

# **SOUTH JERSEY PORT CORPORATION**



## **BOARD OF DIRECTORS MEETING JANUARY 31, 2023**

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

**1. APPROVAL OF MINUTES**

Regular Open Meeting December 6, 2022  
Closed Session Meeting December 6, 2022

**2. APPROVAL OF OPERATING BILLS  
RESOLUTION 2023-01-0001**

**3. APPROVAL OF ADVANCE PAYMENT BILL LIST  
RESOLUTION 2023-01-0002**

**4. APPROVAL OF CREDITS  
RESOLUTION 2023-01-0003**

**5. APPROVAL OF CHANGE ORDERS (ONE)**

**RESOLUTION 2023-01-0004: CHANGE ORDER NO. 2 MJF  
ELECTRICAL CONTRACTING - ELECTRICAL VEHICLE  
CHARGING INFRASTRUCTURE**

**6. APPROVAL OF CONSTRUCTION FUND REQUISITIONS  
RESOLUTION 2023-01-0005**

**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:**

**ACTION ITEMS**

- A. RESOLUTION 2023-01-0006: APPROVAL TO AWARD A CONSTRUCTION CONTRACT FOR PIER 1 SINKHOLE REPAIRS AT BROADWAY TERMINAL**
  
- B. RESOLUTION 2023-01-0007: APPROVAL TO AWARD A CONTRACT FOR JANITORIAL SERVICES AT BALZANO AND BROADWAY TERMINALS**
  
- C. RESOLUTION 2023-01-0008: APPROVAL TO ISSUE A REQUEST FOR PROPOSALS FOR FIRE SPRINKLER SYSTEMS AND FIRE EXTINGUISHER INSPECTIONS AT BALZANO AND BROADWAY TERMINALS**
  
- D. RESOLUTION 2023-01-0009: APPROVAL OF CAMDEN PLANT HOLDINGS LLC LEASE EXTENSION**
  
- E. RESOLUTION 2023-01-0010: APPROVAL OF OFFICE LEASE WITH DELAWARE RIVER STEVEDORES (DRS)**
  
- F. RESOLUTION 2023-01-0011: APPROVAL OF SHARED SERVICES AGREEMENT WITH GLOUCESTER COUNTY IMPROVEMENT AUTHORITY FOR PAULSBORO MARINE TERMINAL PROJECT**



**G. RESOLUTION 2023-01-0012: ANNUAL DESIGNATION OF PUBLIC AGENCY COMPLIANCE OFFICER FOR EEO CONTRACT COMPLIANCE**

**H. RESOLUTION 2023-01-0013: AUTHORIZATION TO APPROVE 2021 FINANCIAL AUDIT REPORT**

**I. RESOLUTION 2023-01-0014: APPROVAL TO ENTER INTO A REVISED LEASE-TO-OWN AGREEMENT FOR CARGO HANDLING EQUIPMENT**

**J. RESOLUTION 2023-01-0015: APPROVAL TO RENEW SJPC'S MARINE TERMINAL OPERATORS GENERAL LIABILITY/BUMBERSHOOT LIABILITY, COMMERCIAL AUTOMOBILE LIABILITY, HULL & MACHINERY/PROTECTION AND INDEMNITY (P&I) – 1959 SPUD BARGE, POLLUTION LIABILITY – 1959 SPUD BARGE, AND PUBLIC OFFICIALS' PRACTICES LIABILITY INSURANCE**

**11. SUPPLEMENTAL BOARD INFORMATION:**

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

**L. PORT SECURITY UPDATE**

**M. PAULSBORO MARINE TERMINAL PROJECT UPDATES**

**PUBLIC SESSION FOR QUESTIONS / COMMENTS**

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



**ACTION ITEM:**

**A. RESOLUTION 2023-01-0006: APPROVAL TO AWARD A CONSTRUCTION CONTRACT FOR PIER 1 SINKHOLE REPAIRS AT BROADWAY TERMINAL**

**REQUEST**

Staff is requesting Board approval to award a construction contract for Pier 1 sinkhole repairs at the Broadway Marine Terminal to Paving Plus, LLC.

