

# SOUTH JERSEY PORT CORPORATION



## BOARD OF DIRECTORS MEETING APRIL 30, 2024

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

1. **APPROVAL OF MINUTES**  
Regular Open Meeting March 26, 2024  
Closed Session Meeting March 26, 2024
2. **APPROVAL OF OPERATING BILLS**  
**RESOLUTION 2024-04-0049**
3. **APPROVAL OF ADVANCED PAYMENT BILL LIST**  
**RESOLUTION 2024-04-0050**
4. **APPROVAL OF CREDITS**  
**RESOLUTION 2024-04-0051**
5. **APPROVAL OF CHANGE ORDERS (THREE)**

**RESOLUTION 2024-04-0052: CHANGE ORDER NO. 4 TO TRACKS UNLIMITED, LLC FOR THE RAIL REHABILITATION AT BALZANO MARINE TERMINAL**

**RESOLUTION 2024-04-0053: CHANGE ORDER NO. 1 TO PS&S, LLC. FOR DRAINAGE AND PAVING AT 551 SOUTH 2<sup>ND</sup> STREET BALZANO MARINE TERMINAL**

**RESOLUTION 2024-04-0054: CHANGE ORDER NO. 1 TO MARTIN ASSOCIATES FOR ADDITIONAL SERVICES TO PREPARE THE CAMDEN PORTS MASTER PLAN**



- 6. APPROVAL OF CONSTRUCTION FUND REQUISITIONS  
RESOLUTION 2024-04-0055**
- 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 2024-04-0056: AUTHORIZING EXECUTIVE  
DIRECTOR/CEO TO EXECUTE 2024 DVRPC GRANT AGREEMENT**
- B. RESOLUTION 2024-04-0057: APPROVAL TO ISSUE A REQUEST FOR  
QUOTES TO PURCHASE TWO ELECTRIC TOP LOADERS**
- C. RESOLUTION 2024-04-0058: AWARD A CONSTRUCTION  
CONTRACT FOR FIRE PROTECTION SYSTEM REPAIRS AT THE  
BALZANO MARINE TERMINAL**
- D. RESOLUTION 2024-04-0059: REQUESTING APPROVAL TO AWARD  
A CONTRACT FOR DESIGN SERVICES FOR BERTH 1 SLOPE  
STABILIZATION AT THE BALZANO MARINE TERMINAL**
- E. RESOLUTION 2024-04-0060: REQUESTING APPROVAL TO AWARD  
A CONTRACT FOR DESIGN SERVICES FOR BERTHS 3 & 4  
PRIORITY MARINE REPAIRS AT THE BALZANO MARINE  
TERMINAL**



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- F. RESOLUTION 2024-04-0061: REQUESTING APPROVAL TO AWARD A CONTRACT FOR DESIGN SERVICES FOR REPAIRS TO THE CRANE RAIL CONCRETE SUPPORT BEAMS, DRAINAGE, AND OUTER DECK OF BERTH 4 AT THE BALZANO MARINE TERMINAL**
- G. RESOLUTION 2024-04-0062: APPROVAL TO AWARD A CONTRACT TO SHI INTERNATIONAL CORPORATION FOR 15 NEW SECURITY CAMERAS AT THE BALZANO AND BROADWAY TERMINALS**
- H. RESOLUTION 2024-04-0063: APPROVAL TO AWARD A CONTRACT TO NEW JERSEY BUSINESS SYSTEMS (NJBS) FOR NETWORKING, CABLING, AND INSTALLATION OF 15 NEW SECURITY CAMERAS AT THE BALZANO AND BROADWAY TERMINALS**
- I. RESOLUTION 2024-04-0064: APPROVAL TO ADVERTISE FOR BIDS FOR PAVING AND DRAINAGE OF THE 551 SOUTH 2ND STREET LOT AT THE BALZANO TERMINAL, CAMDEN, NJ**
- J. RESOLUTION 2024-04-0065: APPROVAL TO EXECUTE MEMORANDUM OF UNDERSTANDING WITH PHILADELPHIA REGIONAL PORT AUTHORITY AND DIAMOND STATE PORT CORPORATION CONCERNING DELAWARE RIVER PORTS' ANNUAL OPERATION AND MAINTENANCE LOCAL FUNDING**
- K. RESOLUTION 2024-04-0066: APPROVAL OF ANNUAL SCI SUPPORT FOR SERVICES**
- L. RESOLUTION 2024-04-0067: APPROVAL TO EXECUTE AND RECORD A DEED NOTICE AS REQUIRED BY THE REMEDIAL ACTION AGREEMENT DATED MARCH 15, 2022, BETWEEN THE SOUTH JERSEY PORT CORPORATION AND AIR PRODUCTS AND CHEMICALS, INC. CONCERNING THE REMEDIATION OF BLOCK 457, LOT 10 IN THE CITY OF CAMDEN**



