

# **SOUTH JERSEY PORT CORPORATION**



## **BOARD OF DIRECTORS MEETING March 25, 2014**

### **THE CHAIRMAN COMMENCES MEETING WITH PLEDGE OF ALLEGIANCE AND ROLL CALL:**

- 1. APPROVAL OF MINUTES**  
Regular Meeting February 25, 2014  
Closed Meeting February 25, 2014
- 2. APPROVAL OF OPERATING BILLS**  
**RESOLUTION 2014-3-0022**
- 3. APPROVAL OF ADVANCE PAYMENT BILL LIST**  
**RESOLUTION 2014-3-0023**
- 4. APPROVAL OF CREDITS**  
**RESOLUTION 2014-3-0024**
- 5. APPROVAL OF CHANGE ORDERS**
- 6. APPROVAL OF CONSTRUCTION FUND REQUISITIONS**  
**RESOLUTION 2014-3-0025**
- 7. RECEIPT OF TREASURER'S REPORT**
- 8. RECEIPT OF COUNSEL'S REPORT**
- 9. RECEIPT OF EXECUTIVE DIRECTOR'S REPORT**



**10. ADDITIONAL AGENDA ITEMS REQUIRING BOARD ACTION**

- A. RESOLUTION 2014-3-0026: AUTHORIZATION TO RELEASE REQUEST FOR PROPOSALS FOR THE BROADWAY ROOF REPAIRS PROJECT**
- B. RESOLUTION 2014-3-0027: AUTHORIZATION TO PREPARE REQUEST FOR PROPOSALS SPECIFICATIONS FOR R&S BUILDING ROOF REPLACEMENT**
- C. RESOLUTION 2014-3-0028: APPROVAL OF AMENDED 2014 OPERATING BUDGET FOR PHASE 1 OF THE BROADWAY SPRINKLER SYSTEM PROJECT**
- D. RESOLUTION 2014-3-0029: APPROVAL OF THE 2014 CITY OF CAMDEN PARKING AUTHORITY AGREEMENT**
- E. RESOLUTION 2014-3-0030: ACCEPTANCE OF NEW LETTER OF CREDIT FOR CAMDEN WATERFRONT DEVELOPMENT LLC**
- F. RESOLUTION 2014-03-0031: AWARD OF THE 2014 RATE STUDY PROJECT**
- G. RESOLUTION 2014-03-0032: PAULSBORO MARINE TERMINAL – CHANGE ORDER NO. 2 AECOM CONSTRUCTION MANAGEMENT CONTRACT EXTENSION**
- H. RESOLUTION 2014-03-0033: APPROVAL OF CHANGE TO INSURANCE BROKER SERVICES – CONNER STRONG BUCKELEW**

**11. SUPPLEMENTAL BOARD INFORMATION**

- I. MARKETING COMMITTEE REPORT & PHOENIX/ARTLIP COMMUNICATIONS REPORT**
- J. PORT SECURITY UPDATE**
- K. PAULSBORO MARINE TERMINAL PROJECT UPDATES**

PUBLIC SESSION FOR QUESTIONS / COMMENTS

**12. CLOSED SESSION AND/OR ADJOURNMENT**



**ACTION ITEM:**

**A. RESOLUTION 2014-3-0026: AUTHORIZATION TO RELEASE REQUEST FOR PROPOSALS FOR BROADWAY ROOF REPAIRS PROJECT**

Staff requests Board approval to advertise for the re-roofing, removal, and or replacement for part of the roof on the following building.

- N Building:
- Removal of eleven dormers\* of various sizes and constructing approximately 9,000 sq. ft. of new decking
  - Re-roofing: 27,000 sq. ft.

\*Dormers are a source of many leaks in the plywood storage area

Bid documents and project implementation will be performed by SJPC personnel.