**BACKGROUND**

Pursuant to the Board’s authorization to request quotations for contractor services for the Pier 1 Sinkhole Repairs project (Resolution Number 2022-04-0052), an Invitation for Bidders was advertised for the solicitation of public bids to perform the work. Four contractors attended the pre-bid meeting, and four bids were received. Staff is recommending approval of award to the low bidder.

As the documented condition of this 120-year-old pier continues to deteriorate, periodic repairs are needed to address sinkholes which occur in the paved work area due to openings in the wood deck below. This is the third repair request for Board approval within as many years.

Plans and technical specifications were prepared by S.T. Hudson Engineers. The scope of work includes excavation, low deck repairs, then backfilling, and paving in four locations. Add alternate quantities were included to address a fifth area of concern.

The pre-bid site tour was conducted on November 15, 2022. Four bids were opened on Tuesday, December 13, 2022.

	<u>Bidder</u>	<u>Location</u>	<u>Base Bid</u>	<u>Add/Alt.</u>	<u>Total Bid</u>
1	Paving Plus, LLC	Glassboro, NJ	\$ 345,675	\$ 72,600	\$ 418,275
2	Atlantic Subsea	Bridgeport, NJ	\$ 545,250	\$ 98,375	\$ 643,625
3	JPC Group, Inc.	Blackwood, NJ	\$ 623,375	\$ 144,250	\$ 767,625
4	Railroad Construction	Patterson, NJ	\$ 1,131,973	\$ 241,425	\$ 1,373,398

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The bids have been reviewed by Staff, the engineer S.T. Hudson, and for legal and Insurance compliance. The lowest qualified bid is from Paving Plus, of Glassboro, NJ, at a total bid price of \$418,275.00. Funding for this project is available in the 2017A Series bond account.

### **RECOMMENDATION**

Staff is recommending Board approval to award this construction contract to the low bidder, Paving Plus, LLC Construction Services from Glassboro, NJ, in the total bid amount of \$418,275.00.



**ACTION ITEM:**

**B. RESOLUTION 2023-01-0007: APPROVAL TO AWARD A CONTRACT FOR JANITORIAL SERVICES AT BALZANO AND BROADWAY TERMINALS**

**REQUEST**

Staff is requesting Board approval to enter the New Jersey Statewide contract for janitorial services with ACCSES NJ / CNS Services for the Balzano and Broadway Marine terminals.

**BACKGROUND**

The SJPC currently has two janitorial job positions. These staff clean all of the offices, breakrooms, and bathrooms at the two Camden Terminals.

These positions are exempt and not included in any union contract. One of these positions has been open for over a year, and the SJPC Humans Resources Department has advertised continuously and identified dozens of candidates. Many of these candidates have been interviewed and several job offers made, but the onboarding process has been unsuccessful. The janitor on staff is nearing retirement.

During the COVID Pandemic, SJPC utilized an outside cleaning service to supplement inhouse resources due to need for more thorough cleanings of employee and public areas at the Balzano and Broadway Terminals, and to provide backup for inhouse staff when they were not available.

Based on the performance of the previous outside vender, staff explored the option of contracting for these services on a permanent basis. In accordance with procurement policy, staff first explored the use of an applicable state contract, and identified Statewide Contract Number T1480, Contract Number A77110, which is held by ACCSES NJ CNA Services from Trenton, New Jersey ACCSESS NJ has been providing these services to New Jersey government agencies for decades and has an extensive list of New Jersey state and local government clients.

Staff conducted a walk thru of the Balzano and Broadway Terminals on January 17, 2023 and received a written proposal on January 19, 2023. Based on a review of the proposal

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and the need to maintain our employee and public areas in in safe and sanitary condition, staff believe that contracting these services is the best possible method for the SJPC.

The term would be one year with the Board's option for two one-year renewals. The contract amount for one year under the terms of the state contract will be \$ 79,460.00.

**RECOMMENDATION:**

Staff is recommending Board approval to enter the New Jersey Statewide contract for janitorial services with ACCSES NJ / CNS Services for a period of one year with two one-year options in the not-to-exceed amount of \$79,460.00.



