project expense.

Brian Thompson asked whether the MOA language is duplicated in the USACE federal permit document or whether it is referenced and attached. Marlin Peterson (AECOM) confirmed that it is the latter.

So voted.

## **5. Adjournment**

Motion to adjourn by John Johnson, seconded by Parker Wise. Meeting adjourned at 12:37pm.