**RECOMMENDATION:**

Staff recommends Board authorization to release and advertise the Request for Proposals for the Broadway "N" Building Roof Repairs Project



**ACTION ITEM:**

**B. RESOLUTION 2014-3-0027: AUTHORIZATION TO PREPARE RFP SPECIFICATIONS FOR R&S BUILDING ROOF REPLACEMENT PROJECT**

The R&S building at Broadway Terminal had severe roof damage due to recent inclement weather. Our insurance company recently conducted an inspection and determined that the replacement costs for the damaged area would be \$526,720.00 (see attached). This amount reduced by our \$100,000.00 deductible, allows SJPC to spend \$426,720.00 on this project. Our insurance carrier requires that the full amount of \$426,720.00 must be spent on the roof replacement. The project does not include any structural work.

**RECOMMENDATION:**

The staff requests Board approval to prepare bid documents and advertise this project.



**ACTION ITEM:**

**C. RESOLUTION 2014-3-0028: APPROVAL OF AMENDED 2014 OPERATING BUDGET FOR PHASE 1 OF THE BROADWAY SPRINKLER SYSTEM PROJECT**

The SJPC has been exploring alternatives for the funding of the repair and/or replacement of sprinkler systems within its various warehouses and port buildings. The existing systems are decades old and beyond their expected useful lives.

A complete replacement of all systems is estimated to cost in the range of \$9.1 million. After exploring the alternatives, including the issuance of bonds, the State has indicated that its preferred option is to begin the process on a building-by-building basis, paid annually with cash through the Operating Budget.

To begin this process, the SJPC will amend its 2014 Operating Budget to reflect an additional item of Cost in the amount of \$2.674 million for the repair/replacement of Fire Suppression (Sprinkler) Systems in various Port-owned buildings. It is expected that this budget item will allow for the replacement of systems in several warehouses, including Buildings B, B-2, and E.

To continue a replacement program for additional buildings, the 2015 and 2016 budgets would need to contain an additional appropriation for this purpose. Assuming an average annual level of budgetary support of \$2.6 million in each year, the entire program would take 3 or more years to complete. If funding is not provided in a given year, the time to complete the entire replacement program would be extended.

**RECOMMENDATION:**

Staff recommends Board approval of the amended 2014 Operating Budget to include funding for the phase 1 of the Broadway Terminal Sprinkler System Project.



**ACTION ITEM:**

**D. RESOLUTION 2014-3-0029: APPROVAL OF THE 2014  
PARKING AGREEMENT WITH THE CITY OF CAMDEN  
PARKING AUTHORITY**

Staff is presenting a proposed 2014 Parking Agreement with the Parking Authority of the City of Camden which makes available defined port properties in and around the Balzano Marine Terminal for vehicle parking by visitors to Susquehanna Bank Center (formerly the Tweeter Center) concert events from May 10, 2014 through October 1, 2014. The parking authority will provide SJPC with \$50,000 in facility improvements in consideration of the agreement. The proposed agreement is attached. SJPC's General Counsel has reviewed and amended the agreement.

**RECOMMENDATION:**

Staff recommends board approval of the 2014 Parking Agreement with the Parking Authority of the City of Camden as presented.



**ACTION ITEM:**

**E. RESOLUTION 2014-3-0030: ACCEPTANCE OF LETTER OF CREDIT FOR CAMDEN WATERFRONT DEVELOPMENT LLC**

SJPC's General Counsel is presenting a request from Camden Waterfront Development LLC, the tenant for Pier 5 Broadway, to accept a new Letter of Credit utilized by Citizens, N.A.. Camden Waterfront Development has switched banks and therefore Citizens will be issuing the new Letter of Credit in this form.

**RECOMMENDATION:**

General Counsel requests the Board's acceptance of the new Letter of Credit for Camden Waterfront Development, LLC.



**ACTION ITEM:**

**F. RESOLUTION 2014-3-0031: AWARD OF 2014 RATE STUDY PROJECT**

As required by our Bond Covenants dated June 5, 1985 and on an annual basis The South Jersey Port Corporation is required to “ An Evaluation of Rates, Rents, Fees, and Charges currently in effect at our Marine Terminals and compare them to our competitors in the region.

Pursuant to Board action staff received quotes to perform this evaluation. The below listed quotes were received from our approved list of Civil Engineering Companies.

