OFFICIAL PROCEEDINGS

ST. BERNARD PORT, HARBOR AND TERMINAL DISTRICT

REGULAR MONTHLY MEETING – SEPTEMBER 8, 2015

 The Board of Commissioners of the St. Bernard Port, Harbor and Terminal District met in regular session on Tuesday, September 8, 2015, at 12:00 noon in the boardroom of its office located at 100 Port Boulevard, Chalmette, Louisiana.

 After the Pledge of Allegiance, roll was called.

Members present were: Mr. Harold J. Anderson, President; Mr. Elton J. LeBlanc, Vice President; Mr. P. James DiFatta, Secretary/Treasurer; Rev. Henry Ballard, Jr., Commissioner and Ms. Cheri C. Quigley, Commissioner (arrived at 12:04). Also present were Dr. Robert Scafidel, Executive Director; Ms. Denise Kraesig, Executive Assistant; Mr. Drew Heaphy, Director of Administration; Mr. Jerry Graves, Director of Operations; Mr. Ricky Melerine, Public Relations Liaison; Mr. Sal Cusimano, Agreement Analyst; Mr. Marty Nunez, Security Officer; Mr.’s David Fennelly, Gary Poirrier, Todd Fuller; Zeljko Franks and Ms. Dawn Lopez Associated Terminals; Mr.’s Bill Giardina and David Boyd, Burk-Kleinpeter, Inc; Mr. Donald Dieudonne; Mr.’s Rick Farrell and Ira Middleberg, Louisiana Port Development; Mr. Mike Munna; Mr.’s Michael Nicoladis and Jim Simmons, N-Y & Associates; Mr. Sam Rosamond; Ms. Marie Moore and Mr. Joshua Force, Sher Garner; Ms. Mary Nell Bennett, Smith & Fawer, LLC and Ms. Yvette D’Aunoy, The Middleberg Riddle Group.

 President Anderson asked if there were any public comments, in accordance with R.S.42:14(D). Mr. Ira Middleberg representing Louisiana Port Development LLC presented to the Board president the packet that was delivered to the Port on September 3, 2015, which contains Louisiana Port Development, LLC’s submissions with respect to their negotiations with the St. Bernard Port and presented to the Board members and Mr. Drew Heaphy a letter in an envelope which he read aloud for full disclosure to the Board and public. Mr. Middleberg also presented two other documents to the Board during the reading of his letter: 1) Associated Terminals letter of November 20, 2008 and 2) Associated Terminals Financial Impact Statement. Mr. Middleberg also invited the Board members and the Port’s attorney to be present when they address State officials.

 On motion of Rev. Ballard, seconded by Ms. Quigley, and after asking for any public comment, the Board unanimously approved the minutes of the special meeting held on August 17, 2015.

President Anderson read the recommendation by the Executive Director and the Administration: It is the recommendation of the Executive Director and the Administration that the St. Bernard Port lease to Associated Terminals berths 1, 3, 4 & 5 located at the Violet Terminal and that this be done as an amendment to Associated Terminals’ Master Lease currently in effect with the St. Bernard Port.

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Dr. Scafidel stated that that is their recommendation. Mr. Rick Farrell addressed the Board and stated he and his team are still committed to the project, will continue to fight and they are still working on it and wants the Board to know that.

On motion of Mr. LeBlanc, seconded by Mr. DiFatta, and after asking for any public comment, the Board unanimously approved to lease berths 1, 3, 4 & 5 located at the Violet Terminal to Associated Terminals by amendment to their existing Master Lease.

On motion of Mr. LeBlanc, seconded by Rev. Ballard, the Board discussed the following Tariff Changes together (Agenda Items 7, 8 & 9): Tariff change for the St. Bernard Port, Harbor and Terminal District Arabi Terminal Tariff No. 1: Page 26 – Item 415-1, effective October 9, 2015, Tariff change for the St. Bernard Port, Harbor and Terminal District Vessel Mooring Miss. River M.P. 86.5, 89.5 & 90.5 AHP Tariff No. 1: Page 25 – Item 414, effective October 9, 2015 and Tariff change for the St. Bernard Port, Harbor and Terminal District Violet Terminal Tariff No. 1: Page 26 – Item 415-1, effective October 9, 2015. Mr. Graves updated the Board on these proposed changes.

