

UPDATED COVER LETTER: 05-07-2021

Philip D. Murphy, Governor
Sheila Y. Oliver, Lieutenant Governor
Diane Gutierrez-Scaccetti, Commissioner
Kevin S. Corbett, President & CEO

NJ TRANSIT
One Penn Plaza East
Newark, NJ 07105-2246
973-491-7000

NOTICE OF REGULARLY SCHEDULED BOARD MEETINGS

NEW JERSEY TRANSIT CORPORATION
NJ TRANSIT RAIL OPERATIONS, INC.
NJ TRANSIT BUS OPERATIONS, INC.
NJ TRANSIT MERCER, INC.
NJ TRANSIT MORRIS, INC.

TO WHOM IT MAY CONCERN:

This is notice that the regularly scheduled meetings of the Board of Directors of the New Jersey Transit Corporation, NJ TRANSIT Rail Operations, Inc., NJ TRANSIT Bus Operations, Inc., NJ TRANSIT Mercer, Inc., and NJ TRANSIT Morris, Inc. will be held **VIA TELEPHONE** on **WEDNESDAY, MAY 12, 2021 BEGINNING AT 6:00 P.M.**

TO PROTECT THE PUBLIC, BOARD MEMBERS, AND EMPLOYEES IN RESPONSE TO THE NOVEL CORONAVIRUS (COVID-19), THE MEETING WILL BE HELD VIA TELEPHONE.

PUBLIC AUDIENCE: Audio of the meetings will be available on the corporation's website in real time at www.njtransit.com/board. The audio from the meetings will also be recorded, archived, and made available to the public for subsequent access on the corporation's website. Alternatively, the public can listen to the meetings by calling: 1-800-346-7359 Conference Entry Code: 701939.

1. PUBLIC COMMENT REGISTRATION:

Members of the public must pre-register to provide public comments. Members of the public who wish to provide public comments should use the "Submit public comments for an upcoming Board of Directors' Meeting" form on the website at: https://njtransit.secure.force.com/customerservice/site_app#/board_meeting.

THE DEADLINE TO PRE-REGISTER IS 5:00 P.M. ON TUESDAY, MAY 11, 2021. We recommend using Microsoft Edge, Google Chrome, Firefox, or Safari for the best experience.

2. PUBLIC COMMENT PROCEDURES:

Speakers can begin calling in at 5:30 p.m. to check in with the call proctor. Each speaker will have three (3) minutes to provide comments. Those participants who pre-registered will be given priority in queue and have their comments taken first, followed by non-registered participants whose comments will be taken on a first-come-first-serve basis thereafter. Anyone joining the meeting will be on a "Music Hold" prior to the meeting. During the music hold, participants can press *1 to enter the queue to provide public comments. The toll-free dial-in phone number is 1-800-346-7359 and the conference entry code is 701939.

The **next regularly scheduled meetings** will be held on **Wednesday, June 9, 2021 beginning at 9:00 a.m.** in the Board Room at the NJ TRANSIT Headquarters Building, One Penn Plaza East, Newark, NJ.

This notice is being provided in compliance with the Open Public Meetings Act, P.L. 1975, c.231 and the NJ TRANSIT reform legislation, P.L. 2018, c.162.

Joyce J. Zuczek

Joyce J. Zuczek
Board Secretary

May 6, 2021

**NEW JERSEY TRANSIT CORPORATION
NJ TRANSIT BUS OPERATIONS, INC.
NJ TRANSIT RAIL OPERATIONS, INC.
NJ TRANSIT MERCER, INC.
NJ TRANSIT MORRIS, INC.
REGULARLY SCHEDULED BOARD OF DIRECTORS' MEETINGS**

MAY 12, 2021

FINAL AGENDA

- **CALL TO ORDER**
- **APPROVAL OF MINUTES OF PREVIOUS MEETINGS**
- **PRESIDENT & CEO'S MONTHLY REPORT**
- **PUBLIC COMMENTS**
- **ADVISORY COMMITTEE REPORT**
- **BOARD COMMITTEE REPORTS**

ACTION ITEMS

- 2105-23 PERTH AMBOY STATION ACCESSIBILITY IMPROVEMENTS PROJECT – CONSTRUCTION MANAGEMENT SERVICES CONTRACT AWARD –** Authorization to enter into NJ TRANSIT Contract No. 20-044 with KS Engineers PC of Newark, New Jersey, to provide construction management services for the Perth Amboy Accessibility Improvements Project. Construction Management Services in the amount not to exceed \$4,233,966.21, plus five percent for contingencies, subject to the availability of funds.
- 2105-24 AXON BODY WORN CAMERA CONTINUATION OF SERVICES –** Authorization to enter into a Cooperative Purchasing Program, NJ TRANSIT Contract No. 21-317 with Axon Enterprise, Inc. of Scottsdale, Arizona, for continuation of services in the amount not to exceed \$1,756,050.01.
- 2105-25 PURCHASE OF BOTTLED SPRING WATER FOR VARIOUS RAIL OPERATIONS LOCATIONS –** Authorization to enter into NJ TRANSIT Contract No. 20-320 with Federal Equipment & Manufacturing Company of Lodi, New Jersey, to supply bottled water at a unit cost of \$4.00 per case, not to exceed a total cost of \$1,604,820, plus ten percent subject to the availability of funds.

