



REGULAR MEETING OF THE
CONNECTICUT PORT AUTHORITY
BOARD OF DIRECTORS

**Tuesday, December 20, 2022
12:00 p.m.**

Location:

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 will be 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; John Flores; Brian Thompson; Carlo Leone; Paul Hinsch; Felix Reyes; John Johnson; Larry McHugh; Tom Patton; Grant Westerson

Absent: Alexandra Daum; Mayor Justin Elicker; Tom Gill; Judi Sheiffele; Dave Pohorylo; Parker Wise

CPA Staff/Other: Ulysses Hammond; Andrew Lavigne Veronica Calvert; Joseph Salvatore; Marlin Peterson (AECOM); Melissa Ferrucci and Tina Chokas (Cohn Reznick)

Minutes

1. Call to Order

Chair David Kooris called the meeting to order at 12:01pm.

2. Approval of minutes of October 18, 2022 Regular Meeting

Motion by John Flores, seconded by Parker Wise. So VOTED, with abstention by John Johnson.

3. Public Comment

(Begins at 00:02:45 of the audio recording)

4. Executive Director's Update

(Begins at 00:08:55 of the audio recording)

Ulysses Hammond provided an update regarding: financial management activities and accomplishments, including coordination with the Office of Policy and Management, advancement of the annual independent audit and biennial state audit; the New Haven Harbor Improvement Project Design Phase Agreement with the US Army Corps of Engineers; Pier 7 at Fort Trumbull; the third round of the Small Harbor Improvement Projects Program; the Connecticut state dredging

team; statewide dredging study; Connecticut Pilot Commission recommendation of a new 5-year rate schedule for state pilots; Authority participation at the semi-annual meeting of the North American Ports Association; and educational presentations and site tours focused on State Pier in New London.

5. Committee Updates

(a) Finance Committee

(Begins at 00:21:00 of the audio recording)

Veronica Calvert presented the Authority's financials, including: operating, legal; bond; and construction in-progress.

i. **Consideration and approval of a resolution authorizing submission of the Q1 quarterly financial report to the Office of Fiscal Analysis.**

RESOLVED, that the Board of Directors authorizes submission of the Q1 quarterly financial report to the Office of Fiscal Analysis, as required by Section 1-123(b) of the Connecticut General Statutes, as recommended by the Audit, Compliance and Governance Committee at its meeting held on December 20, 2022, in the form attached as Exhibit to Agenda Item #5a(i).

David Kooris noted the changes recommended at the morning's joint committee meeting to incorporate unencumbered anticipated non-construction costs, as well as expenditures, in the updated report.

Motion by Grant Westerson, seconded by John Johnson. So VOTED.

ii. **Presentation by the Authority's independent auditors Cohn Reznick**

(Begins at 00:26:25 of the audio recording)

Melissa Ferrucci from the Authority's independent auditor Cohn Reznick provided a presentation on the fiscal year 2022 audit. She provided a high-level overview of the audit and statements, noting that Cohn Reznick was issuing an unmodified clean opinion on the statements. There were no findings relating to material weakness nor significant deficiencies.

Chair Kooris thanked the Cohn Reznick team and the Authority staff for their efforts supporting this clean audit.

iii. **Consideration and approval of a resolution authorizing acceptance of the FY2022 Independent Audit.**

(Begins at 00:35:20 of the audio recording)

RESOLVED, that the Board of Directors accepts and approves the FY2022 audit performed by Cohn Reznick, as recommended by the Audit, Compliance and Governance Committee at its meeting held on December 20, 2022, in the form attached as Exhibit to Agenda Item #5a(iii). Further, the Authority staff is hereby authorized to submit, in accordance with the provisions of Section 11-4a of the Connecticut General Statutes, to the joint standing committees of the General Assembly having cognizance of matters relating to appropriations, commerce, the environment and transportation, a copy of the audit. A copy shall also be submitted to the State Auditors of Public Accounts.

Motion by John Johnson, seconded by Grant Westerson. So VOTED.

(b) Audit Compliance and Governance Committee

(Begins at 00:36:35 of the audio recording)

i. Consideration and approval of a resolution authorizing acceptance of the 2022 Annual Operations and Projects Report.

RESOLVED, that the Board of Directors accepts the 2022 Annual Operations and Projects Report, responsive to sections 15-31a(k) and 15-31a(o) of the Connecticut General Statutes (CGS), as recommended by the Audit, Compliance and Governance Committee at its meeting held on December 20, 2022, in the form attached as Exhibit to Agenda Item #5b(i); and approves submission of the report, in accordance with the provisions of Section 11-4a of the CGS, to the Governor and the joint standing committees of the General Assembly having cognizance of matters relating to transportation, commerce and the environment.