**ACTION ITEM:**

**C. RESOLUTION 2023-01-0008: APPROVAL TO ISSUE  
REQUEST FOR BIDS FOR FIRE SPRINKLER SYSTEMS  
AND FIRE EXTINGUISHER INSPECTIONS AT BALZANO  
AND BROADWAY TERMINALS**

**REQUEST**

Staff is requesting Board approval to issue a Request for Proposals for annual fire sprinkler system and fire extinguisher inspection, preventative maintenance, and emergency repair services for one year with options to renew for up to two additional years at the Balzano and Broadway Marine Terminals.

**BACKGROUND**

Building fire sprinkler systems are required to be inspected annually in accordance with NFPA 25 - Standard for Inspection, Testing and Maintenance of Water-Based Fire Protection Systems. This includes fire sprinkler distribution piping, piping supports, the valve control rooms, pumps, hydrants, valves, gauges, etc., as well as the performance of trip tests of the fire sprinkler zone functionality to work within a specified time. Preventive maintenance is also performed at the time of the inspections.

In addition, fire extinguishers require yearly inspection and servicing on site in accordance with NFPA 10 - Standard for Portable Fire Extinguishers.

The SJPC also needs periodic emergency responses when system failures occur. These inspection, testing, preventative maintenance and emergency response services must be performed by licensed and insured fire protection professionals at a firm certified by the State of New Jersey.

The contract terms for the requested solicitation will be for a one-year term with the option of two additional, one-year extensions at a not to exceed cost of \$100,000 per year.

**RECOMMENDATION:**

Staff recommends Board approval to issue a Request for Proposals for fire sprinkler systems and fire extinguisher inspection, testing, preventative maintenance, and emergency response services for one year with options to renew for up to two additional years at the Balzano and Broadway Marine Terminals.





**ACTION ITEM:**

**D. RESOLUTION 2023-01-0009: APPROVAL OF CAMDEN PLANT HOLDINGS LLC LEASE EXTENSION**

**REQUEST**

Staff is requesting Board approval to extend the lease with Camden Plant Holdings LLC.

**BACKGROUND**

SJPC leases approximately 5,000 square feet of indoor storage to Camden Plant Holdings at the Broadway Terminal in Camden, for spare parts storage for power generation. The current one-year lease expires on February 28, 2023. The basic terms of the proposed lease extension are:

- 1 year extension term, from March 1, 2023 to February 28, 2024
- 8% CPI increase rental increase, to \$1,403.32 per month / \$16,839.84 per year
- Tenant pays \$100 per month electricity fee

**RECOMMENDATION:**

Staff recommends Board approval to extend the lease with Camden Plant Holdings LLC.



**ACTION ITEM:**

**E. RESOLUTION 2023-01-0010: APPROVAL OF OFFICE LEASE WITH DELAWARE RIVER STEVEDORES (DRS)**

**REQUEST**

Staff is requesting Board approval to lease office space in Building A-2 at Balzano Terminal to DRS

**BACKGROUND**

DRS is currently housing some of their terminal management staff in an office trailer at Balzano Terminal. With the vacation of a portion of the 2<sup>nd</sup> floor of Building A by SJPC staff, building space is now available to rent to DRS and allow for the removal of their trailer from the terminal which will provide additional outside storage space.

Key lease terms are as follow:

- Approximately 562 square feet of office space @ a starting rent of \$7.55 per square foot per year:  
\$4,243.08 per year/ \$353.59 per month
- 2- year lease term with annual CPI escalation
- Shared DRS/SJPC use of Building A-2 kitchen, restrooms, and conference room, and with conference room use subject to schedule coordination with SJPC
- DRS responsible for cost of improvements, maintenance, damage and utilities to leased area, as well as any damage to shared common areas
- Tenant to pay share of common area maintenance expenses in the amount of \$848.52 per year, plus annual cpi escalation.

**RECOMMENDATION:**

Staff is therefore requesting Board approval to lease office space in Building A-2 at Balzano Terminal to DRS



**ACTION ITEM:**

**F. RESOLUTION 2023-01-0011: APPROVAL OF SHARED SERVICES AGREEMENT WITH GLOUCESTER COUNTY IMPROVEMENT AUTHORITY FOR PAULSBORO MARINE TERMINAL PROJECT**

**REQUEST**

Staff is requesting Board approval of an updated shared services agreement with the Gloucester County Improvement Authority (GCIA) for the Paulsboro Marine Terminal project.