- 2105-26 ANNUAL NOTICE OF MEETINGS AND DESIGNATIONS** – Adopt the Annual Notice of Meetings (Exhibit A) for all of the Board of Directors' meetings during Fiscal Year 2022.

Designate Cedrick T. Fulton as Vice Chairperson of the NJ TRANSIT Board of Directors and its subsidiaries.

Designate Joyce J. Zuczek as Board Secretary of NJ TRANSIT and its subsidiaries.

- 2105-27 NJ TRANSIT – PORTAL NORTH BRIDGE PROJECT: PARCEL PAE 120 NORFOLK SOUTHERN RAILWAY CORPORATION FOR PERMANENT ACCESS** – Authorization to take any and all actions to acquire Parcel PAE 210 in accordance with the Eminent Domain Law of 1971, not to exceed payment in an amount as discussed in Executive Session, subject to the availability of funds and Federal Transit Administration concurrence.

Authorization to cause filing complaint in condemnation and the filing and recording of a declaration of taking and take any and all actions related to exercise NJ TRANSIT's power of eminent domain, where necessary, to acquire Parcel PAE 210 for the Portal North Bridge Project and deposit the estimated just compensation with the Clerk of the Superior Court, so long as NJ TRANSIT attempts to acquire these parcels from the property owners through bona fide negotiations as required by the Eminent Domain Act of 1971, N.J.S.A. 20:3-1, et. seq. before commencing condemnation proceedings.

- 2105-28 TEMPORARY RETAIL LEASE MODIFICATION** – Authorization to take any and all actions to implement a temporary lease modification plan in accordance with the terms as discussed in Executive Session.

- 2105-29 PERSONAL INJURY CLAIM OF THE ESTATE OF FABIOLA BITTAR DE KROON** – Authorization to settle the claim of The Estate of Fabiola Bittar de Kroon through the estate's attorney, at an amount discussed in Executive Session. The Attorney General has approved the proposed settlement, subject to the availability of funds.

- 2105-30 PERSONAL INJURY CLAIM OF DEEPTI CHANANA BHALLA** – Authorization to settle the claim of Deepti Chanana Bhalla through her attorney, at an amount discussed in Executive Session. The Attorney General has approved the proposed settlement, subject to the availability of funds.

- 2105-31 PERSONAL INJURY CLAIM OF BAGYALAKSHMI SUBRAMANIAN** – Authorization to settle the claim of Bagyalakshmi Subramanian through her attorney, at an amount discussed in Executive Session. The Attorney General has approved the proposed settlement, subject to the availability of funds.
- 2105-32 PERSONAL INJURY CLAIM OF SHELDON KEST** – Authorization to settle the claim of Sheldon Kest through his attorney, at an amount discussed in Executive Session. The Attorney General has approved the proposed settlement, subject to the availability of funds.
- 2105-33 PERSONAL INJURY CLAIM OF ELENA KINDLER** – Authorization to settle the claim of Elena Kindler through her attorney, at an amount discussed in Executive Session. The Attorney General has approved the proposed settlement, subject to the availability of funds.
- 2105-34 OLD BOILER HOUSE DEMOLITION: CONSTRUCTION PROCUREMENT AUTHORIZATION AWARD** – Authorization to enter into NJ TRANSIT Contract No. 21-041X with Two Brothers Contracting, Inc, to provide construction services for the demolition of the boiler house at Penn Station Newark in the amount of \$687,349.00, plus ten percent for contingencies, subject to the availability of funds.

➤ **EXECUTIVE SESSION AUTHORIZATION**

➤ **ADJOURNMENT**

APPROVAL OF MINUTES

WHEREAS, the By-Laws provide that the minutes of actions taken at meetings of the New Jersey Transit Corporation, NJ TRANSIT Rail Operations, Inc., NJ TRANSIT Bus Operations, Inc., NJ TRANSIT Mercer, Inc., and NJ TRANSIT Morris, Inc. Board of Directors be approved by the Board; and

WHEREAS, pursuant to Section 4(f) of the New Jersey Public Transportation Act of 1979, the minutes of actions taken at the April 14, 2021 Board Meetings of the New Jersey Transit Corporation, NJ TRANSIT Bus Operations, Inc., NJ TRANSIT Rail Operations, Inc., NJ TRANSIT Mercer, Inc., and NJ TRANSIT Morris, Inc. were forwarded to the Governor on April 22, 2021;

NOW, THEREFORE, BE IT RESOLVED that the minutes of actions taken at the April 14, 2021 Board Meetings of the New Jersey Transit Corporation, NJ TRANSIT Rail Operations, Inc., NJ TRANSIT Bus Operations, Inc., NJ TRANSIT Mercer, Inc., and NJ TRANSIT Morris, Inc. Board of Directors' meetings are hereby approved.

PRESIDENT & CEO'S REPORT

**THIS REPORT WILL BE PRESENTED
SEPARATELY**

ACTION ITEMS

ITEM 2105-23:

PERTH AMBOY STATION ACCESSIBLITY IMPROVEMENT PROJECT – CONSTRUCTION MANAGEMENT SERVICES CONTRACT AWARD

Perth Amboy Accessibility Improvements will include two new high-level platforms with four elevators and upgraded restrooms.