On motion of Mr. DiFatta, seconded by Rev. Ballard, the Board unanimously approved the following tariff changes (Agenda Items 7, 8 & 9):

Tariff change for the St. Bernard Port, Harbor and Terminal District Arabi Terminal Tariff No. 1: Page 26 – Item 415-1, effective October 9, 2015

Tariff change for the St. Bernard Port, Harbor and Terminal District Vessel Mooring Miss. River M.P. 86.5, 89.5 & 90.5 AHP Tariff No. 1: Page 25 – Item 414, effective October 9, 2015

Tariff change for the St. Bernard Port, Harbor and Terminal District Violet Terminal Tariff No. 1: Page 26 – Item 415-1, effective October 9, 2015

President Anderson informed the Board that Request for Proposals (RFP’s) was received in the office on Tuesday, September 2, 2015 at 2 p.m. for Railroad Repairs to Tracks 5 and 6 at the Arabi Terminal project. The RFP’s were as follows:

Contractor Amount

Pointer-Smith $90,939.00

Trac-Works No RFP Submitted

Rail Works No RFP Submitted

RMI $95,518.00

B&P Enterprises No RFP Submitted

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On motion of Rev. Ballard, seconded by Ms. Quigley, the Board unanimously approved to award the RFP to Pointer-Smith in the amount of $90,939.00.

President Anderson recognized Mr. Heaphy who gave the Finance Report. Mr. Heaphy reported on the operating and capital budgets, Budget Revision, professional services and Lessees Arrears. The Board discussed the Finance Report. President Anderson thanked Mr. Heaphy for his report.

On motion of Mr. DiFatta, seconded by Rev. Ballard, the Board unanimously approved the third Budget Revision for FY 2014-2015.

President Anderson recognized Dr. Scafidel who gave the Executive Director’s Report. Dr. Scafidel discussed the Annual Report, the BP Claim Settlement and then recognized Mr. Jim Simmons who gave a presentation on Dock 1, Section A & Sewer Repair projects. Dr. Scafidel also recognized Mr. Drew Heaphy who updated the Board on the TIGER Grant and the Port Facilities Tours – 10th Anniversary of Hurricane Katrina Parish Event. President Anderson thanked Dr. Scafidel for his report.

On motion of Mr. DiFatta, seconded by Rev. Ballard, the Board unanimously approved for the Executive Director to enter into a professional services contract with The Mariner Group to provide cyber-security assessment, network resiliency and network enhancement. Not to exceed $214,699.25. Mr. Graves informed the Board as to the services provided in this contract.

On motion of Mr. DiFatta, seconded by Rev. Ballard, and after asking for any public comment, the Board unanimously approved for the Executive Director to enter into a professional services agreement with The Mariner Group to provide The Violet Facility Resiliency Enhancements Project Support Services. Not to exceed $40,000.00.

Mr. Graves informed the Board as to the services provided in this agreement.

On motion of Mr. LeBlanc, seconded by Rev. Ballard, the Board discussed to accept documentation and apply amount submitted by Mike Munna regarding the expenses incurred by lessee to clean up and repair his leased property directly after Hurricane Katrina and subsequent years to rent and fees owed by lessee. Mr. Munna addressed the Board to discuss his situation.

On amended motion of Mr. DiFatta, seconded by Rev. Ballard, the Board unanimously approved to accept documentation and apply $27,350.00 of the expenses incurred by lessee to clean up and repair his leased property directly after Hurricane Katrina and subsequent years to rent and fees owed by lessee.

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President Anderson asked if there were any Old Business. Not hearing from anyone, he continued with the meeting.

President Anderson asked if there were any New Business. Not hearing from anyone, he continued with the meeting.

On motion of Mr. LeBlanc, seconded by Ms. Quigley, the meeting was adjourned.

/s/ P. James DiFatta, Secretary/Treasurer