**BACKGROUND**

Staff is presenting a proposed new Shared Services Agreement with the Gloucester County Improvement Authority to provide labor for continuing and future work on the Paulsboro Marine Terminal project on an "as-needed" basis, which can be provided by tradesmen in several trades under the employ of the GCIA. The Agreement contains Exhibit "A," which sets out the updated contractual wages for hourly rates for tradesmen. The term of the Agreement is for one (1) year commencing on the date of execution of the Agreement. The Agreement has an option for SJPC to extend the same in its sole discretion for an additional one (1) year term by giving written notice to the GCIA prior to the expiration of the initial one (1) year term. The Agreement contains a sixty (60) day mutual cancellation clause. The Agreement replaces the prior Shared Services Agreement with the GCIA for labor that expired on December 31, 2022.

**RECOMMENDATION:**

Staff recommends Board to approve the updated Shared Services Agreement for labor concerning the Paulsboro Marine Terminal project with Gloucester County Improvement Authority.



**ACTION ITEM:**

**G. RESOLUTION 2023-01-0012: ANNUAL DESIGNATION OF PUBLIC AGENCY COMPLIANCE OFFICER FOR EEO CONTRACT COMPLIANCE**

**REQUEST**

Staff is requesting Board approval designating August E. Knestaut, Esquire, SJPC's Director of Legal and Regulatory Affairs, to serve as SJPC's Public Agency Compliance Officer (PACO).

**BACKGROUND**

In accordance with N.J.A.C 17:27-3.3, each Public Agency in New Jersey is required to designate an individual to serve as its compliance officer. The PACO is the liaison between the Division of Purchase and Property's Contract Compliance and Audit Unit (Division) and the Public Agency. It is the Public Agency's point of contact for all matters concerning implementing and administering the State's Equal Employment Opportunity (EEO) statutes and regulations. The PACO is also responsible for administering equal employment opportunity contracting procedures for both the Public Agency and vendors with public contracts. Vendors shall include but are not limited to, those providing goods, professional services, and general services to and for the Public Agency and construction contractors who contract with the Public Agency. As such, the PACO must have the authority to recommend changes to effectively support the administration and implementation of the applicable EEO statutes and its companion regulations.

Each year, all Public Agencies are required to submit the name, title, address, telephone number, fax number, and e-mail address of the PACO designated by the Public Agency. This information must be submitted to the Division in January of each year. In addition, it shall be the responsibility of the Public Agency to update the PACO designation at any time during the year if any changes are made concerning the designated PACO.

Staff proposes to designate August E. Knestaut, Esquire, Director of Legal and Regulatory Affairs of and for the SJPC, to serve as the SJPC's PACO for the year 2023.

**RECOMMENDATION:**

Staff recommends Board designation of August E. Knestaut Esquire to serve as SJPC's PACO for 2023.



**ACTION ITEM:**

**H. RESOLUTION 2023-01-0013: AUTHORIZATION TO APPROVE 2021 FINANCIAL AUDIT REPORT**

**REQUEST**

Staff is requesting Board approval to approve the 2021 Financial Audit Report.

**BACKGROUND**

As required under Executive Order #122, our Board's Audit Committee has received and reviewed the draft 2021 Financial Audit Report.

The auditors have issued what is equivalent to an unmodified opinion for the 2021 Audit Report for fiscal year ending December 31, 2021.

**RECOMMENDATION:**

The Board Audit Committee and Staff recommend acceptance of the 2021 Financial Audit and approval of the resolution certifying that each member of the SJPC Board of Directors has reviewed the audit report.



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**ACTION ITEM:**

**I. RESOLUTION 2023-01-0014: APPROVAL TO ENTER INTO A REVISED LEASE-TO-OWN AGREEMENT FOR CARGO HANDLING EQUIPMENT**

**REQUEST**

Staff is requesting Board approval to amend the existing lease agreement for the lease/purchase of one (1) 30,000 lb. diesel forklift and one (1) 55,000 lb. diesel forklift via a sixty (60) month lease-to-own option for each.

**BACKGROUND**

Per Resolution 2021-10-0102, SJPC's Board of Directors approved the award of a 60-month lease-to-own option for one (1) 30,000 lb. Diesel Forklift, and one (1) 55,000 lb. Diesel Forklift, to Eastern Lift Truck Co., Inc. ("Eastern"), who was the lowest responsible bidder for the project at a cost of \$317,161. for the 30K lb. forklift and \$438,354. for the 55K lb. forklift. Due to interest rate hikes from 2021 to 2023, the monthly costs for these lease agreements have increased over what was previously approved by the Board. This increase occurred due to a delay in the manufacture and delivery of the equipment because of supply chain issues related to the COVID-19 pandemic.

At the time of Eastern's bid, the monthly lease payments for the Hyster PG-300 30,000lb. forklift was \$5,769.80 based upon an interest rate of 3.5%. The monthly lease payments for this forklift have now increased by \$510.37 to \$6,280.17 due to an interest rate increase to 7%. Even with this increase, the monthly payments will remain below the previously quoted rental rates.

The 30,000 lb. Hyster PG-300 Diesel Forklift is ready, and the SJPC thereby needs to deliver the lease/purchase documents required to complete the delivery process. The 55,000 lb. Hyster H550XD48 diesel forklift is not yet ready for delivery. However, it is anticipated based upon current market conditions that lease/purchase agreement for this piece of equipment will also be subject to interest rate increases when it is ready to be delivered.

**RECOMMENDATION:**

Staff recommends Board approval to enter into lease-to-own agreements, subject to any market interest rate fluctuations, for both the 30,000 lb. and 55,000 lb. diesel forklifts previously approved per Resolution 2021-10-0102.



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**ACTION ITEM:**

**J. RESOLUTION 2023-01-0015: APPROVAL TO RENEW SJPC'S MARINE TERMINAL OPERATORS GENERAL LIABILITY/BUMBERSHOOT LIABILITY, COMMERCIAL AUTOMOBILE LIABILITY, HULL & MACHINERY/PROTECTION AND INDEMNITY (P&I) – 1959 SPUD BARGE, POLLUTION LIABILITY – 1959 SPUD BARGE, AND PUBLIC OFFICIALS' PRACTICES LIABILITY INSURANCE**

**REQUEST**

Staff is requesting Board approval to renew SJPC's Marine Terminal Operators General Liability / Bumbershoot Liability, Commercial Automobile Liability, Hull & Machinery/Protection and Indemnity (P&I) - 1959 Spud Barge, Pollution Liability - 1959 Spud Barge and Public Officials and Employment Practices Liability insurance policies. The policies are set to renew on March 1, 2023.

**BACKGROUND**

**Marine Terminal Operators General Liability / Bumbershoot Liability:** Your current (3/1/2022 – 3/1/2023) Marine Terminal Operators General Liability / Bumbershoot Liability program provides a \$21,000,000 Occurrence / \$21,000,000 General Aggregate Limit through National Union Fire Insurance Company of Pittsburgh, PA (\$1,000,000 Per Occurrence / \$2,000,000 Aggregate Limit), Liberty Mutual Insurance Company (\$5,000,000 part of \$20,000,000 Limit excess of \$1,000,000 Underlying), National Union Fire Insurance Company of Pittsburgh, PA (\$5,000,000 part of \$20,000,000 Limit excess of \$1,000,000 Underlying), Navigators Insurance Company (\$5,000,000 part of \$20,000,000 Limit excess of \$1,000,000 Underlying) and Stratford Insurance Company (\$5,000,000 part of \$20,000,000 Limit excess of \$1,000,000 Underlying). The total expiring premium is \$225,000 (including TRIA and New Jersey surcharges) based on Gross Receipts of \$23,865,963.