- Seeking authorization to enter into NJ TRANSIT Contract No. 20-044 with **KS Engineers PC** of Newark, New Jersey, for Construction Management Services of the Perth Amboy Accessibility Improvement project in the amount of **\$4,233,966.21**, plus five percent for contingencies, subject to the availability of funds.

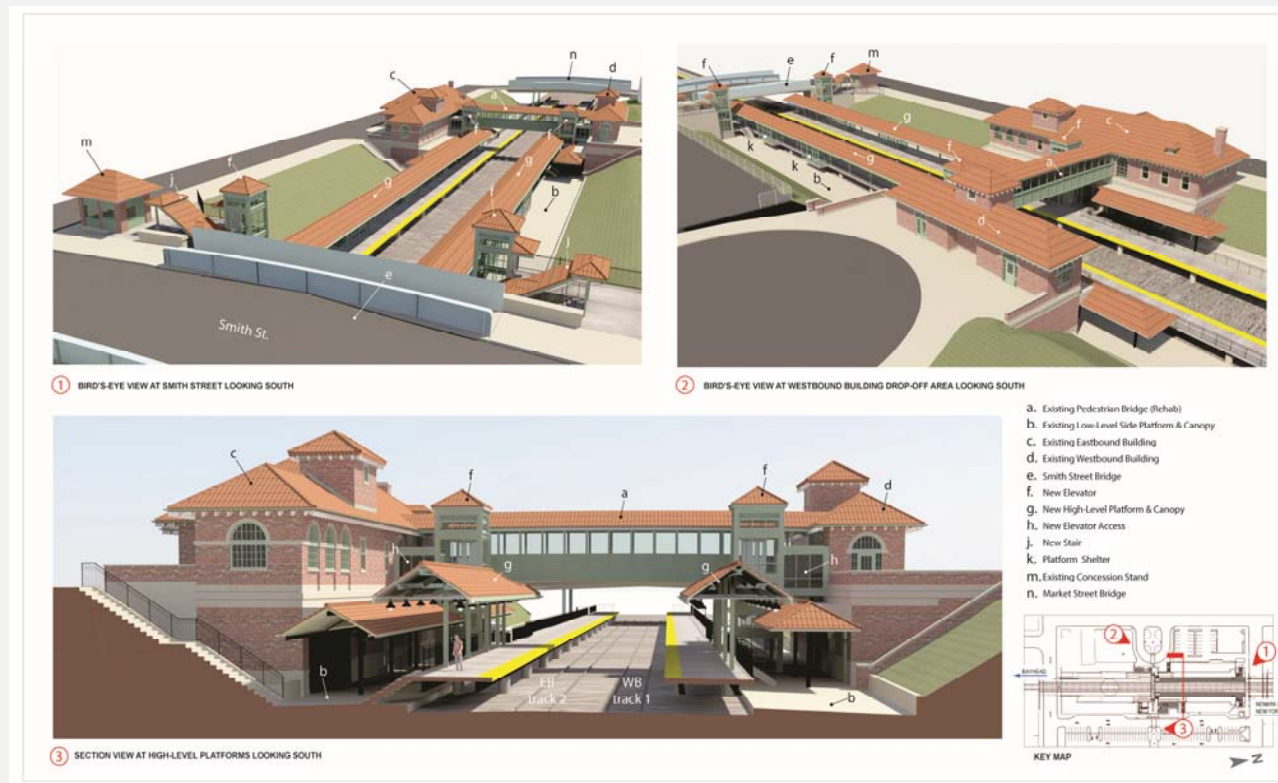


ITEM 2105-23:

PERTH AMBOY STATION ACCESSIBILITY IMPROVEMENT PROJECT – CONSTRUCTION MANAGEMENT SERVICES CONTRACT AWARD

Authorization of this contract will allow for the construction management services.

- Perth Amboy Station currently serves an average of approximately 874 weekday passenger trips.
- This project was identified as a capital need in *NJ TRANSIT A 5-Year Capital Plan: An Unconstrained Vision for NJ TRANSIT* (as approved by the NJ TRANSIT Board of Directors in October 2020).



**ITEM 2105-23: PERTH AMBOY RAILROAD STATION ACCESSIBILITY
IMPROVEMENTS PROJECT – CONSTRUCTION MANAGEMENT
SERVICES CONTRACT AWARD**

WHEREAS, the Perth Amboy Train Station is a historic commuter rail station on the North Jersey Coast Line in the City of Perth Amboy, Middlesex County, in the state of New Jersey; and

WHEREAS, the existing historic station, constructed in 1927, is an outstanding example of Renaissance Revival style architecture; and

WHEREAS, the station is listed on the State National Registers of Historic Places; and

WHEREAS, the station will be fully accessible consisting of two high-level platforms, new stairs, four elevators, lighting, canopies, communications and Closed-Circuit TV (CCTV); and

WHEREAS, this project was identified as a capital need in the *NJ TRANSIT A 5-Year Capital Plan: An Unconstrained Vision for NJ TRANSIT*, as approved by the NJ TRANSIT Board of Directors in October 2020; and

WHEREAS, on July 8, 2020, a Request for Proposals (RFP) was advertised on NJ TRANSIT's website, *The Star-Ledger*, and *The Times of Trenton*; and

WHEREAS, a Pre-Bid Conference was held on Monday, July 21, 2020; and

WHEREAS, Technical Proposals were received on October 15, 2020 from 13 firms; and