David Kooris noted a typo that has since been corrected.

Motion by Parker Wise, seconded by John Johnson. So VOTED

(c) Human Resources Committee

(Begins at 00:38:45 of the audio recording)

i. Consideration and approval of the acceptance of the six-month performance evaluation of the Executive Director.

Brian Thompson, co-chair of the committee, noted that the committee had completed the executive director's six-month performance review.

RESOLVED, that the Board of Directors of the Authority approves and accepts the annual performance evaluation of the executive director, as recommended by the Human Resources Committee at its meeting held on December 12, 2022, as further described in the Exhibit to Agenda Item #5c(i).

Motion by John Johnson, seconded by Grant Westerson. So VOTED.

John Johnson asked for clarity on the frequency of evaluations. Chair Kooris confirmed that there is an initial evaluation six-months after hire and then annual evaluations after that.

ii. Consideration and approval of Annual Schedule of Positions and Total Staffing Levels

(Begins at 00:41:15 of the audio recording)

Brian Thompson noted that the current schedule before the Board for consideration and approval is the same as the prior year.

RESOLVED, that the Board of Directors hereby approves the adoption of an annual Schedule of Positions and Total Staffing Levels for the fiscal year ending June 30, 2023 as outlined in Section V of the Authority's Operating Procedures, as described in the Exhibit to Agenda Item #5c(ii).

Chair Kooris noted that, while this item has typically come up in the fall, it's anticipated that future versions will be taken up in the spring.

Motion by Grant Westerson, seconded by John Johnson. So VOTED.

Brian Thompson noted that the committee recently discussed moving forward with the recruitment of an executive director. The committee have reviewed the job description and are proposing to go ahead with posting the job description. Dave Pohorylo has offered to provide a list of outlets for advertising the position. The committee will provide future updates as the process moves along.

6. Consideration and approval of a resolution authorizing the Executive Director to enter into an amendment to that certain Memorandum of Understanding (MOU) between the Authority and the Office of Policy and Management (OPM) to extend the end date to June 30, 2023.

(Begins at 00:45:20 of the audio recording)

Chair Kooris noted that as we continue to build up the Authority's staff capacity. This seemed an appropriate measure to take.

RESOLVED, that the Executive Director is authorized, empowered and directed, for and on behalf of the Authority, to execute and deliver an Amendment to that certain Memorandum of Understanding (the "MOU"), with an effective date of September 6, 2019, by and between the Authority and the Office of Policy and Management, as amended, to further extend the end date of the MOU to June 30, 2023, as described in the form attached hereto as the Exhibit to Agenda Item #6 and to take such reasonable and necessary actions as are reasonably required in furtherance thereof.

Motion by John Johnson, seconded by John Flores. So VOTED.

7. Connecticut Pilot Commission (CPC) Updates

(Begins at 00:47:00 of the audio recording)

(a) Consideration and approval of a resolution authorizing adoption of Rates of Pilotage Procedures to increase pilotage rates for 2023 through 2027.

Ulysses Hammond noted that the purpose of this item is to align Connecticut's pilotage rates with New York.

RESOLVED, that the Board of Directors hereby accepts and adopts the revised Rates of Pilotage Procedures, as published in the Connecticut Law Journal Volume 84 No. 19 on November 8, 2022, as described in the form attached hereto as the Exhibit to Agenda Item #7a.

Chair Kooris noted these are a five-year rate and were previously approved by the Board for posting in the Connecticut Law Journal.

Motion by John Johnson, seconded by Grant Westerson. So VOTED.

(b) Consideration and approval of the proposed Joint Stipulation and Settlement Agreement regarding Docket No. 2022-0001, dated December 1, 2022, to resolve the claims in the Connecticut Port Authority's November 3, 2022 Citation and Notice of Hearing to Connecticut State Pilot Michael Peszke, in connection with an incident that took place on February 15, 2022 involving the vessel GREAT COMFORT.

(Begins at 00:49:45 of the audio recording)

Ulysses Hammond provided an overview of the grounding incident that took place in New Haven in February and the administrative hearing process that the Authority was responsible for conducting. A retired maritime judge oversaw the hearing process. Hammond noted that the Authority's stipulation and agreement is in line with what the U.S. Coast Guard would have recommended. The pilot did not have a prior violation and no injuries or property damage occurred. Per the stipulation agreement, the pilot's license will be suspended for one month, within ninety days, and the pilot will be required to take forty hours of navigation and safety training within six months.