For the 3/1/2023 – 3/1/2024 policy term, South Jersey Port Corporation provided a Gross Receipts estimate of \$26,752,332, an increase of approximately 12%. Conner Strong & Buckelew negotiated a renewal cost of \$254,000, which represents a 0.71% (+\$1,788) rate increase against the adjusted expiring pricing. Conner Strong & Buckelew pursued other insurance carriers on your behalf, and the results of our marketing effort are discussed

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further in our proposal. Based on the options provided, and after consultation with staff, Conner Strong & Buckelew recommends that South Jersey Port Corporation renew their Marine Terminal Operators General Liability insurance coverage with National Union Fire Insurance Company of Pittsburgh, PA (AIG). Conner Strong & Buckelew also recommends that South Jersey Port Corporation renew their Bumbershoot Liability with Liberty Mutual Insurance Company as the lead carrier. The other participating carriers will remain unchanged except for Strafford Insurance Company which will be replaced by Swiss RE Corporate Solutions American Insurance Corporation. Liberty will be providing \$5,000,000 part of \$20,000,000, National Union Fire Insurance Company of Pittsburgh, PA (AIG) will be providing \$5,000,000 part of \$20,000,000, Swiss RE Corporate Solutions American Insurance Corporation will be providing \$5,000,000 part of \$20,000,000 and Navigators Insurance Company will be providing \$5,000,000 part of \$20,000,000; all excess of the \$1,000,000 underlying. The coverages, terms, and conditions of the incumbent program is described in more detail in our proposal.

**Commercial Automobile:** Your current program with Chubb Insurance Company of New Jersey provides a \$1,000,000 Combined Single Limit. Chubb's renewal quote for the 3/1/2023 – 3/1/2024 policy term is \$161,155 (including NJ surcharges) and is based on 78 units versus 83 units last year. We approached other insurance companies, as detailed in our proposal; however, Chubb continues to provide the most competitive program. Conner Strong & Buckelew recommends that South Jersey Port Corporation renew with Chubb Insurance Company of New Jersey.

**Hull & Machinery/Protection and Indemnity (P&I) - 1959 Spud Barge:** Your current program with National Union Fire Insurance Company of Pittsburgh, PA (AIG) provides a \$1,000,000 P&I limit and a Hull value of \$200,000. AIG has offered a renewal quote for the 3/1/2023 – 3/1/2024 policy term with the same terms and conditions as the expiring policy for a cost of \$5,670 (including NJ surcharges). Please note that this coverage is specifically for your 1959 Spud Barge. Conner Strong & Buckelew recommends that South Jersey Port Corporation renew the coverage with AIG.

**Pollution Liability - 1959 Spud Barge:** Your current program with Water Quality Insurance Syndicate (WQIS) provides a \$5,000,000 Limit for a discharge of oil or hazardous substances. WQIS' renewal quote for the 3/1/2023 – 3/1/2024 policy term is \$2,515 (including NJ surcharges). Please note that this coverage is specifically for your 1959 Spud Barge. Conner Strong & Buckelew recommends that South Jersey Port Corporation renew with the Water Quality Insurance Syndicate (WQIS).

**Public Officials Liability and Employment Practices Liability Insurance:** Your current program with Navigators Insurance Company provides a \$5,000,000 Limit for Public Officials and a \$5,000,000 Limit for Employment Practices Liability claims. Navigators' renewal quote for the 3/1/2023 – 3/1/2024 policy term is \$62,813, which represents a 4% (-\$4,441) rate decrease against the adjusted expiring pricing. We approached several other insurance companies on behalf of the Port and the results of our marketing effort are discussed in greater detail in our proposal. Conner Strong & Buckelew recommends that



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South Jersey Port Corporation renew their Public Officials Liability and Employment Practices Liability program with Navigators Insurance Company.

**RECOMMENDATION:**

Staff recommends board approval for the above insurance renewals.



**INFORMATION ITEM:**

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

PHOENIX STRATEGIES/ARTLIP COMMUNICATIONS REPORT ATTACHED.

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**INFORMATION ITEM:**

**L. SECURITY UPDATE:**



**INFORMATION ITEM:**

**M. PAULSBORO MARINE TERMINAL PROJECT UPDATES**

The Paulsboro Marine Terminal Project updates are provided by the Gloucester County Improvement Authority.



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