WHEREAS, KS Engineers PC was identified as the highest and best qualified firm to provide Construction Management Services for the project; and

WHEREAS, The NJ TRANSIT Office of Business Development (OBD) assigned a 21% Race Conscious Disadvantaged Business Enterprise (DBE) goal for the project; and

WHEREAS, OBD reviewed and approved the 21% DBE utilization commitment identified by KS Engineers, P.C.; and

WHEREAS, the Federal Transit Administration and Transportation Trust Fund are the anticipated sources of funding for this project;

BE IT RESOLVED that the Chair or President & CEO is authorized to enter into NJ TRANSIT Contract No. 20-044 with KS Engineers PC of Newark, New Jersey, to provide construction management services for the Perth Amboy Accessibility Improvements Project in the amount not to exceed \$4,233,966.21, plus five percent for contingencies, subject to the availability of funds.



New Jersey Transit Police Department

Axon Body Worn Camera Service Continuation Presentation

Background

In 2016, The New Jersey Transit Police Department implemented the usage of Body Worn Cameras department wide in an effort to boost data and record collection, enhance transparency, and strengthen community-law enforcement relationships.



Legal requirements

In 2020, Governor Murphy and the New Jersey State Legislature enacted Bill 1163 requiring that “every uniformed state, county, and municipal patrol law enforcement officer shall wear a body worn camera that electronically records audio and video while acting in the performance of their official duties”



FISCAL IMPACTS

Requested Authorization : \$ 1,756,050.01

Past Authorizations:

Original Purchase	July 2016	\$ 1,677,773.34
Add-On 1	July 2017	\$ 186,310.67
Add-On 2	April 2018	\$ 123,885
Add-On 3	June 2019	\$ 7,635
Add-On 4	July 2019	\$ 8,985
Total Previous Purchase		\$ 2,004,589.01

Expenditures to Date: \$ 2,004,589.01

Total Project Cost: \$ 4,065,000

Projected Date of Completion: Continuation of services, immediate

Capital Program Amount: \$4,065,000

Operating Budget Amount: \$ 0

Anticipated Source of Funds: Capital Budget

PRINTS ID Number: NJT01158 (RKP1000)

DBE/SBE Goal: SBE 0% This is a COOP contract

Related/Future Authorizations: Additional funds allocated up to \$243,949.99 for additional hardware and licensing purchases for future hires

Impacts on Subsequent Operating Budgets: No impact until 2026 when contract must be renewed



- The contract for these services from a cooperative purchasing vendor, Axon Services, Inc. of Scottsdale, Arizona has been established using Capital funding through Sourcewell contract number 010720-AXN.
- The budget of \$1,756,050.01 for continuation of all services and warranties has been approved by NJTPD and NJT Procurement with DAG oversight.
- Continuation of services for body worn camera licensing and services contract will allow the Police Department continued use of cloud storage, hardware and software for video documentation and record/data collection.
- Storage of existing videos is required to comply with NJ AG guidelines and requirements for mandatory body worn camera usage, evidentiary and retention policies.
- The Department has considerable infrastructure in place which is not compatible with any other body worn camera system whether it be hardware or software.
- This licensing will provide the NJTPD with an additional 5 years of service, as well as periodic hardware/software upgrades and cloud storage.



ITEM 2105-24: AXON BODY WORN CAMERA CONTINUATION OF SERVICES

WHEREAS, NJ TRANSIT Police Department seeks the continuation of services and continuation of established body worn camera infrastructure; and

WHEREAS, these services have been reviewed and approved by NJ TRANSIT Procurement Department with oversight by the Office of the Attorney General; and

WHEREAS, these services have already been allotted funds in 2020 from the capital budget in the amount of \$2,000,000; and

WHEREAS, the vendor, Axon Enterprise, Inc. of Scottsdale, Arizona, has proprietary software that is the only system compatible with our current body worn camera infrastructure;

NOW, THEREFORE, BE IT RESOLVED that the Chair or President & CEO is authorized to enter into a Cooperative Purchasing Program, NJ TRANSIT Contract No. 21-317, with Axon Enterprise, Inc. of Scottsdale, Arizona, for continuation of services in the amount not to exceed \$1,756,050.01.

ITEM 2105-25: PURCHASE OF BOTTLED SPRING WATER FOR VARIOUS RAIL OPERATIONS LOCATIONS

WHEREAS, NJ TRANSIT employs approximately 4,100 represented operational employees in the Transportation, Mechanical, and Engineering Departments of Rail Operations; and

WHEREAS, the collective bargaining agreements of the railroad unions and OSHA regulations stipulate ready access to potable water in the workplace; and

WHEREAS, The Office of Business Development assigned a 0% SBE goal to this project. OBD reviewed and approved the 100% SBE utilization commitment identified by Federal Equipment & Manufacturing Company; and

WHEREAS, following a competitive procurement process, Federal Equipment & Manufacturing Company of Lodi, New Jersey, was determined to be the responsive, responsible bidder with the lowest unit price providing the best overall value in the interest of NJ TRANSIT;

NOW, THEREFORE, BE IT RESOLVED that the Chair or President & CEO is authorized to enter into NJ TRANSIT Contract No. 20-320 with Federal Equipment & Manufacturing Company of Lodi, New Jersey, to supply bottled water at a unit cost of \$4.00 per case, not to exceed a total cost of \$1,604,820, plus ten percent subject to the availability of funds.

