

# SOUTH JERSEY PORT CORPORATION



## BOARD OF DIRECTORS SPECIAL MEETING TUESDAY, MARCH 8, 2022 3:00 PM

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

### 1. AGENDA ITEMS REQUIRING BOARD ACTION:

#### **RESOLUTION 2022-03-0028: AUTHORIZATION TO RETAIN LAW FIRM OF BROWN & CONNERY, LLP, AS SPECIAL COUNSEL**

##### **REQUEST**

Staff is requesting Board approval to retain the law firm of Brown & Connery, LLP, as Special Counsel in *Holcim (US), Inc., v. South Jersey Port Corporation*.

##### **BACKGROUND**

Holcim, Inc., a former tenant that assigned their lease to Lehigh Cement in 2015, has brought a lawsuit against SJPC to have the Port assume environmental remediation responsibilities required by NJDEP under the Industrial Site Recovery Act (ISRA).

##### **RECOMMENDATION**

Staff recommends Board approval to retain the law firm of Brown & Connery, LLP, as Special Counsel in *Holcim (US), Inc., v. South Jersey Port Corporation*.



## **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. PERSONNEL**