

**SOUTH JERSEY TRANSPORTATION AUTHORITY  
BOARD OF COMMISSIONERS MEETING  
APRIL 17, 2012**

The scheduled Board of Commissioners Meeting of the South Jersey Transportation Authority was held on April 17, 2012, commencing at 10:00 a.m. at the South Jersey Transportation Authority Administration Building, Farley Service Plaza, Atlantic City Expressway, Milepost 21.3 in Elwood, New Jersey 08217.

**Present**

Chairman James S. Simpson (via video conference)  
Commissioner Jeffery A. April, Esq.  
Commissioner Joseph W. Devine  
Commissioner Maurice B. Hill  
Commissioner Joseph Ripa  
Commissioner Dianne Solomon  
Commissioner David Nuse, EDA  
Bart R. Mueller, Executive Director  
Brett Tanzman, Governor's Authorities Unit  
Jean Cipriani, Esq. General Counsel  
Lauren Staiger, Esq., General Counsel  
Susan Lubrano, Authority Board Secretary

**Absent**

Commissioner C. Robert McDevitt  
Commissioner Louis Toscano

As Chairman Simpson was not able to participate in person, the Secretary requested a motion nominating another member of the Board to chair the meeting. Whereupon, Commissioner April was nominated to chair the meeting by motion of Commissioner Devine, which motion was seconded by Commissioner Hill, with all Commissioners present being in favor.

**Statement of Public Notice**

The meeting of the Board of Commissioners was opened advising the Commissioners and public that notice of the meeting was duly advertised in the Press of Atlantic City, Camden Courier Post, Newark Star Ledger and with the Secretary of the State of New Jersey of the time, date and place of convening. Notice was posted at the Farley Service Plaza, the Atlantic City International Airport and the Authority's Atlantic City, New Jersey office as prescribed by law.

**Roll Call**

<b>Commissioner</b>	<b>Present</b>	<b>Absent</b>
Chairman James S. Simpson	X	
Commissioner Jeffery A. April, Esq.	X	
Commissioner Joseph W. Devine	X	
Commissioner Maurice B. Hill	X	
Commissioner David Nuse	X	
Commissioner C. Robert McDevitt		X
Commissioner Joseph Ripa	X	
Commissioner Dianne Solomon	X	
Commissioner Louis Toscano		X

Three (3) members of the public attended this meeting.

**Approval of the Agenda**

Commissioner April called for a motion to approve the April 17, 2012 Agenda. Whereupon, motion was made by Commissioner Devine, seconded by Commissioner Ripa, approving the April 17, 2012 agenda. Commissioner April asked for questions on the motion. No questions were asked. A unanimous vote was taken adopting and approving the agenda. A copy of the agenda is attached hereto and made a permanent part of these official Authority minutes.

### **Approval of Meeting Minutes**

Commissioner April called for a motion to approve the March 20, 2012 Meeting Minutes. Whereupon, a motion was made by Commissioner Ripa and seconded by Commissioner Devine, approving the March 20, 2012 minutes. Commissioner April asked for questions on the motion. No questions were asked. A unanimous vote was taken adopting and approving the minutes.

### **Employee Awards**

Mr. Michael R. Cort, of the Finance Department was presented with the quarterly “Employee Recognition Award”.

### **Executive Session**

Commissioner April asked General Counsel if there was a need for an Executive Session. Ms. Cipriani responded affirmatively.

Mr. Mueller then presented Resolution 2012-34 to the Commissioners for the exclusion of the public to discuss pending personnel matters, specifically personnel actions contained in Resolution 2012-26 and litigation matters pertaining to Chiarello vs. SJTA, Conover vs. SJTA and Flemming vs. SJTA. The public was advised that the minutes of this Executive Session will be disclosed to the public in accordance with State Law. Commissioner April called for a motion to move into Executive Session.

Whereupon, the motion was made by Commissioner Devine and seconded by Commissioner Hill, approving Resolution 2012-34. A unanimous vote was taken approving the resolution, adjourning the open portion of the meeting at 10:05 a.m. A copy of Resolution 2012-34 is attached hereto and made a permanent part of these official Authority minutes. At the close of Executive Session, