

**SOUTH JERSEY TRANSPORTATION AUTHORITY  
EXECUTIVE SESSION MINUTES**

**AUGUST 26, 2009**

Chairman Dilts called the Executive Session meeting to order at 10:15 a.m. and noted that this Executive Session was being conducted in accordance with Resolution 2008-14 of the South Jersey Transportation Authority, which provides for the following:

The general nature of the subject matter of this closed session meeting shall pertain to matters authorized pursuant to N.J.S.A. 10:4-12(b) (4), (5), (7) and (8).

**Present**

Chairman Stephen Dilts  
Commissioner Jeffery A. April, Esq.  
Commissioner Joseph W. Devine  
Commissioner James U. Gaymon, Jr.  
Commissioner Joseph Ripa  
Commissioner Louis Toscano

**Absent**

Vice Chairman Mark Summerville  
Commissioner Timothy J. Lizura  
Commissioner C. Robert McDevitt

**Also Present**

Bart Mueller, Executive Director  
Joseph Neal, Governor's Authorities Unit  
Keith Barrack, General Counsel  
Kathleen Aufschneider, Deputy Executive Director  
Dennis Culnan, Deputy Executive Director  
Kathy Diringer, New Jersey Department of Transportation  
Susan Drake Authority Board Secretary

**Litigation Matters**

Keith Barrack, General Counsel, reported on the pending litigation regarding [redacted] is claiming workplace harassment regarding race and gender discrimination in the work place. The case is in discovery, which will probably continue for the next thirteen (13)

Mr. Barrack reported that the pending litigation regarding the lawsuit filed against the Authority by [redacted] regarding their claims of sexual harassment is to go to trial on September 8, 2009.

Mr. Barrack reported on the pending litigation regarding Gary Israel. Mr. Barrack stated that

Mr. Israel is claiming, that due to a health condition, he was unable to perform his assigned duties. Mr. Israel also is alleging that his employment was terminated when he discovered that documents were allegedly destroyed during the renovation of the Administration Building basement. The case trial is scheduled during the month of October 2009.

Mr. Barrack reported on the pending litigation regarding Charles Chiarello. The Authority has received a letter of representation on behalf of Mr. Chiarello. Mr. Chiarello claims due to his health condition he is unable to perform some of his assigned duties. Due to his condition, the Authority has made attempts to accommodate him. Mr. Chiarello claims that the Authority did not attempt to accommodate him.

Mr. Barrack notified the Commissioners regarding a lawsuit with an accident that occurred within the Expressway Connector Tunnel. During a snow event while driving through the tunnel, a patron hit an emergency vehicle.

Mr. Barrack notified the Commissioners regarding a lawsuit with an accident that occurred along the Expressway. The patron's vehicle was disabled and he was advised by State Police not to return to his vehicle. After the State Police warning, the patron attempted to return to his vehicle, he was subsequently struck by another vehicle causing the death of the patron. A claim has been filed against the Authority.

Chairman asked if there was a police report. Kathleen Aufschneider responded that there is and that our State Police were the witnesses.

There being no further business, Chairman Dilts called for a motion to adjourn the Executive Session.

Motion was moved by Commissioner April and seconded by Commissioner Toscano; motion carried adjourning the Executive Session at 10:30 a.m.

Submitted by:

\_\_\_\_\_  
Susan Drake, Authority Board Secretary

**Certified to be a true copy**

  
\_\_\_\_\_  
**Susan E. Lubrano Board Secretary**

Date: 7/26/11

I was not present during this executive session meeting; however, I certify these to be the accurate and true minutes I received from the former Board Secretary.