

**PHILADELPHIA REGIONAL PORT AUTHORITY**

**MINUTES OF THE PHILADELPHIA  
REGIONAL PORT AUTHORITY  
BOARD OF DIRECTORS MEETING**

**OCTOBER 21, 2009**

**Philadelphia Regional Port Authority Board Members Present:**

Chairman John Estey, Boise Butler, John Cuff, Clifford Haines, Herb Vederman, Harry Williams

**Philadelphia Regional Port Authority Board Members Not Present:**

Rina Cutler, Shawn Dougherty, Vahan Gureghian, Michael Rashid, Rhonda Hill Wilson

**Philadelphia Regional Port Authority Staff Present:**

James T. McDermott, Jr., Robert Blackburn, Jack Dempsey, Gregory Iannarelli, Donald Brennan, George Fedorijczuk, Edward Henderson, Charles Lawrence, Francis Kelly, William McLaughlin, Sean Mahoney, Donna Powell, James Walsh, Kate Bailey, Marian Simpson

**Commonwealth of Pennsylvania:**

Kate McNamara, Rep. William Keller

**Others:**

John Pauling, Rick Wooten, Jodie Stuck, Paul Sedesse, Tim O'Neill, Linda Loyd

Chairman Estey called the public session to order and ask for a motion to approve the Philadelphia Regional Port Authority Meeting Minutes of the September 16, 2009. The motion was made, seconded and approved.

**RESOLUTIONS:**

Chairman Estey read into the record a Resolution of Appreciation for Mr. Rubin who served with distinction on the Philadelphia Regional Port Authority Board of Directors. He acknowledged and thanked Mr. Rubin for all his hard work and dedication to the Authority.

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**#2009-37 Philadelphia Regional Port Authority Operating Budget For  
Fiscal Year 2009-2010**

The motion was made and seconded as follows:

A motion for the recommendation of the Board for the submission of the Philadelphia Regional Port Authority's Operating Budget for Fiscal Year 2009-2010 to the Governor's Office for approval.

The motion was made, seconded and approved. Resolution No. 2009-37 on file with the Authority.

**#2009-38 Authorization to Submit and Enter into an Agreement for  
Port Security Grant**

The motion was made and seconded as follows:

**WHEREAS**, the Philadelphia Regional Port Authority has been authorized, under Section 6 of the Act of July 10, 1989, P.L. 291, 55 P.S. Section 697.1, et seq. of the General Assembly of the Commonwealth of Pennsylvania (the "PRPA Act") to promote apply for and accept grants for the purpose of advancing regional port facilities and port related projects to include furtherance of cooperative state efforts; and

**WHEREAS**, the United States Department of Homeland Security is taking grant submissions under the FY 2008 Port Security Grant Program ("Program"); and

**WHEREAS**, the Authority has identified two projects to request grant funds pursuant to the Program as identified in Exhibit "A" attached hereto and incorporated by reference; and

**WHEREAS**, the Board of the Authority based upon the information provided by staff authorizes the Authority to apply for and accept grant funds.

**NOW, THEREFORE, BE IT RESOLVED:**

1. That the Authority hereby authorizes its staff to apply for grant funding under the FY 2008 Port Security Grant Program for access control in an amount not to exceed \$637,230.00 and Fencing Upgrades in an amount not to exceed \$356,320.00
  
2. The Executive Director of the Authority, with the advice of its Chief Chief Counsel, is hereby authorized and directed to negotiate the specific terms and conditions of the agreements and the Executive Director is hereby authorized and directed to execute, acknowledge and deliver on behalf of the Authority any agreements, documents or other instruments as may be necessary to effectuate such arrangements.

The motion was made, seconded and approved. Resolution No. 2009-38 and Exhibit "A" on file with the Authority.

**#2009-39 Contract with CMI For Engineering Services**

The motion was made and seconded as follows:

**WHEREAS**, the Philadelphia Regional Port Authority (the "Authority") has been authorized under Section 6 of the Act of July 10, 1989, P.L. 55 P.S. Sections 697.1 – 697.24 of the General Assembly of the Commonwealth of Pennsylvania (the "PRPA Act") to make and enter into contracts in furtherance of its purposes; and

**WHEREAS**, Section 11(d) of the PRPA Act sets out procedures whereby such contracts may be awarded for professional services in furtherance of the powers and duties of the Authority without competitive bidding; and

**WHEREAS**, the Board of the Authority determined, on the basis of information provided to it (which information is attached hereto as Exhibit "A" and incorporated herein by reference), to obtain the professional services of CMI (the "Contractor") to provide an on-call arrangement, allowing PRPA to request, on short notice, services for investigation of problems, design and documentation for construction, and other environmental engineering services; and

**WHEREAS**, the staff of the Authority has determined that the Contractor has the requisite expertise and capacity to provide the services herein described.

**NOW, THEREFORE, BE IT RESOLVED:**

1. That the Authority enter into an agreement with the Contractor to perform the professional services described in Exhibit "A". The agreement shall provide for total payments to the Contractor for technical engineering services on a time and actual cost basis during the design, bid and construction phases of the project, inclusive of all expenses, for a term of (1) year..
2. The Executive Director of the Authority, with the advice of its Chief Counsel, is hereby authorized and directed to negotiate the specific terms and conditions of the agreement and the Executive Director is hereby authorized and directed to execute, acknowledge and deliver on behalf of the Authority any agreements, documents or other instruments as may be necessary to effectuate the purposes of this Resolution.

The motion was made, seconded and approved. Resolution No.2009-39 and Exhibit "A" on file with the Authority.

**#2009-40 Authorization to Adopt a Strategic Port Improvement Plan Fiscal Year 2010**

The motion was made and seconded as follows:

**WHEREAS**, the Philadelphia Regional Port Authority (the "Authority") has been authorized under Section 6 of the Act of July 10, 1989, P.L. 55 P.S. Sections 697.1 – 697.24 of the General Assembly of the Commonwealth of Pennsylvania (the "PRPA Act") to make and enter into contracts in furtherance of its purposes; and

**WHEREAS**, Section 6(a) of the PRPA Act provides the Authority is created for the purposes of acquiring, holding, developing, constructing, improving, maintaining, managing, operating, financing, furnishing, fixturing, equipping, repairing, leasing or subleasing, as either lessor or lessee or sublessor or sublessee, and owning port facilities, port-related projects, or parts thereof, and equipment within the port district; and

**WHEREAS**, by way of Resolution No. 2008-30, the Board of the Authority adopted a Capital Budgeting Policy ("CAP") ; and

**WHEREAS**, the CAP established a Port Improvement Plan ("pip") cataloguing the capital expenditures with the initial five year period of the PIP being based upon a Strategic Facilities Assessment; and

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**WHEREAS**, based upon the findings of the Strategic Facilities Assessment, a Strategic Port Improvement Plan Fiscal Year 2010 was developed for approval by the Board of the Authority and is set forth in Exhibit "A" and incorporated by reference; and

**WHEREAS**, the Board of the Authority has determined, on the basis of information provided to it to adopt the Strategic Port Improvement Plan Fiscal Year 2010 as set forth in Exhibit "A".

**NOW, THEREFORE, BE IT RESOLVED:**

1. That the Authority adopts the Strategic Port Improvement Plan Fiscal Year 2010 as set forth in Exhibit "A".
2. The Executive Director of the Authority, with the advice of its Chief Counsel, is hereby authorized and directed to negotiate the specific terms and conditions of any agreement necessary to effectuate the purposes of this Resolution.

The motion was made, seconded and approved. Resolution No. 2009-40 and Exhibit "A" on file with the Authority.

Chairman Estey thanked and commended the staff of the Authority for their hard work on the Capital Budget Plan.

Mr. McDermott said the December PRPA Board Meeting will be held on Friday, December 18, 2009 at 4:15 p.m. followed by the PRPA's Annual Holiday Open House.

There being no further business to come before the Board of Directors the meeting was adjourned.

Respectfully Submitted,

Marian F. Simpson