RESOLVED, that the Joint Stipulation and Settlement Agreement in Docket No. 2022-0001, dated December 1, 2022, (the "Agreement") is approved, pursuant to Section 4-177(c) of the Connecticut General Statutes and Section 13b-17-140a of the Regulations of Connecticut State Agencies; that the Interim Executive Director be and hereby is authorized, empowered and directed, for and on behalf of the Connecticut Port Authority to execute the Agreement and terminate the administrative hearing, Docket No. 2022-0001, related thereto; and that the Interim Executive Director is further authorized, empowered and directed on behalf of the Authority to take such further actions and execute any and all reasonable and necessary documents in furtherance thereof.

Motion by Parker Wise, seconded by Tom Patton.

John Johnson asked what role John Casey, from Authority counsel Robinson+Cole, played in the process. Ulysses Hammond noted Attorney Casey's critical role in the hearing process and as lead negotiator in the settlement.

So VOTED.

8. State Pier Infrastructure Improvements Project Update

(Begins at 00:55:25 of the audio recording)

Ulysses Hammond provided an update on the project. He noted that the New London State Pier Project is finally in the 4th quarter. Nearly 75% of the project has been completed. High levels of productivity and promise continue. We are either ahead or tracking on target in five (5) of the six (6) key construction areas. They are: the Uplands; Northeast Bulkhead and heavy lift platform (delivery berth); Central Wharf and South Wall; Dredging; State Pier Combi-Wall or Toe Wall as commonly referenced.

In the Uplands area, the drainage outfall structures, concrete pipe, watermain infrastructure and electrical duct bank installation are all progressing as scheduled. Anyone visiting the site today will see the enormous transformation that is taking place at the pier as dense graded aggregate (DGA), which is the final surface, is being placed in a north to south orientation in preparation for the staging of offshore wind towers, nacelles and other components.

The construction of the Northeast Bulkhead and heavy-lift platform is complete. What remains are items like the installation of fenders, which just arrived last week, and placement of DGA on the surface. Therefore, we are on target for achieving substantial completion by February 28, 2023. This is a major accomplishment for the Project Team and Connecticut.

With respect to the Central Wharf and South Wall- The Central Wharf is 90% complete. Final impact driving of pipe and sheet has continued moving from the east to west at a consistent pace and the western most pipe pile are scheduled for final driving in January '23. (Marlin Peterson, the AECOM Construction Administrator will discuss this in greater detail in his report as well as the remaining work at South Wall) Speaking of the South Wall, while still on target for completion this spring '23, as we informed you at the October meeting, additional testing of the piles that comprise the anchor wall has confirmed a lack of tension capacity or strength within the soil, which requires an additional

set of micro-piles at the South Wall and perhaps the Annex. The Engineer of Record (Moffat & Nichol) has developed a final design and layout of the micro-piles.

Dredging of the turning basin, delivery berth, and installation berth is in progress. This work began as scheduled and, at this time, is scheduled to continue through the permitted dredge window, which closes January 31, 2023.

Regarding the State Pier Combi-Wall or Toe Wall, it is progressing in a consistent manner despite complications that require continued on-site resolution measures. Overall, the work is approximately 75% complete, with the balance scheduled to be completed January '23. However, the State Pier Platform work continues to represent the critical path for project completion this fall, due to unanticipated obstructions and variable high rock elevation along the eastern portion of the 1,000-foot-long State Pier.

As highlighted in this report, it is all hands-on deck time as we make the final push to project completion. While we cannot control what "Mother Nature" might have in store for us this winter, we have a few challenges as outlined. Nevertheless, the CPA together with our entire Project Team (Orsted, Eversource, Kiewit, Moffatt & Nichol, AECOM, Siemens, and Gateway) are currently working on the impending transition from construction completion to handover for commencement of vessel arrivals. We are collectively focused on achieving current plans for the South Fork Wind Farm, which include vessel arrivals at the Northeast Bulkhead and heavy-lift platform starting May '23 and on-site staging and pre-assembly activities commencing in the Upland and Central Wharf. The entire Team is also committed to achieving and realizing the amazing moment when renewable, green energy generating turbines depart from New London State Pier in August '23 to support the South Fork Wind installation.

What will it take to get there and achieve final project completion this fall? Well, currently a series of complex negotiations are underway regarding a fair "Final Path Forward", with the entire PROJECT TEAM. Our goal is to bring to the Board as early as the next Board meeting in January, an Amended HDA, CMR Amendment #9, and a Final GMP for your approval.