ITEM 2105-26: ANNUAL NOTICE OF MEETINGS AND DESIGNATIONS

WHEREAS, the New Jersey Transit Corporation, NJ TRANSIT Rail Operations, Inc., NJ TRANSIT Bus Operations, Inc., NJ TRANSIT Mercer, Inc., NJ TRANSIT Morris, Inc. have regular meetings of the Board of Directors; and

WHEREAS, pursuant to the Open Public Meetings Law, P.L. 1975, c.231, an annual notice of regular meetings of the Board of Directors must be disseminated; and

WHEREAS, Public Law 2018, chapter 162 requires the Board to hold a minimum of 10 public Board meetings per year and one-half of the total number of meetings shall be held in the evening; and

WHEREAS, the Annual Notice of Meetings must be prominently posted in one public place reserved for announcements of this type, transmitted to newspapers, filed with the Secretary of State, and transmitted to any person who requests notice of meetings; and

WHEREAS, Public Law 2018, chapter 162 requires the annual designation of a Vice Chairperson of the NJ TRANSIT Board of Directors and an annual designation of a Board Secretary by the NJ TRANSIT Board of Directors;

NOW, THEREFORE, BE IT RESOLVED that the Annual Notice of Meetings, Exhibit A, for all of the Board of Directors' meetings during Fiscal Year 2022 is adopted; and

BE IT FURTHER RESOLVED that the Annual Notice of Meetings shall be disseminated in accordance with the provisions of the Open Public Meetings Act, P.L. 1975, c.231 and Public Law 2018, chapter 162; and

BE IT FURTHER RESOLVED that Cedrick T. Fulton is designated as Vice Chairperson of the NJ TRANSIT Board of Directors and its subsidiaries; and

BE IT FURTHER RESOLVED that Joyce J. Zuczek is designated as Board Secretary of NJ TRANSIT and its subsidiaries.

EXHIBIT A

ANNUAL NOTICE OF MEETINGS: FISCAL YEAR 2022

**NEW JERSEY TRANSIT CORPORATION
NJ TRANSIT RAIL OPERATIONS, INC.
NJ TRANSIT BUS OPERATIONS, INC.
NJ TRANSIT MERCER, INC.
NJ TRANSIT MORRIS, INC.**

In accordance with the "Open Public Meetings Act," P.L. 1975, c.231 and Public Law 2018, chapter 162 the above organizations will hold regular meetings, open to the public, on the second Wednesday of the month for the period July 1, 2021 through June 30, 2022, except as noted below. The Board shall hold a minimum of 10 public board meetings per year. One-half of the total number of meetings of the Board shall be held in the evening.

Unless otherwise indicated, meetings will be held at NJ TRANSIT's Corporate Headquarters in Newark, New Jersey. The meetings will convene in the Board Room at NJ TRANSIT's Headquarters, One Penn Plaza East, Ninth Floor, Newark, New Jersey.

The specific dates and times are as follows:

July 21, 2021 (3 rd Wednesday)	6:00 p.m. Evening
August 2021	NO MEETING
September 15, 2021 (3 rd Wednesday)	9:00 a.m.
October 20, 2021 (3 rd Wednesday)	6:00 p.m. Evening
November 10, 2021	9:00 a.m.
December 9, 2021 (2 nd Thursday)	9:00 a.m.
January 2022	NO MEETING
February 9, 2022	6:00 p.m. Evening
March 14, 2022 (2 nd Monday)	6:00 p.m. Evening
April 13, 2022	9:00 a.m.
May 11, 2022	6:00 p.m. Evening
June 8, 2022	9:00 a.m.

ITEM 2105-27:

**NJ TRANSIT – PORTAL NORTH BRIDGE PROJECT:
PARCEL PAE 210 NORFOLK SOUTHERN RAILWAY
CORPORATION**

WHEREAS, NJ TRANSIT is an instrumentality of the State of New Jersey and is authorized to operate rail passenger service in New Jersey and between points in New Jersey and points in other states pursuant to the New Jersey Public Transportation Act of 1979, as amended; and

WHEREAS, Portal Bridge is an existing two-track, railroad swing bridge that spans the Hackensack River in New Jersey between the Towns of Kearny and Secaucus in Hudson County, New Jersey; and

WHEREAS, Portal Bridge is a critical infrastructure for Amtrak and NJ TRANSIT, enabling movement between destinations east and west of the Hudson River; and

WHEREAS, the existing Portal Bridge, due to its age, design and current condition, represents a single point of failure on the Northeast Corridor (“NEC”) which is particularly critical to commuter rail transit between New Jersey and New York City for which NJ TRANSIT is responsible; and

WHEREAS, the replacement of the existing Portal Bridge by a new Portal Bridge (the “Project”), which will be constructed at a higher elevation above the Hackensack River, will eliminate the need for a moveable span that interrupts rail operations and results in delays due to mechanical failures and will allow for a 10 percent increase in peak hour passenger capacity; and

WHEREAS, when constructed, there will be a new, two-track fixed structure that will eliminate the need for the moveable span, which currently interrupts rail operations and results in delays due to mechanical failures which are further exacerbated by the existing structure’s age; and

WHEREAS, NJ TRANSIT has received past board authorization for NJ TRANSIT to offer and make compensatory payments to property owners that hold title to property from which rights are needed for the Project by conducting bona fide negotiations as required by the Eminent Domain Act of 1971, N.J.S.A. 20:3-1, et. seq. before commencing condemnation proceedings where necessary; and

WHEREAS, Parcel PAE 210 is a private property owned by Norfolk Southern Railway Corporation, located in the Town of Secaucus and the City of Jersey City, New Jersey, and is a proposed acquisition of a Permanent Construction Access Easement needed for the Project and in particular for future reconstruction, repair, maintenance and emergency of the Portal North Bridge and the NEC; and

WHEREAS NJ TRANSIT has received a temporary license from Norfolk Southern to allow for access during construction of the Project but does not have permanent rights beyond June 2028, and acquisition of a perpetual right of access from the public streets in Jersey City will ensure NJ TRANSIT's long term access east of the Hackensack River to this area of the NEC; and

WHEREAS, NJ TRANSIT has received a full funding Grant Agreement from the Federal Transit Administration in the amount of \$766.5 million and will be a primary source of funding for the Portal North Bridge Project and has available state funding for acquisition;

NOW, THEREFORE, BE IT RESOLVED that the Chair or President & CEO is authorized to take any and all actions to acquire Parcel PAE 210 in accordance with the Eminent Domain Law of 1971, not to exceed payment in an amount as discussed in Executive Session, subject to the availability of funds and Federal Transit Administration concurrence; and

BE IT FURTHER RESOLVED that the Chair or President & CEO is further authorized to cause filing complaint in condemnation and the filing and recording of a declaration of taking and take any and all actions related to exercise NJ TRANSIT's power of eminent domain, where necessary, to acquire Parcel PAE 210 for the Portal North Bridge Project and deposit the estimated just compensation with the Clerk of the Superior Court, so long as NJ TRANSIT attempts to acquire these parcels from the property owners through bona fide negotiations as required by the Eminent Domain Act of 1971, N.J.S.A. 20:3-1, et. seq. before commencing condemnation proceedings.

ITEM 2105-28:

TEMPORARY RETAIL LEASE MODIFICATION

WHEREAS, the COVID-19 pandemic has resulted in dramatic ridership reductions throughout NJ TRANSIT's rail system. As a result, NJ TRANSIT's retail tenants (the "Retail Tenants") have been severely impacted, as their businesses are dependent on rail passenger traffic to generate sales; and

WHEREAS, at the start of the pandemic in 2020, NJ TRANSIT, at the request of the Retail Tenants, tried to provide temporary rent relief in the form of rent deferment for a four-month period (the "Rent Deferment Period"). In accordance with this temporary relief, the Retail Tenants were required to begin paying back the rent deferred, starting in January 2021 (in equal installments for six months); and

WHEREAS, despite this rent deferment relief, the Retail Tenants' sales continued to suffer, as rail ridership levels failed to increase significantly. As a result, most of the Retail Tenants were forced to close their businesses. Some of them remain closed to this day; however, those who have resumed operations are not generating sufficient revenue to sustain their operations; and

WHEREAS, the Retail Tenants have been unable to begin paying back the rent deferred, as they were required to do. In addition, they have not been able to pay their rent for the months subsequent to the Rent Deferment Period. Instead, the Retail Tenants have requested further financial relief; and

WHEREAS, in an effort to provide financial assistance in support of the continued relationship with the Retail Tenants during these difficult times, NJ TRANSIT recommends providing further temporary financial relief, through a lease modification, based on the criteria and terms discussed in Executive Session; and

WHEREAS, NJ TRANSIT recommends a temporary modification to the leases of these eligible Retail Tenants, in accordance with the terms discussed in Executive Session; and

WHEREAS, if the temporary modification recommended above is approved, NJ TRANSIT's total revenue related to the eligible Retail Tenants would be reduced by an amount discussed in Executive Session;

NOW, THEREFORE, BE IT RESOLVED that the Chair or President & CEO is authorized to take any and all actions to implement a temporary lease modification plan in accordance with the terms as discussed in Executive Session.

ITEM 2105-29:

**PERSONAL INJURY CLAIM OF THE ESTATE OF
FABIOLA BITTAR DE KROON**

WHEREAS, Article VI, Section II of the By-Laws requires Board Authorization for settlement of claims in excess of \$500,000; and

WHEREAS, The Estate of Fabiola Bittar de Kroon has presented a claim with a probable settlement cost greater than \$500,000; and

WHEREAS, staff has reviewed the claim and recommends settling this case out of court;

NOW, THEREFORE, BE IT RESOLVED that the Chair or President & CEO is authorized to settle the claim of The Estate of Fabiola Bittar de Kroon through the estate's attorney, at an amount discussed in Executive Session. The Attorney General has approved the proposed settlement, subject to the availability of funds.

ITEM 2105-30: PERSONAL INJURY CLAIM OF DEEPTI CHANANA BHALLA

WHEREAS, Article VI, Section II of the By-Laws requires Board Authorization for settlement of claims in excess of \$500,000; and

WHEREAS, Deepti Chanana Bhalla has presented a claim with a probable settlement cost greater than \$500,000; and

WHEREAS, staff has reviewed the claim and recommends settling this case out of court;

NOW, THEREFORE, BE IT RESOLVED that the Chair or President & CEO is authorized to settle the claim of Deepti Chanana Bhalla through her attorney, at an amount discussed in Executive Session. The Attorney General has approved the proposed settlement, subject to the availability of funds.