**M. RESOLUTION 2024-04-0068: AUTHORIZING THE ACQUISITION BY NEGOTIATION, PURCHASE, CONDEMNATION OR EMINENT DOMAIN THE PROPERTIES KNOWN AS BLOCK 7, LOTS 1, 2, 3 AND 13.01, BLOCK 94, LOT 1, BLOCK 96, LOT 5, IN THE CITY OF SALEM, COUNTY OF SALEM, STATE OF NEW JERSEY AND BLOCK 30, LOT 1 IN THE TOWNSHIP OF ELSINBORO, COUNTY OF SALEM, STATE OF NEW JERSEY AND ACCEPTING AND APPROVING IN THEIR ENTIRETY THE APPRAISALS OF THE SAID PROPERTIES DONE BY MOLINARI & ASSOCIATES, P.C.**

**11. SUPPLEMENTAL BOARD INFORMATION:**

- N.    MARKETING COMMITTEE REPORT & PHOENIX/ARTLIP COMMUNICATIONS REPORT**
- O.    PORT SECURITY UPDATE**
- P.    PAULSBORO MARINE TERMINAL PROJECT UPDATES**

**PUBLIC SESSION FOR QUESTIONS / COMMENTS**

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



**ACTION ITEM:**

**A. RESOLUTION 2024-04-0056: AUTHORIZING EXECUTIVE DIRECTOR/CEO TO EXECUTE 2024 DVRPC GRANT AGREEMENT**

**REQUEST**

Staff is requesting the Board authorize the Executive Director/CEO to execute a grant agreement with the Delaware Valley Regional Planning Commission for the purchase of two electric top loaders.

**BACKGROUND**

The SJPC applied to the Delaware Valley Regional Planning Commission (DVRPC) for grant funding under their Carbon Reduction Program. This new federal-aid funding category was established under the Infrastructure Investment and Jobs Act (Public Law 117-58, aka the Bipartisan Infrastructure Law), and provides funding for projects that will reduce transportation emissions.

The scope of this project is to replace two Tier 0 (Pre-1998) diesel top loaders with two new electric powered top loaders. Replacing these top loaders with electric vehicles will significantly reduce emissions associated with diesel engines, thereby improving air quality. The costs to purchase, deliver, install, and assemble these vehicles is estimated to be \$4,000,000. The local match would be 20%.

At their meeting on April 9, the DVRPC's Regional Technical Committee voted to amend the FY2024 Transportation Improvement Plan (TIP) for New Jersey to include a Carbon Reduction Program line item for the grant to the SJPC. The DVRPC full board voted for the action at their regular meeting on April 25, 2024.

**RECOMMENDATION:**

Staff recommends Board approval to authorize the Executive Director/CEO to execute the grant agreement with DVRPC for the purchase of two electric top loaders.



**ACTION ITEM:**

**B. RESOLUTION 2024-04-0057: APPROVAL TO ISSUE A REQUEST FOR QUOTES TO PURCHASE TWO ELECTRIC TOP LOADERS**

**REQUEST**

Staff is requesting Board approval to advertise a request for quotes to purchase two electric top loaders.

**BACKGROUND**

The SJPC applied to the Delaware Valley Regional Planning Commission (DVRPC) for grant funding under their Carbon Reduction Program. This new federal-aid funding category was established under the Infrastructure Investment and Jobs Act (Public Law 117-58, aka the Bipartisan Infrastructure Law), and provides funding for projects that will reduce transportation emissions.

The scope of this project is to replace two Tier 0 (Pre-1998) diesel top loaders with two new electric powered top loaders. Replacing these top loaders with electric vehicles will significantly reduce emissions associated with diesel engines, thereby improving air quality.

The costs to purchase, deliver, install, and assemble these vehicles is estimated to be \$4,000,000. The local match would be 20%.

At their meeting on April 9, the DVRPC's Regional Technical Committee voted to amend the FY2024 Transportation Improvement Plan (TIP) for New Jersey to include a Carbon Reduction Program line item for the grant to the SJPC. The DVRPC full board voted for the action at their regular meeting on April 25, 2024.

**RECOMMENDATION:**

Staff is requesting Board approval to advertise a request for quotes to purchase two electric top loaders.



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**ACTION ITEM:**

**C. RESOLUTION 2024-04-0058: AWARD A CONSTRUCTION CONTRACT FOR FIRE PROTECTION SYSTEM REPAIRS AT THE BALZANO MARINE TERMINAL**

**REQUEST**

Staff is requesting the Board to award a construction contract to repair the fire protection systems at the Balzano Marine Terminal.

**BACKGROUND**

The eleven operations buildings at the Balzano Marine Terminal have dry pipe sprinkler fire protection systems. There are fourteen pump rooms serving twenty-five individual valve zones. Recently, all of these systems were inspected for their 3 and 5 year scheduled wet trip tests, as required by DCA Division of Fire Safety.