<u>COMPANY</u>	<u>LUMP SUM AMOUNT</u>
AECOM	No Response
CH2M Hill	Declined to submit a bid
Federici & Akin	No Response
French & Parrello Associates	No Response
HAKS	No Response
Lagan Engineering	No Response
LSEA	No Response
Maser Engineering	Declined to submit a bid
Pennoni Associates	No Response
PS&S	No Response
S.T. Hudson Engineers	\$5,600.00
STV Construction	No Response
T&M Associates	No Response
Taylor, Wiseman, & Taylor	No Response

**RECOMMENDATION:**

Staff recommends the Board to award the 2014 Rate Study preparation to S.T. Hudson at a cost of \$5,600.





**ACTION ITEM:**

**G. RESOLUTION 2014-3-0032: PAULSBORO MARINE TERMINAL – CHANGE ORDER NO. 2 AECOM CONSTRUCTION MANAGEMENT CONTRACT EXTENSION**

AECOM Change Order No. 03 - Contract Extension (Additional 3 months thru July 2014) Initially, Change Order No. 02 was proposed as a 6 month contract extension through June 2014, which was planned to coincide with the commencement of field activities for the PMT-008M Modified Phase I Wharf construction project. In compliance with SJPC Board of Directors preference, Change Order No. 02 was executed for a period of 3 months – thru March 31, 2014.

As this contract period is nearing completion and the available budget nearing exhaustion, Change order No. 03 is proposed to provide a subsequent 3 month extension, which combined with active cost management will enable the provision of existing services through July 2014. The proposed cost for CO-03 is a not-to-exceed value of \$200,000, which reflects the continuing staff reductions of a Construction Manager and Field Engineer. The attached spreadsheet indicates the cost estimate to retain the two key CM Team representatives (Darryl Eng as the CM lead and Joseph Colleluori as the field engineer) with additional staff support for monthly schedule and budget updating and further technical assistance associated with upcoming procurement activities and the pending differing site condition claim. The primary purposes for the 3 month extension continue to provide, include:

- Facilitate substantial completion, punch-list, and close out activities for 4 contracts; PMT-003 (Access Road and Bridge), PMT-005 Monitoring Well Extension, PMT-006 (Tidal Wetland Mitigation) and PMT-007 Remediation Well Relocations
- Enable on-going PMT-008TP (Test Pile & Misc In-Water Activities) and PMT-009 (Import Fill & Select Utilities) construction work to continue
- Advertise and conduct procurement for the PMT-008M (Wharf Construction) contract commencing approximately April 2014 (with NTP targeted for June 2014); with the PMT-010 (Upland Civil Works) contract in approximately July 2014 and PMT-013 (TIGER III Rail) contract to follow in late summer 2014.
- Prepare for, coordinate and attend the follow-on Executive Negotiation session for the PMT-004 Differing Site Condition claim
- These 2 individuals would also be charged with administering the extension of the OCIP.

For additional information refer to the attached AECOM CO-03 proposal letter dated March 14, 2014, which includes a description of work items per construction contract, a near term schedule outline and a CM Team budget forecast.



**ACTION ITEM:**

**H. RESOLUTION 2014-3-0033: APPROVAL OF CHANGE TO INSURANCE BROKER SERVICES – CONNER STRONG BUCKELEW**

Due to the SJPC's decision to change the health benefits plan from a self-insured arrangement to entering into the State Health Benefits Plan program beginning April 1, 2014, we need to modify the services provided by the appointed insurance broker to recognize this change and to ensure adequate professional consultancy is in place. As such, Conner Strong Buckelew has provided an updated set of services to reflect the change and a reduction in services costs as of April 1, 2014, from our current fee of approximately \$45,000 to a new and reduced fee of \$15,000. This is a reduction of \$30,000 per annum to SJPC.

**RECOMMENDATION:**

Staff recommends Board approval of the change in insurance broker services and the reduction in cost to provide same for the health benefits program.



