OFFICIAL PROCEEDINGS

ST. BERNARD PORT, HARBOR AND TERMINAL DISTRICT

REGULAR MONTHLY MEETING – FEBRUARY 14, 2012

The Board of Commissioners of the St. Bernard Port, Harbor and Terminal District met in regular session on Tuesday, February 14, 2012, 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. Elton J. LeBlanc, President, Mr. P. James DiFatta, Treasurer and Mr. Charles H. Reppel, Commissioner. Absent were Mr. Harold J. Anderson, Vice President and Mr. Bradley J. Cantrell, Secretary. Also present were Dr. Robert J. Scafidel, Executive Director; Ms. Denise Griffin, Executive Secretary; Mr. Drew Heaphy, Director of Administration/Planning Services; Mr. Jerry Graves, Director of Operations; Mr.’s David Fennelly, Gary Poirrier and Zeljko Franks, Associated Terminals of St. Bernard; Mr. Suresh Shah, Burk-Kleinpeter, Inc.; Mr. Jim Simmons, N-Y & Associates; Mr.’s Ray Garofalo and John Scurich, State Representative District 103; Ms. Elizabeth McDougall, St. Bernard Tourist Commission and Mr. William Evans, URS.

The Board had a Moment of Silence in remembrance of Samuel Bernard Nunez, Jr.

President LeBlanc informed the Board he will perform the Presentation of President’s Plaque (2011) to Bradley J. Cantrell at the next board meeting due to Mr. Cantrell’s absence.

President LeBlanc asked if there were any public comments in accordance with R.S. 42:5(D). Dr. Scafidel recognized Mr. Fennelly who addressed the Board relating to Sen. Nunez and his contributions to and appreciation of the Port and its efforts.

On motion of Mr. Reppel, seconded by Mr. DiFatta, the Board unanimously approved the minutes of the regular meeting held on January 10, 2012.

On motion of Mr. Reppel, seconded by Mr. DiFatta, the Board unanimously approved a Consent Request for Anthony Puglia, Sr. to construct three boat slips in Bayou Terre Aux Bouef at 559 Delacroix Hwy., Delacroix, La.

On motion of Mr. Reppel, seconded by Mr. DiFatta, the Board unanimously approved Change Order No. 006 for Stallings Construction Company, Inc. relating to the Arabi Terminal Office Building project. An overrun of $9,798.39.

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On motion of Mr. Reppel, seconded by Mr. DiFatta, the Board unanimously approved Change Order No. 2 for Southern Services Equipment, Inc. relating to the Removal of Existing Guard Station and Install New Guard Station project. An overrun of $82.00.

On motion Mr. Reppel, seconded by Mr. DiFatta, the Board unanimously approved Substantial Completion for Southern Services Equipment, Inc. relating to the Removal of Existing Guard Station and Install New Guard Station project.

President LeBlanc recognized Mr. Heaphy who gave the Finance Report. Mr. Heaphy reported on the operating and capital budgets. Mr. Heaphy also reported on FEMA, professional services and Lessees Arrears. The Board discussed the Finance Report. President LeBlanc recognized Rep. Garofalo, and the Board welcomed him as a new tenant.

On motion of Mr. Reppel, seconded by Mr. DiFatta, the Board unanimously approved for the Executive Director to accept the Settlement Agreement and Release of Liability relating to St. Bernard Port, Harbor and Terminal District V. Gibbs Construction, LLC, 34th JDC No. 112,222, Division “A”.

On motion of Mr. Reppel, seconded by Mr. DiFatta, the Board unanimously approved for the Executive Director to enter into a professional services contract with Vanguard Technologies, Inc. for design services relating to the Port Security Grant program (Chalmette Guard Station), not to exceed $16,450.

Dr. Scafidel recognized Mr. Shah who informed the Board as to the process (FEMA) and work need relating to the asphalt damaged at the Intermodal Facility.

On motion of Mr. Reppel, seconded by Mr. DiFatta, the Board unanimously approved for the Executive Director to enter into a professional services contract with Burk-Kleinpeter, Inc. for engineering services relating to the asphalt damaged by Hurricane Katrina at the Intermodal Facility, not to exceed the Facility, Planning & Control Fee Schedule.

Dr. Scafidel recognized Ms. McDougall who thanked the Board for helping the the St. Bernard Parish Tourist Commission promote the Parish. She also updated the Board on how the Commission promoted the Parish with the funds received by the Port in Fiscal Year 2010-2011 and expressed the Commission’s hope to continue the relationship.

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On motion of Mr. Reppel, seconded by Mr. DiFatta, the Board unanimously approved for the Executive Director to enter into a cooperative endeavor agreement with the St. Bernard Parish Tourist Commission to promote tourism through the Port and possible sharing of the tour boat dock revenue from the New Orleans Paddlewheels lease, not to exceed $8,900.00 for Fiscal year 2011-2012.

Dr. Scafidel recognized Mr. Shah who informed the Board of his findings relating to Dock 1, Section “A” and the need for its immediate repair.

Dr. Scafidel recognized Mr. Fennelly who informed the Board that the leaning Dock 1, Section “A” wall is a significant threat to the Port. He also noted that it will cost more money and take longer to fix the wall if the wall actually falls in the Slip - the Slip would be closed to ships for at least a year and the warehouses/railways would not be assessable. Mr. Heaphy explained to the Board how the wall would be repaired. Dr. Scafidel explained the need to declare an emergency for the wall repair and the need to put the bid out as soon as possible.

On motion of Mr. Reppel, seconded by Mr. DiFatta, the Board unanimously approved to authorize the Executive Director to declare, as per Section I, Item F, Page F-7 of the St. Bernard Port, Harbor and Terminal District’s Fiscal Policy Manual, a public emergency due to the obvious failure of the Dock 1, Section “A” wall located in the Chalmette Slip, upon the recommendation of the tenant and the Port’s consulting engineers.

President LeBlanc recognized Dr. Scafidel who gave the Executive Director’s Report. Dr. Scafidel reported on Construction, Tiger Grant IV, Turning Dolphin and Chalmette Guard Station bids coming in over budget.

On motion of Mr. Reppel, seconded by Mr. DiFatta, the Board unanimously approved to add to the agenda a motion to reject all bids for the Chalmette Guard Station received on February 13, 2012 and re-bid the project.

On motion of Mr. DiFatta, second by Mr. Reppel, the Board unanimously approved to reject all bids for the Chalmette Guard Station received on February 13, 2012 and re-bid the project.

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

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On motion of Mr. Reppel, seconded by Mr. DiFatta, the Board unanimously approved to convene Executive Session at 1:01 p.m. to discuss litigation relating to the expropriation of the Violet Dock Port.

On motion of Mr. Reppel, seconded by Mr. DiFatta, the Board reconvened regular session at 1:30 p.m.

On motion of Mr. Reppel, seconded by Mr. DiFatta, the meeting was adjourned.

/s/ Bradley J. Cantrell, Secretary