The resulting inspection report identified 33 items requiring corrective repairs, including two pump rebuilds, two compressor replacements, six accelerator replacements, and numerous other parts and piping repairs and replacements. These repairs are required by the fire code.

By Resolution Number 2023-07-0061, the Board authorized the advertisement for this work. The request for quotes was publicly advertised and posted on the SJPC website. In addition, six fire protection firms were notified of the opportunity.

The Pre-Bid meeting was held on March 21, 2024. Bids were opened on April 11, 2024. One bid was received. The bid has been reviewed by legal counsel.

| Bidder Name and Address               | Bid Amount |
|---------------------------------------|------------|
| Harring Fire Protection<br>Folsom, NJ | \$227,050  |

**RECOMMENDATION:**

Staff is recommending award of the construction contract for repairs to the fire protection sprinkler systems at the Balzano Marine Terminal to Harring Fire Protection of Williamstown, New Jersey in the amount of \$ 227,050.



**ACTION ITEM:**

**D. RESOLUTION 2024-04-0059: APPROVAL TO AWARD A CONTRACT FOR DESIGN SERVICES FOR BERTH 1 SLOPE STABILIZATION AT THE BALZANO MARINE TERMINAL**

**REQUEST**

Pursuant to the Board Authorization: RESOLUTION 2023-06-0051, REQUESTING APPROVAL TO ISSUE AN RFP FOR DESIGN SERVICES TO DEMOLISH BERTH 1 AND PERFORM SLOPE STABILIZATION AT BALZANO MARINE TERMINAL, an RFP was advertised for the solicitation of proposals from our prequalified marine engineering design firms to perform the necessary field investigation and design services for shoreline stabilization of Berth 1 at the Balzano Marie Terminal.

**BACKGROUND**

The Berth 1 marine structure is in a state of progressive collapse causing continual shoreline erosion at Balzano Marine Terminal. This continual erosion caused by tidal action over the years has progressed to the extent that local areas of the adjacent Transit Shed 1 are undermined, resulting in floor loading restrictions in the affected areas.

The South Jersey Port Corp was awarded a \$750,000 grant administered through the US Department of Housing and Urban Development (HUD) toward the cost for the Berth 1 demolition and the slope stabilization project.

SJPC staff prepared and issued a Request for Proposals to our list of 15 prequalified marine engineering design firms, to perform the necessary field investigation and design services required to stabilize the shoreline at Berth 1.

A non-mandatory site visit was held on Thursday, February 29, 2024, with five (5) firms in attendance. The following four (4) proposals were received on March 13, 2024:

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| Proposer Name and Address                    | Proposed Fee |
|--|--------------|
| GEI Consultants<br>Mount Laurel, NJ          | \$168,200    |
| S.T. Hudson Engineers, Inc.<br>Cherry Hill   | \$195,510    |
| Urban Engineers, Inc.<br>Philadelphia, PA    | \$212,200    |
| Colliers Engineering & Design<br>Holmdel, NJ | \$243,000    |

Proposals were reviewed by SJPC staff against the RFP selection criteria. A meeting was held with the highest ranked proposer to confirm their understanding and our expectations for delivery of the project design services, and it was determined that GEI Consultants' proposal for the not to exceed amount of \$168,200 was the best value and met the requirements of the RFP. Legal review confirmed that the bid proposal is in its proper legal form.

**RECOMMENDATION:**

Staff requests Board Approval to award the design services contract for the Berth 1 shoreline stabilization at the Balzano Marine Terminal to GEI Consultants, Mount Laurel, NJ, in the not to exceed amount of \$168,200.



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**ACTION ITEM:**

**E. RESOLUTION 2024-04-0060: APPROVAL TO AWARD A CONTRACT FOR DESIGN SERVICES FOR BERTHS 3 & 4 PRIORITY MARINE REPAIRS AT THE BALZANO MARINE TERMINAL**

**REQUEST**

Pursuant to the Board Authorization: RESOLUTION 2024-01-0009: REQUESTING APPROVAL TO ISSUE AN RFP FOR DESIGN SERVICES FOR THE CONSTRUCTION OF PRIORITY MARINE REPAIRS AT BALZANO MARINE TERMINAL, the RFP was advertised for the solicitation of proposals from our prequalified marine engineering design firms to perform the necessary field investigation and design services to construct the Berth 3 & 4 priority marine repairs at the Balzano Marine Terminal.

**BACKGROUND**

In 2021 a comprehensive structural integrity underwater condition survey inspection was performed on the berths at the Balzano Marine Terminal by Mid-Atlantic Engineering Partners to identify various types of repairs needed and to rate the marine structures. This project will address the identified priority marine repairs necessary to arrest further deterioration of concrete spalled areas at exposed steel reinforcement and holes in sheet pile walls. Future foundation pile repairs identified as routine repairs will be addressed as additional funding sources are identified.