**INFORMATION ITEM:**

**I. MARKETING COMMITTEE REPORT & PHOENIX/ARTLIP COMMUNICATIONS REPORT**

PHOENIX STRATEGIES/ARTLIP COMMUNICATIONS REPORT ATTACHED.



## **INFORMATION ITEM:**

### **J. SECURITY UPDATE**

The security update is prepared by Mr. Jay Jones.

**FEMA PREPAREDNESS & PROGRAM MANAGEMENT TECHNICAL ASSISTANCE PROGRAM:** SJPC submitted three applications through the NJ Office of Homeland Security & Preparedness (OHSP) for a FEMA Technical Assistance Grant. The U.S. Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), National Preparedness Directorate (NPD) and Grant Programs Directorate (GPD), Technical Assistance (TA) Program seeks to build and sustain capabilities through specific services and analytical capacities across two primary functional areas: 1) Preparedness TA activities in support of the four homeland security mission areas (prevention, protection, response, and recovery) and 2) Homeland security program management. SJPC is seeking technical assistance to enhance our planning and documentation for the following three areas: 1) Emergency Operations Plan, 2) Continuity of Operations Plan and 3) Evacuation Plan. The NJOHSP approved the applications at the state level and forwarded the applications to FEMA.

The first program approved by FEMA has been the Continuity of Operations Planning. On March 6, 2014, a one-day COOP workshop was held at the Balzano Terminal providing a combination of instructor/facilitator presentations, large and small group discussions, and structured activities, which are built on the Federal Continuity Directives 1 & 2 (FCD 1 and 2) and Continuity Guidance Circulars 1 and 2 (CGC 1 and 2) guidance elements. Discussions and activities focused on data collection, strategic planning, and analysis to achieve a viable COOP/COG program that is applicable to the individual departments/agencies, emphasizes COOP/COG planning best practices, and offers helpful hints for COOP/COG data collection and foundational analysis. Next steps include a follow up session with SJPC staff who were unable to attend with support from the NJOHSP, completion of the worksheets, setting the COOP draft and scheduling one on one session(s) with the FEMA's vendor IEM to review the draft. The program has been extended from the original deadline of March 27, 2014 to June 27, 2014.

On March 13, 2014, FEMA hosted the scoping call for the Emergency Operations Plan and the Evacuation Plan. We will be combining both programs. Next steps will be to get FEMA's approval and then schedule the program elements.

**USCG SECTOR DELAWARE BAY ANNUAL COMPLIANCE INSPECTIONS:** The USCG Sector Delaware Bay will conduct the annual Maritime Transportation Security Act - 33CFR105 compliance inspection for the Balzano Marine Terminal and the Broadway Terminal, as well as the annual Designated Waterfront Facility Inspection for the Balzano Marine Terminal on Thursday, March 20, 2014.

**PORT SECURITY AWARENESS TRAINING:** SJPC and the NJ Office of Homeland Security and Preparedness will host the training program entitled, "Security Awareness and Vigilance for Everyone (S.A.V.E.)," on March 27, 2014, at SJPC's Boardroom. The training will be conducted by Protecting the Homeland Innovations, LLC. We hosted the same training on

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July 11, 2013 and had 49 participants. The training is provided at no cost to the participants or the SJPC.

**FY14 PORT SECURITY GRANT PROGRAM:** On March 18, 2014, U.S. Department of Homeland Security (DHS) Secretary Jeh Johnson today announced the release of FY 2014 Funding Opportunity Announcements for six DHS preparedness grant programs totaling over \$1.6 billion, including the Port Security Grant Program (PSGP).

Within the requirements of the *Department of Homeland Security Appropriations Act, 2014*, the FY 2014 grant guidance will continue to focus on the nation's highest risk areas, including urban areas that face the most significant threats. The PSGP provides more than \$100 million to help protect critical port infrastructure from terrorism, enhance maritime domain awareness, improve port-wide maritime security risk management, and maintain or reestablish maritime security mitigation protocols that support port recovery and resiliency capabilities.