ITEM 2105-31: PERSONAL INJURY CLAIM OF BAGYALAKSHMI SUBRAMANIAN

WHEREAS, Article VI, Section II of the By-Laws requires Board Authorization for settlement of claims in excess of \$500,000; and

WHEREAS, Bagyalakshmi Subramanian has presented a claim with a probable settlement cost greater than \$500,000; and

WHEREAS, staff has reviewed the claim and recommends settling this case out of court;

NOW, THEREFORE, BE IT RESOLVED that the Chair or President & CEO is authorized to settle the claim of Bagyalakshmi Subramanian through her attorney, at an amount discussed in Executive Session. The Attorney General has approved the proposed settlement, subject to the availability of funds.

ITEM 2105-32:

PERSONAL INJURY CLAIM OF SHELDON KEST

WHEREAS, Article VI, Section II of the By-Laws requires Board Authorization for settlement of claims in excess of \$500,000; and

WHEREAS, Sheldon Kest has presented a claim with a probable settlement cost greater than \$500,000; and

WHEREAS, staff has reviewed the claim and recommends settling this case out of court;

NOW, THEREFORE, BE IT RESOLVED that the Chair or President & CEO is authorized to settle the claim of Sheldon Kest through his attorney, at an amount discussed in Executive Session. The Attorney General has approved the proposed settlement, subject to the availability of funds.

ITEM 2105-33:

PERSONAL INJURY CLAIM OF ELENA KINDLER

WHEREAS, Article VI, Section II of the By-Laws requires Board Authorization for settlement of claims in excess of \$500,000; and

WHEREAS, Elena Kindler has presented a claim with a probable settlement cost greater than \$500,000; and

WHEREAS, staff has reviewed the claim and recommends settling this case out of court;

NOW, THEREFORE, BE IT RESOLVED that the Chair or President & CEO is authorized to settle the claim of Elena Kindler through her attorney, at an amount discussed in Executive Session. The Attorney General has approved the proposed settlement, subject to the availability of funds.

ITEM 2105-34

NEWARK PENN STATION OLD BOILER HOUSE DEMOLITION

The Old Boiler House (OBH) Construction Contract will include demolition of the Stack and selective demolition of the north, south, and west walls of the OBH. Several historic features will also be salvaged for future use. The structural steel framing and the east wall is to be left in place. The existing boilers and hazardous material will be removed, and the below-grade pit will be cleaned of all debris.

- Seeking authorization to enter into NJ TRANSIT Contract No. 21-041X with Two Brothers Contracting, Inc., of Totowa, New Jersey, for the demolition of the Newark Penn Station Old Boiler House in the amount not to exceed **\$687,349**, plus ten percent for contingencies, subject to the availability of funds.

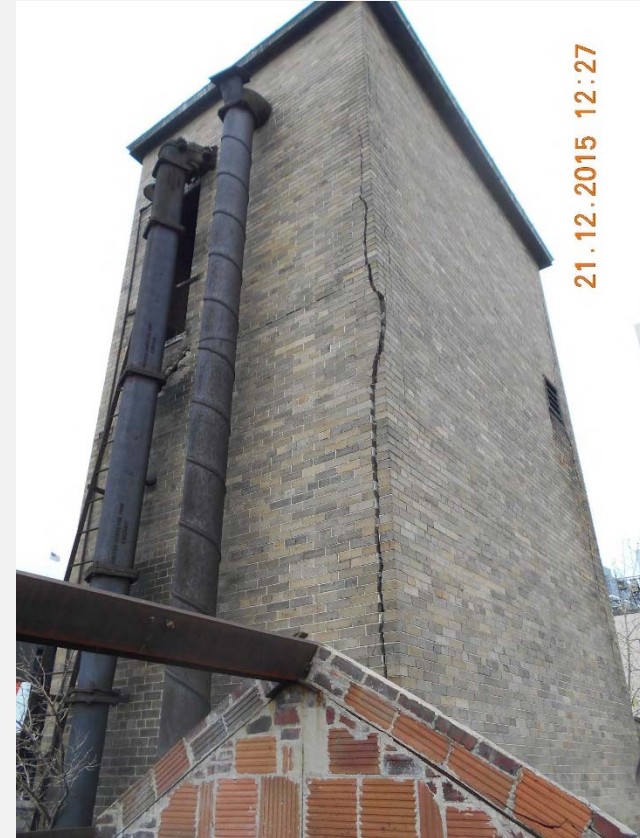


ITEM 2105-34 NEWARK PENN STATION OLD BOILER HOUSE DEMOLITION



- Constructed in 1934, the Old Boiler House is located in the City of Newark, Essex County, NJ and adjacent to Newark Penn Station on Edison Place.

ITEM 2105-34 NEWARK PENN STATION OLD BOILER HOUSE DEMOLITION



- Due to the advanced deterioration of the brick masonry components, and the proximity of the Old Boiler House to the surrounding community, steps have been taken by NJ TRANSIT to mitigate the risk to public safety.

ITEM 2105-34

NEWARK PENN STATION OLD BOILER HOUSE DEMOLITION

- **January 2021** - Building structural inspection performed; Hazmat material inspection performed.
- **February 2021** – Both Inspection reports received.
 - Immediate action recommended to mitigate potential structural failure risks to public safety.
- **February 2021** - Emergency installation of temporary concrete barriers with fencing, signage and traffic control measures completed.