A non-mandatory site visit was held on Thursday, March 7, 2024, with five (5) firms in attendance. The following three (3) proposals were received on Thursday, April 4, 2024:

| Proposer Name and Address                  | Proposed Fee |
|--|--------------|
| S.T. Hudson Engineers, Inc.<br>Cherry Hill | \$285,000    |
| Urban Engineers, Inc.<br>Philadelphia, PA  | \$285,900    |
| GEI Consultants<br>Mount Laurel, NJ        | \$308,000    |

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Proposals were reviewed by SJPC staff against the RFP selection criteria. A meeting was held with the highest ranked proposer to confirm their understanding and our expectations for delivery of the project design services, and it was determined that S.T Hudson Engineers, Inc. proposal for the not to exceed amount of \$285,000 was the best value and met the requirements of the RFP. Legal review confirmed that the bid proposal is in its proper legal form.

### **RECOMMENDATION:**

Staff requests Board Approval to award the design services contract for the Berth 3 & 4 priority marine repairs at the Balzano Marine Terminal to S.T. Hudson Engineers, Inc., Cherry Hill, NJ, in the not to exceed amount of \$285,000.



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**ACTION ITEM:**

**F. RESOLUTION 2024-04-0061: APPROVAL TO AWARD A CONTRACT FOR DESIGN SERVICES FOR REPAIRS TO THE CRANE RAIL CONCRETE SUPPORT BEAMS, DRAINAGE, AND OUTER DECK OF BERTH 4 AT THE BALZANO MARINE TERMINAL**

**REQUEST**

Pursuant to the Board Authorization: RESOLUTION 2024-02-0009: APPROVAL TO ISSUE A REQUEST FOR PROPOSALS FOR THE DESIGN OF REPAIRS TO THE CRANE RAIL CONCRETE SUPPORT BEAMS, DRAINAGE, AND OUTER DECK OF BERTH 4 AT THE BALZANO MARINE TERMINAL, the RFP was advertised for the solicitation of proposals from our prequalified civil engineering design firms to perform the necessary field investigation and design services to construct the Berth 4 crane rail concrete repairs, drainage and pavement improvement, and outer deck repairs at the Balzano Marine Terminal.

**BACKGROUND**

This project will repair the damaged concrete and steel reinforcement on the crane grade beams, repair and adjust drainage inlet structures, replace damaged rail track and improve the pavement on the berth.

A non-mandatory site visit was held on Tuesday, March 19, 2024, with six (6) firms in attendance. The following three (3) proposals were received on Tuesday, April 9, 2024:

| Proposer Name and Address                            | Proposed Fee |
|--|--------------|
| On-Board Engineering Corp.<br>East Windsor, NJ 08520 | \$48,600     |
| S.T. Engineers, Inc.<br>Cherry Hill, NJ 08002        | \$70,500     |
| PS&S<br>Cherry Hill, NJ 08034                        | \$143,000    |

Proposals were reviewed by SJPC staff against the RFP selection criteria. A meeting was held with the highest ranked proposer to confirm their understanding and our expectations for delivery of the project design services, and it was determined that On-Board Engineering’s proposal for

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the not to exceed amount of \$48,600 was the best value and met the requirements of the RFP. Legal review confirmed that the bid proposal is in its proper legal form.

### **RECOMMENDATION:**

Staff requests Board Approval to award the design services contract for the Berth 4 crane rail concrete repairs, drainage and pavement improvements, and outer deck repairs at the Balzano Marine Terminal to On-Board Engineering, East Windsor, New Jersey in the not to exceed amount of \$48,600.



**ACTION ITEM:**

**G. RESOLUTION 2024-04-0062: APPROVAL TO AWARD A CONTRACT TO SHI INTERNATIONAL CORPORATION FOR 15 NEW SECURITY CAMERAS AT THE BALZANO AND BROADWAY TERMINALS**

**REQUEST**

Staff is requesting Board approval to award a contract to SHI International Corporation for supply of 15 new cameras for the port security camera systems at the Balzano and Broadway marine terminals.

**BACKGROUND**

By Resolution Number 2022-03-0036, SJPC awarded a contract to SHI International for the new security camera systems at the two Camden marine terminals. That contract was primarily funded by a port security grant from the U.S. Department of Homeland Security.

In March 2023, the SJPC applied for and was awarded a second port security grant in the amount of \$139,814. The local match to the 2023 grant is \$46,605. In addition to these new cameras, the grant also funds the purchase of four new TWIC card readers.