**USCG SECTOR DELAWARE BAY AREA MARITIME SECURITY PLAN:** Another 5 years has passed and the Area Maritime Security Plan (AMSP) by guidance of the Navigation and Vessel Inspection Circular (NVIC) No. 9-02, Change 4, requires a 5-year re-write (update) and review of the plan. The re-write/update of the plan using NVIC 9-02, Change 4 as the template has begun. Sections at a time will be forwarded to the AMSC members for their review and comments. Mr. Jones will provide any input and comments by the April 7, 2014 deadline.

**15<sup>th</sup> BIENNIAL HARBOR SAFETY AND AREA MARITIME COMMITTEE CONFERENCE:** Mr. Jay Jones will be participating in the 15th Biennial Harbor Safety Committee and Area Maritime Security Committee Conference: *Partnering for Safe, Secure, and Resilient Port Operations* which will be conveniently held in Philadelphia this year on August 25-27, 2014. It being organized by the Transportation Research Board and supported by the Mariners' Advisory Committee for the Bay & River Delaware. The conference will focus on best practices of Harbor Safety Committees (HSCs) and Area Maritime Security Committees (AMSCs) as well as new ideas and technology to address critical safety and security issues. As such, I am requesting consideration to attend the meetings on behalf of SJPC and to bring back potential enhancements to our programs. Mr. Jones has served on the USCG Sector Delaware Bay Area Maritime Security Committee since its commencement and this is a key opportunity for SJPC to share and learn about ideas to enhance safety and security.



## **INFORMATION ITEM:**

### **K. PAULSBORO MARINE TERMINAL PROJECT UPDATES**

The Paulsboro Marine Terminal Project updates are provided by Mr. Marlin Peterson, Gloucester County Improvement Authority.

**CHANGE ORDERS:** Construction Management Team AECOM Change Order No. 03 - Contract Extension (Additional 3 months thru July 2014): \$200,000

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**CONSTRUCTION UPDATE** : **PMT-003**: Substantial completion of the bridge portion of the contract was achieved December 20, 2013. Substantial completion of the roadway is pending completion of the guardrail and stripping components. Removing false work (e.g. overhand brackets), completing fender bolt-up, restoration of retaining wall & service road and other miscellaneous items continue as weather permits. Punch list was generated and forwarded to contractor. See the Project Monthly Report for further details.

**PMT-005**: The project is substantially complete. Two remaining monitoring wells will be lowered to final design height once the existing surcharge stockpile has been relocated as part of the PMT-009 project. This work is scheduled for May / June 2014 timeframe.

**PMT-006**: The project is substantially complete. Final surveys and project close-out continue.

**PMT-008TP**: Driving of the final 2 test piles was completed on February 28, 2014. Statnamic testing was completed on March 7, 2014. Final reports are expected during the week of March 24, 2014. False work for Test Piles 2 and 3 have been installed. Preparations continue for test pile driving during weeks of February 17<sup>th</sup> and 24<sup>th</sup>, 2014.

**PMT-009**: Select demolition, storm water pipe, sanitary sewer connections and electrical ductbank installation continue. Monitoring of surcharge indicates that primary settlement continues. Site stabilization of linear berm / esplanade was completed for winter months. Fill material hauling is approximately 96% complete. Fill material hauling and placement will resume in Spring 2014 following southern surcharge relocation activities.

**PMT-S01**: Perimeter landscaping and lawn maintenance for the Paulsboro Marine terminal has completed for 2013. A new landscaping and lawn maintenance contract will be conducted for years 2014 and 2015.

**PROCUREMENT UPDATE**

**PMT-S02**: A new perimeter landscaping and lawn maintenance contract for years 2014 and 2015 for the Paulsboro Marine terminal was advertised February 11, 2014 and bids were received March 13, 2014.

No.	Bidder	Total Bid Amount	Variance From Low Bid	Percentage From Low Bid
1.	Perfect Touch Landscaping	\$ 35,397.00	n/a	n/a
2.	CNS Cleaning Company	\$ 54,165.00	+\$18,768.00	+ 53%
3.	All-Green Turf Management Corp	\$ 62,415.00	+\$27,018.00	+ 76%
	Order of Magnitude Estimate	\$ 57,300.00	+\$21,903.00	+ 0.62%

At this time, the bid evaluation process is underway. Staff will provide an update to the Board during the meeting.