The citizens of this great state have invested generously and deserve nothing less than our collective best efforts to making the New London State Pier the 1st United States based heavy-lift marine terminal that will simultaneously accommodate offshore wind towers, nacelles, and blades as well as other heavy-lift maritime cargoes. Our team's commitment right now is to provide you and the citizens of our state an achievable fair "Final Path Forward".

(Begins at 01:02:08 of the audio recording)

Marlin Peterson (Construction Administrator, AECOM) provided a technical update. He noted that construction activity continues at each of the major work fronts including: Upland; NE Bulkhead and adjacent Heavy Lift Platform (known as the Delivery Berth); Central Wharf & South Wall; Dredging; State Pier combi-wall (we also call this area the Toe Wall as it is a vertical foundation wall that sits at the bottom of the State Pier revetment or under the outer edge of State Pier) and adjacent Heavy Lift Platform (known as the Installation Berth).

Across the upland area, drainage outfall structures, concrete pipe, water main infrastructure and electrical duct bank installation continues. Dense graded aggregate or DGA placement, which is the final surface, continues in a north to south orientation. As discussed in the previous Oct'22 Board meeting, one of the project's key deliveries were fenders for the new wharves. The fenders arrived on-site this week with installation to commence after the holidays. We continue to track the delivery of various electrical equipment such as transformers, switch gear, panel boards, and disconnect switches, which are scheduled for arrival commencing next month and continuing through summer 2023.

As noted in the previous Board meeting, the majority of the infrastructure for the NE Bulkhead (aka Delivery Berth) and integrated heavy lift platform is complete. Bollard, fenders, ladders and DGA placement are in progress. Consistent with last report, the NE bulkhead and heavy lift platform are progressing on schedule with substantial completion targeted for February 2023.

Consistent with AECOM's Oct'22 update, dredging of the turning basin, delivery berth and installation berth is in progress. In Nov'22, the contractor suffered an equipment failure to one of its barges that resulted in the release of dredged material into the main channel of the Thames River. CTDeep, USACE and USCG were informed, the material was removed from the channel, the equipment was removed from site and subsequently repaired and moving forward, all dredge equipment has been inspected and certified consistent with USCG regulations. At this time, dredging is scheduled to continue through the permitted dredge window, which closes January 31, 2023.

Moving to the Central Wharf - final impact driving of the pipe and sheet pile has continued moving from the east to the west (or from State Pier to CVRR). The western most pipe pile are scheduled for final driving in Jan'23 once the drill rig, auger and hammer complete pile driving at the State Pier. In a similar east to west fashion, erecting the outer formwork for the concrete cap, setting rebar cages and pouring concrete pile plugs along the southern most combi-wall continues. Completion of pile driving, pouring the pile plugs and concrete cap will facilitate placement of the final fill material for the outer-most wedge area.

Just inland of the south wall is its anchor wall. As informed to the Board in the Oct'22 meeting, additional testing of the piles that comprise the anchor wall has confirmed a lack of tension capacity or strength within the soil, which requires an additional set of micro piles at the South Wall and also at the Annex, which is the transition between the NE Bulkhead and State Pier. The Engineer has developed a final design and layout of the micro pile. The CMR and Trade Contractor are currently pricing and scheduling these additional works, which are planned for implementation in spring'23.

As noted during the Oct'22 Board meeting, pile driving at State Pier, has continued to be challenged due to the existence of shallow and deep obstructions and variable high rock elevation along the eastern portion of the 1,000-foot-long State Pier. The obstructions have been encountered at elevations just below the mudline (e.g. 20' of water depth) extending to depths at other locations of -60' to -65'. For reference, the minimum design depth for the pipe piles ranges from a minimum of -63' down to -85'. The CMR and Trade Contractors are utilizing multiple means for removing the obstructions such as down the hole hammers, chisels, augers and drills. Driving of the foundation or toe wall is 75% complete with the balance of the wall scheduled to complete in Jan'23. 7% of the 185 pipe piles (#14) that comprise the State Pier's heavy lift platform remain to be completed due to obstructions and higher than anticipated rock elevations. These piles are scheduled for completion during the balance of this month.

Concurrent with the completion of pile driving, the following key activities at the heavy lift platform are in progress: (i) welding of shear rings into the pipe piles, (ii) setting of rebar cages and pouring of concrete plugs, (iii) placement of rip rap along the underwater slope and (iv) erecting forms for the subsequent installation of rebar and pouring of 37 concrete beams that comprise the platform foundation.

State Pier heavy-lift platform work continues to represent the critical path for completion of the project. Through the month of December 2022, approximately \$170M or nearly 75% of the project has been completed.