- **March 2021** – New Jersey Department of Community Affairs Notice of Unsafe Structure issued with an order to demolish the structure or correct unsafe conditions by no later than October 2021.

ITEM 2105-34 NEWARK PENN STATION OLD BOILER HOUSE DEMOLITION

- **March 2021** – Discussions initiated with FTA regarding Section 106 requirements.
- **April 2021** - Section 106 process completed.
- **April 2021** - Construction Bid Package forwarded to four (4) Qualified Construction Demolition Contracting Firms.



ITEM 2105-34 NEWARK PENN STATION OLD BOILER HOUSE DEMOLITION

Summary - Goal: To address various structural, historic, and hazmat issues at the OBH at Newark Penn Station.

Summary - The Ask: Authorization for an amount not to exceed **\$687,349**, plus ten percent for contingencies, subject to the availability of funds.



ITEM 2105-34: OLD BOILER HOUSE DEMOLITION: CONSTRUCTION CONTRACT AWARD

WHEREAS, NJ TRANSIT's Old Boiler House Demolition Project is to eliminate the existing public safety and structural capacity concerns related to the Old Boiler House in the City of Newark, Essex County, New Jersey; and

WHEREAS, the Old Boiler House is located at Newark Penn Station along Edison Place and is adjacent to the Edison Park & Ride; and

WHEREAS, severe deterioration visibly observed in the Old Boiler House façade has raised concerns for both the safety of pedestrians walking near the building and the vehicular traffic; and

WHEREAS, because of the critical and hazardous condition of the building, NJ TRANSIT has received a Notice of Unsafe Structure by the New Jersey Department of Community Affairs; and

WHEREAS, it was determined that, as NJ TRANSIT had recently evaluated the potential rehabilitation and reuse of the Old Boiler House as part of a federally funded project, any action likely to result in an adverse effect to the Old Boiler House required review under the National Historic Preservation Act; and

WHEREAS, the demolition of the Old Boiler House will provide a safer area for both pedestrian thoroughfare and vehicular traffic along Edison Place and Platform E (Track 5) of Newark Penn Station; and

WHEREAS, NJ TRANSIT staff sought to utilize an alternative procurement method where quotes were solicited from a limited number of qualified contractors who have demonstrated technical capacity and knowledge of the Newark Penn Station environment, including the adjacent Edison Place roadway and sidewalk, and abutting railroad corridor; and

WHEREAS, according to NJ TRANSIT By-laws Article VI, Section 3.a.3, Contracting Powers, "For any amount, if the Executive Director determines that an emergency exists which will seriously interrupt public transportation service or create a serious risk to health or safety or cause NJ TRANSIT or the State to lose a significant amount of money or significantly jeopardize the assets of NJ TRANSIT and actions need to be taken in advance of the next Board meeting; providing, however, that when the expenditure exceeds \$500,000 the President & CEO may act only after consulting with the Chair or in her absence, the Vice Chairperson; and

WHEREAS, this action is made pursuant to Executive Order No. 37 and pursuant to N.J.S.A. 27:25-11(g)(3)(c), N.J.S.A. 52:34-10(b), N.J.A.C. 16:72-1.5(e)(7); and

WHEREAS, a Request for Quotation was solicited via email to four qualified contractors on April 16, 2021; and

WHEREAS, a field site visit was held on April 27, 2021; and

WHEREAS, quotes were received electronically from four contractors and opened on April 30, 2021 at NJ TRANSIT Headquarters in Newark; and

WHEREAS, a zero percent Small Business Enterprise (SBE) goal was established for the Old Boiler House Demolition – Construction Contract 21-041X; and

WHEREAS, upon completion of a competitive procurement process, Two Brothers Contracting, Inc. of Totowa, New Jersey, was determined to be the lowest responsive and responsible bidder; and

WHEREAS, Two Brothers Contracting, Inc. is a certified SBE firm; and

WHEREAS, Transportation Trust Fund is the anticipated sources of funding for this project;

NOW, THEREFORE, BE IT RESOLVED, that the Chair or President & CEO is authorized to enter into NJ TRANSIT Contract No. 21-041X with Two Brothers Contracting, Inc., to provide construction services for the demolition of the boiler house at Penn Station Newark in the amount of \$687,349.00, plus ten percent for contingencies, subject to the availability of funds.

EXECUTIVE SESSION AUTHORIZATION

BE IT HEREBY RESOLVED pursuant to N.J.S.A. 10:4-12 and N.J.S.A. 10:4-13 that the Board of Directors of the New Jersey Transit Corporation hold an executive session to discuss personnel matters, contract negotiations, the status of pending and anticipated litigation, and matters falling within the attorney-client privilege, including, but not limited to the NJ TRANSIT Second Advertising Contract Modification, the Parking Operators COVID Relief, the Garden State Outdoor LLC Settlement Agreement, the Corporate Insurance Program Annual Renewal, the Personal Injury Claim of Bambie J. Banks, the Personal Injury Claim of Franklin Guevara-Rodriguez, and the Personal Injury Claim of Michelle Hill; and

BE IT FURTHER RESOLVED that it is expected that discussions undertaken at this executive session could be made public at the conclusion of these matters as appropriate.