SJPC is purchasing the new cameras and installation through three separate contracts, all using cooperative purchasing agreements. They are, NJ State Cooperative Purchasing Wireless Contract T0109/83899, and NJ State Cooperative Purchasing Cabling Contract T2989/23-TELE-45460, for the design, networking, cabling, and installation, and NJ State Cooperative Alliance Contract # CK04 / Subcontract # 22-24, for the camera equipment.

The contract award covered by this resolution is for the new camera equipment. A second contract under a second Board Action resolution will provide the engineering, networking and cabling equipment, and installation.

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The new cameras labor, materials, and equipment cost is summarized as follows:

|   | <u>NJ Bus Systems</u> | <u>SHI International</u> | <u>Totals</u>       |
|---|-----------------------|--------------------------|---------------------|
| Wireless Hardware                                   | \$ 6,456.63           |                          | \$ 6,456.63         |
| Cabling Hardware                                    | \$ 9,153.45           |                          | \$ 9,153.45         |
| Labor - State Wireless Contract T109/83899          | \$ 16,430.00          |                          | \$ 16,430.00        |
| Labor - State Cabling Contract T2989/23-TELE-45460  | \$ 22,750.00          |                          | \$ 22,750.00        |
| Camera Equip. - State Contract # CK04 / Sub # 22-24 |                       | \$ 43,997.04             | \$ 43,997.04        |
| <b>Totals</b>                                       | <b>\$ 54,790.08</b>   | <b>\$ 43,997.04</b>      | <b>\$ 98,787.12</b> |

**RECOMMENDATION:**

Staff recommends Board approval to award a contract to SHI International Corporation for supply of 15 new cameras and related equipment for the port security camera system at the Balzano and Broadway marine terminals in the amount of \$43,997.04.



**ACTION ITEM:**

**H. RESOLUTION 2024-04-0063: APPROVAL TO AWARD A CONTRACT TO NEW JERSEY BUSINESS SYSTEMS (NJBS) FOR NETWORKING, CABLING, AND INSTALLATION OF 15 NEW SECURITY CAMERAS AT THE BALZANO AND BROADWAY TERMINALS**

**REQUEST**

Staff is requesting Board approval to award a contract to New Jersey Business Systems (NJBS), for the networking, cabling, and installation of 15 new cameras for the port security camera systems at the Balzano and Broadway Marine Terminals.

**BACKGROUND**

By Resolution Number 2022-03-0035, SJPC awarded a contract to NJBS for networking and installation of the new security camera systems at the two Camden marine terminals. That contract was funded by a port security grant from the U.S. Department of Homeland Security.

In March 2023, the SJPC applied for and was awarded a second port security grant in the amount of \$139,814. The local match to the new 2023 grant is \$46,605. In addition to these new cameras, the grant also funds the purchase of four new TWIC card readers.

SJPC is purchasing the new cameras and installation through three separate contracts, all using cooperative purchasing agreements. They are, NJ State Cooperative Purchasing Wireless Contract T0109/83899, and NJ State Cooperative Purchasing Cabling Contract T2989/23-TELE-45460, for the design, networking, cabling, and installation, and NJ State Cooperative Alliance Contract # CK04 / Subcontract # 22-24, for the camera equipment.

The contract award covered by this resolution is for the networking, cabling, and installation. A second contract under a second Board Action resolution will provide the camera equipment.

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The new cameras labor, materials, and equipment cost is summarized as follows:

|   | <u>NJ Bus Systems</u> | <u>SHI International</u> | <u>Totals</u>       |
|---|-----------------------|--------------------------|---------------------|
| Wireless Hardware                                   | \$ 6,456.63           |                          | \$ 6,456.63         |
| Cabling Hardware                                    | \$ 9,153.45           |                          | \$ 9,153.45         |
| Labor - State Wireless Contract T109/83899          | \$ 16,430.00          |                          | \$ 16,430.00        |
| Labor - State Cabling Contract T2989/23-TELE-45460  | \$ 22,750.00          |                          | \$ 22,750.00        |
| Camera Equip. - State Contract # CK04 / Sub # 22-24 |                       | \$ 43,997.04             | \$ 43,997.04        |
| <b>Totals</b>                                       | <b>\$ 54,790.08</b>   | <b>\$ 43,997.04</b>      | <b>\$ 98,787.12</b> |

### **RECOMMENDATION:**

Staff recommends Board approval award a contract to New Jersey Business Systems (NJBS), for the networking, cabling, and installation of 15 new cameras for the port security camera systems at the Balzano and Broadway Marine Terminals, in the amount of \$54,790.08.



**ACTION ITEM:**

**I. RESOLUTION 2024-04-0064: APPROVAL TO ADVERTISE FOR BIDS FOR PAVING AND DRAINAGE OF THE 551 SOUTH 2ND STREET LOT AT THE BALZANO TERMINAL, CAMDEN, NJ**

**REQUEST**

Staff is requesting Board authorization to publicly advertise for bids for construction firms to perform grading, paving and drainage construction at the 551 S 2nd Street lot on the Balzano Terminal.

**BACKGROUND**

The 1.25-acre property at 551 South 2nd Street was deeded to SJPC by the City of Camden in August 2019 with the stipulation that the existing brick building, often referred to as the Goldstein Building, was to be demolished within three years of the deed transaction.

A contract was executed in September 2021, the existing building was subsequently demolished, and a stone surface provided. Recently, and underground storage tank on the site was remediated.

The port is consistently in need of outdoor laydown areas to accommodate the demand to handle increased cargo. By paving and providing drainage on the 551 South 2nd Street site, this space becomes available to operations for the placement of cargo, and the parking of trucks and port yard equipment.

The design engineer is PS&S.

The estimated cost is approximately \$350,000.

**RECOMMENDATION:**

Staff requests Board authorization to publicly advertise for bids for construction firms to perform grading, paving and drainage work at the 551 South 2nd Street site location at the Balzano Marine Terminal.



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**ACTION ITEM:**

**J. RESOLUTION 2024-04-0065: APPROVAL TO EXECUTE MEMORANDUM OF UNDERSTANDING WITH PHILADELPHIA REGIONAL PORT AUTHORITY AND DIAMOND STATE PORT CORPORATION CONCERNING DELAWARE RIVER PORTS' ANNUAL OPERATION AND MAINTENANCE LOCAL FUNDING**

**REQUEST**

Staff is requesting Board approval to authorize the South Jersey Port Corporation's ("SJPC") Executive Director and CEO to execute a Memorandum of Understanding ("MOU") with Philadelphia Regional Port Authority ("PhilaPort") and Diamond State Port Corporation ("DSPC") setting forth each of the said parties' joint and equal funding contributions to and for the local share needed to maintain the Delaware River and Bay Physical Oceanographic Real-Time System (hereinafter "PORTS") system, subject to final review and approval as to form by SJPC's legal counsel.

**BACKGROUND**

PORTS is a program that is designed to support safe and cost-efficient navigation by providing shipmasters, pilots, and other users with accurate real-time information required for safe vessel loading and transit, among other things. PhilaPort has an agreement with the U.S. Department of Commerce, National Oceanic and Atmospheric Administration ("NOAA") to provide funding for the continued enhancement, management, operation maintenance and repair of the Delaware River and Bay PORTS system. The PhilaPort agreement with NOAA is for a five-year period ending February 28, 2028, with annual payments due by March 1; and the NOAA agreement runs concurrent with the MOU. The Annual Operation and Maintenance Costs ("Annual Costs") under the NOAA agreement for PORTS is \$271,000.00, which are to be shared equally among the parties under the MOU. However, since the parties have not made a payment for PORTS under the NOAA agreement in two (2) years there is an amount due at contract execution in the total amount of \$125,000.00 (or \$41,666.00 per party), as well as for the payment for the period beginning March 1, 2024. It is the parties' intention through the MOU to fund the PORTS Annual Costs for the five-year period ending February 28, 2024. However, each parties' funding obligation under the MOU is subject to, and contingent upon, each party having appropriated funds available. If a party does not have funds available to pay its share under the MOU, then the party is not bound to do so by the MOU. Rather, the MOU provides that each of the parties will make their good faith best effort to assist in funding the NOAA PORTS system by and through each parties management of their respective funds and activities in a separate, but coordinated

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and mutually beneficial manner, to seek to achieve the MOU's purpose; but without creating a binding financial obligation on any of the parties thereto.

### **RECOMMENDATION:**

Staff recommends Board approval to authorize the SJPC's Executive Director and CEO to execute an MOU with PhilaPort and DSPC setting forth each of the said parties' joint and equal funding contributions to and for the local share needed to maintain the Delaware River and Bay PORTS system, subject to final review and approval as to form by SJPC's legal counsel.



**ACTION ITEM:**

**K. RESOLUTION 2024-04-0066: APPROVAL OF ANNUAL SCI SUPPORT FOR SERVICES**

**REQUEST**

Staff is requesting Board approval of the Port's annual contribution to the Seaman's Church Institute.

**BACKGROUND**

The Seamen's Church Institute (SCI) provides services to seafarers who visit the ports along the Delaware River, including SJPC's facilities. SCI visits every ship that calls both the Balzano Marine Terminal and the Broadway Terminal. Those services include hospitality, transportation, telephone, computer, spiritual, and many other necessary and vital services. SCI has requested \$8,000 for services rendered at our terminals. This is the same amount as SJPC contributed last year.

The payment will be funded through the Operations account.

**RECOMMENDATION:**

Staff recommends Board approval to pay Seaman's Church Institute \$8,000.