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PMT-008: Wharf Construction. On March 25, 2013, all bids received as part of the Wharf Construction project were rejected. Bid documents for PMT-008M Modified Phase I Wharf Construction project have been prepared and found in compliance by the Office of State Comptroller. In response to the award of Amendment No. 01 for the TIGER III grant, the upriver rail trestle has been integrated within the PMT-008M project. Advertisement of the PMT-008M contract was scheduled for January 31, 2014 but has been held pending finalization of tenant agreements. Commencement of the bid process no later than May 2014 is required to avoid potential delays to the planned TIGER III grant program and the recently extended OCIP completion date of July 1, 2016.

PMT-015: Woodland Habitat Mitigation. The Woodland Habitat Mitigation (i.e. tree planting) contract was advertised on August 19, 2012. No bids were received by the due date of September 13, 2012. The 2<sup>nd</sup> bid process was advertised March 12, 2014 and bids are due April 9, 2014. This work entails the planting of roughly 250 trees and shrubs, which is a permit requirement to offset impacts to a previously existing 7-acre forested upland.

PMT-010: Terminal Civil Works. Based on available funding and the construction schedule, the balance of phase I civil works has been rescheduled such that public advertisement is targeted for late 2<sup>nd</sup> quarter of 2014. This contract is expected to follow after the completion of the PMT-009 fill material hauling activities.

PMT-E01: Material Handling - Mobile Harbor / STS Crane. Based on available funding and construction schedule, the mobile harbor or STS crane procurement has been targeted for public advertisement in late 2<sup>nd</sup> quarter or early 3<sup>rd</sup> quarter 2014, in order to coincide with the completion of the wharf construction implementation schedule.

Refer to the enclosed Paulsboro Marine Terminal & Access Road and Bridge February 2014 Monthly Progress Reports, which include an Executive Summary, Critical Issues Identification, Construction Activities Update, OCIP, Project Budget Summary, Project Schedule, Construction Photographs and Submittal Logs for further details.

**ACCOUNTING RECONCILIATION:** A 4<sup>th</sup> Quarter 2013 accounting reconciliation meeting (with data date through February 2014) between representatives of the GCIA and SJPC occurred on March 13, 2014. Based on the results of this meeting, minor contract value discrepancies for two construction contracts were identified and corrected. No other outstanding or unresolved accounting issues have been identified. A 1<sup>st</sup> quarter 2014 reconciliation meeting will be scheduled for May 2014.





## **MATTERS INVOLVING LITIGATION, PERSONNEL & SPECIAL MATTERS**

The subject matter is covered by one or more of the following legal exemptions:

- Matters made confidential by state, federal law or rule by court.
- Disclosure would result in an unwarranted invasion of individual privacy, unless the person affected consents in writing.
- Disclosure would impair the body's right to receive federal or state funds.
- Collective bargaining.
- Lease or acquisition of property, setting of banking rates, investment of public funds if disclosure would harm the public interest.
- Investigations into violations of law.
- Strategies to protect public security.
- Pending, ongoing or anticipated litigation or contract negotiation, including attorney-client privilege. The threat of litigation must be more than theoretical for this exemption to apply.
- Personnel matters affecting employees of the public bodies, unless all parties request or consent to a public hearing. Prior to discussion of personnel, affected employees must be given notice, known as a Rice notice, which gives the employee the right to request a public hearing.
- Proceedings that could result in a suspension, civil penalty, or loss of a license or permit.

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### **1. COUNSEL'S REPORT**

### **2. PAULSBORO MARINE TERMINAL**

**a. Paulsboro Marine Terminal - PMT-004: Differing Site Condition (DSC) Claim**

**b. Paulsboro Marine Terminal & Access Road and Bridge - PMT-003: GCIA v. GRD Condemnation Matter - Property Valuation**

### **3. HOLTEC**

### **4. BROADWAY TERMINAL – SPRINKLER SYSTEM ISSUE**