John Johnson asked for a description of micro piles and associated costs. Chair Kooris noted that funding in support of that task was allocated at the October meeting. The micro piles are not on site yet. Deliveries of components for the South Fork Wind project will begin in spring of 2023.

Chair Kooris reminded the Board and public that www.statepiernewlondon.com is a great resource for project updates. A new project dashboard update should be uploaded soon.

9. Consideration and approval of a resolution authorizing the Executive Director to enter into an amendment to that certain reimbursable agreement with the U.S. Department of Commerce and National Oceanic and Atmospheric Administration's (NOAA) National Ocean Service (NOS) Center for Operational Oceanographic Products and Services.

(Begins at 01:13:15 of the audio recording)

Ulysses Hammond stated that this system provides the maritime community with real-time navigation information. The agreement is already funded – this authorization is for the time period covered by the funding. The \$124,000 commitment was previously made by CT Department of Transportation.

John Flores asked about the purpose of the amendment. Hammond clarified that the amendment extends the time period of the agreement. Joseph Salvatore clarified that NOAA had not required certain portions of the funds over prior years, so rather than terminate the agreement, it has instead been extended to utilize the existing funding as long as possible.

RESOLVED, that the Executive Director is authorized, empowered and directed, for and on behalf of the Authority, to execute and deliver an Amendment to that certain reimbursable agreement, with an effective date of March 17, 2020, by and between the Authority and the U.S. Department of Commerce and National Oceanic and Atmospheric Administration's (NOAA) National Ocean Service (NOS) Center for Operational Oceanographic Products and Services, as described in the form attached hereto as the Exhibit to Agenda Item #9 and to take such reasonable and necessary actions as are reasonably required in furtherance thereof.

Motion by John Johnson, seconded by Grant Westerson. So VOTED.

10. Consideration and approval of a resolution authorizing adoption of the 2023 Board of Directors and Committee Meeting Schedule

(Begins at 01:17:50 of the audio recording)

Chair Kooris noted that the schedule is consistent with the current year. Board meetings in January and February and then alternating months the rest of the year. Meetings are on the third Tuesday of each month.

RESOLVED, that the Board of Directors of the Authority authorizes the adoption of the 2023 Board and Committee Meeting Schedule, as described in the Exhibit to Agenda Item #10, which will be posted publicly on its website and filed with the Secretary of the State.

Motion by John Johnson, seconded by Grant Westerson. So VOTED.

11. Consideration and approval of a resolution authorizing the Executive Director to negotiate and enter into a Memorandum of Agreement with the Army Corps of Engineers for the New Haven Harbor Improvement Federal Navigation Project Design Phase.

(Begins at 01:19:15 of the audio recording)

Joseph Salvatore provided an overview of the Authority's engagement with the US Army Corps of Engineers and the next steps in the process.

Chair Kooris reminded the Board that the Authority has prior approvals from the State Bond Commission for the funding needed for the design phase and the Authority has authorizations from the General Assembly for the implementation phase, which will take place several years from now.

RESOLVED, that the Executive Director is authorized, empowered and directed, for and on behalf of the Authority, to negotiate, execute and deliver a Memorandum of Agreement with the Army Corps of Engineers for the New Haven Harbor Improvement Federal Navigation Project Design Phase, as substantially described in the form attached hereto as the Exhibit to Agenda Item #11 and to take such reasonable and necessary actions as are reasonably required in furtherance thereof.

Motion by John Johnson, seconded by Grant Westerson.

John Flores asked for clarification on the amount of the funding payment. Joseph Salvatore noted that the draft agreement was structured before the dollar match was known. The \$980,000 amount has been added into the final agreement.

John Johnson asked where the dredged material will be taken. Joseph Salvatore described the multitude of options for beneficial reuse.

So VOTED.

12. Old Business

(Begins at 01:28:40 of the audio recording)

(a) Transitioning to Hybrid Meeting Format

Chair Kooris noted that the Authority is working to have our first two meetings in 2023 in Bridgeport and New Haven. We will continue to supply a remote option.

(b) Ethics Training at February Board Meeting

Ulysses Hammond stated that a training by the Office of State Ethics is scheduled for the February meeting.

13. New Business

(a) Annual Public Hearing to be held via teleconference at 5pm

Chair Kooris reminded the Board and public that the Authority's annual public hearing will take place at 5pm.

14. Adjournment

Motion to adjourn made by John Johnson, seconded by John Flores. Chair Kooris thanked John Flores for his invaluable service to the Authority Board of Directors. Meeting adjourned at 1:33pm.