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**ACTION ITEM:**

**L. RESOLUTION 2024-04-0067: APPROVAL TO EXECUTE AND RECORD A DEED NOTICE AS REQUIRED BY THE REMEDIAL ACTION AGREEMENT DATED MARCH 15, 2022, BETWEEN THE SOUTH JERSEY PORT CORPORATION AND AIR PRODUCTS AND CHEMICALS, INC. CONCERNING THE REMEDIATION OF BLOCK 457, LOT 10 IN THE CITY OF CAMDEN**

**REQUEST**

Staff requests Board approval to authorize the SJPC’s Executive Director/CEO to execute, and have recorded, a Deed Notice as required by the Remedial Action Agreement dated March 15, 2022, between South Jersey Port Corporation (“SJPC”) and Air Products and Chemicals, Inc. (“APCI”), concerning APCI’s remediation of the SJPC owned parcel known Block 457, Lot 10 in the City of Camden (hereinafter the “Property”), subject to SJPC’s legal counsel review and approval.

**BACKGROUND**

The SJPC filed a lawsuit in 2010 against APCI concerning APCI’s responsibility to remediate the Property. APCI had previously leased the Property from SJPC. SJPC alleged in the lawsuit that APCI has caused environmental contamination of and to the Property. In 2012/2013, the SJPC and APCI entered into a Settlement and Release Agreement concerning APCI’s remediation of the Property. This said agreement settled the lawsuit between the parties. After entering this agreement APCI prepared a Remedial Action Workplan (“RAW”), which it submitted to NJDEP for review and approval. The RAW was ultimately approved by NJDEP after some revisions were made to same by APCI that were requested by NJDEP. Remediation of the Property by APCI then commenced in accordance with the approved RAW. Thereafter, on March 15, 2022, a Remedial Action Agreement was entered into by the SJPC and APCI concerning the ongoing remedial activities at the Property. This said agreement provided that SJPC would file a Deed Notice for the Property with the Clerk in Camden County upon completion of remedial activities to acknowledge that impacted historic fill would be remaining on the Property. The Deed Notice is an NJDEP requirement, and its purpose is to set out what restricted uses the Property could be put to, as well as the responsibilities

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of the SJPC and/or any of its lessees or users of the Property concerning maintenance and on-going engineering controls at the site. The Deed Notice must be signed by the Property owner, SJPC, and then recorded, so that APCI can then proceed to complete and then file with NJDEP the remaining outstanding reports concerning the remediation of the Property, including, but not limited to a Remedial Action Report (“RAR”). Once that is complete, a Remedial Action Permit for Soil will be issued by NJDEP to SJPC, and a Response Action Outcome (“RAO”) report then will be filed with NJDEP to close out the remediation undertaken by APCI at the Property.

The Deed Notice, once duly signed and notarized, will be recorded in the Office of the Camden County Clerk, and remain affixed to the Deed in perpetuity, unless earlier terminated with the consent of NJDEP as set out in the said deed notice.

### **RECOMMENDATION:**

Staff recommends Board approval to authorize the SJPC’s Executive Director/CEO to execute, and have recorded, the Deed Notice required by the Remedial Action Agreement dated March 15, 2022, between SJPC and APCI concerning APCI’s remediation of the SJPC owned parcel known as Block 457, Lot 10 in the City of Camden; subject to SJPC’s legal counsel review and approval.



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**ACTION ITEM:**

**M. RESOLUTION 2024-04-0068: AUTHORIZING THE ACQUISITION BY NEGOTIATION, PURCHASE, CONDEMNATION OR EMINENT DOMAIN THE PROPERTIES KNOWN AS BLOCK 7, LOTS 1, 2, 3 AND 13.01, BLOCK 94, LOT 1, BLOCK 96, LOT 5, IN THE CITY OF SALEM, COUNTY OF SALEM, STATE OF NEW JERSEY AND BLOCK 30, LOT 1 IN THE TOWNSHIP OF ELSINBORO, COUNTY OF SALEM, STATE OF NEW JERSEY AND ACCEPTING AND APPROVING IN THEIR ENTIRETY THE APPRAISALS OF THE SAID PROPERTIES DONE BY MOLINARI & ASSOCIATES, P.C.**

**REQUEST**

Staff requests the Board to: **(1)** authorize the South Jersey Port Corporation’s (“SJPC”) Executive Director/CEO, SJPC’s legal counsel, and any of their qualified designees, to enter into bona fide negotiations for the acquisition by voluntary purchase, and if voluntary purchase cannot be effectuated, to carry out the condemnation of the properties known as Block 7, Lots 1, 2, 3 and 13.01, Block 94, Lot 1, Block 96, Lot 5, in the City of Salem, County of Salem, State of New Jersey, and Block 30, Lot 1 in the Township of Elsinboro, County of Salem, State of New Jersey (hereinafter collectively the “Properties”); **(2)** accept and approve in their entirety the two (2) appraisal reports prepared by Molinari & Associates, P.C. for the Properties dated April 5, 2024, and March 15, 2024, including, but not limited to the appraised values for the Properties as set out in those said appraisal reports; and, **(3)** authorize the SJPC’s Executive Director/CEO and/or designee to execute any and all agreements and other legal documents necessary to accomplish the acquisition of the Properties, including, but not limited to, a written offer for purchase of the Properties, land sale contract and deed for conveyance of the Properties, and Verified Complaint, Declaration of Taking and any other necessary documents for eminent domain proceedings for the Properties in accordance with the *Eminent Domain Act of 1971*, N.J.S.A. 20:3-1, et seq. and in accordance with N.J.S.A. 12:11A-6(k) of the *South Jersey Port Corporation Act*.

**BACKGROUND:**

The SJPC is authorized by the *South Jersey Port Corporation Act*, N.J.S.A. 12:11A-1, et seq. (hereinafter the “Act”), to acquire by purchase, or by and through the power of eminent domain, any land and other property that it may determine is reasonably necessary for any marine terminal. The SJPC maintains and operates the Salem Marine



Terminal on the Salem River in the City of Salem, County of Salem, State of New Jersey (hereinafter the “SMT”). The SJPC had previously commissioned Martin Associates (“Martin”) in 2022 to make recommendations concerning SJPC’s possible expansion and upgrade of the SMT. Martin submitted to SJPC for consideration the following: “Port of Salem NJ Phased Development Study” dated June 1, 2022, and a “Potential Development Plans for the Port of Salem” presentation report dated June 14, 2022. Based upon these in depth reports done by Martin, and the recommendations set out there in concerning the Properties, the SJPC has found and determined that expansion of the SMT is necessary, and in the public interest, to grow the SMT by and through increasing the land area of same to permit the handling of increased amounts of inbound and outbound cargo, and the storage and warehousing of same, including but not limited to the anticipated additional capacity needed for handling, storage and warehousing of cargo required to support the burgeoning offshore wind industry in New Jersey, and off the entire Atlantic seaboard. As such, to undertake this expansion and growth of the size and capacity of the SMT, SJPC staff identified the Properties, which staff determined should become a part of, and be added to, the SMT. Thus, since it is was determined to be reasonably necessary, and in the public interest, to expand the land area footprint of the SMT, by and through acquisition of the Properties, the appraisal firm of Molinari & Associates, P.C was retained by SJPC to determine the value of the Properties, which they did as set forth in the two (2) appraisal reports prepared by them dated April 5, 2024, and March 15, 2024, respectively. The March 15, 2024, appraisal report encompasses Block 7, Lots 1, 2, 3 and 13.01 (all approximately 6.2 acres) of the Properties and determined the value of those said parcels collectively to be \$1,930,000.00. The April 5, 2024, appraisal report encompasses Block 94, Lot 1, Block 96, Lot 5 (City of Salem) and Block 30, Lot 1 (Township of Elsinboro) (all approximately 37.04 acres) of the Properties and determined the value of those said parcels collectively to be \$400,000.00. Acquisition of the Properties is requested as necessary and required to grow and expand the SMT, and beneficial to, and in, the public interest that they become part of the SMT; and authority to make such acquisition via negotiation and/or eminent domain, as permitted by the Act is recommended.

**RECOMMENDATION:**

Staff recommends the Board: **(1)** authorize the SJPC’s Executive Director/CEO, SJPC’s legal counsel and any of their qualified designees, to enter into bona fide negotiations for the acquisition by voluntary purchase, and if voluntary purchase cannot be effectuated, to carry out the condemnation of the Properties; **(2)** accept and approve in their entirety the two (2) appraisal reports prepared by Molinari & Associates, P.C. for the Properties dated April 4, 2024 and March 15, 2024, including, but not limited to the appraised value for the Properties as set out in those said appraisal reports; and, **(3)** authorize the SJPC’s

# SOUTH JERSEY PORT CORPORATION

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Executive Director/CEO and/or designee to execute any and all agreements and other legal documents necessary to accomplish the acquisition of the Properties, including, but not limited to, a written offer for purchase of the Properties, land sale contract and deed for conveyance of the Properties, Verified Complaint, Declaration of Taking and any other necessary documents for eminent domain proceedings for the Properties in accordance with the *Eminent Domain Act of 1971*, N.J.S.A. 20:3-1, et seq. and in accordance with N.J.S.A. 12:11A-6(k) of the Act.



**INFORMATION ITEM:**

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

**SOUTH JERSEY PORT CORPORATION**  
**Board of Directors Meeting – April 30, 2024**

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**INFORMATION ITEM:**

**O. SECURITY UPDATE:**



**INFORMATION ITEM:**

**P. 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**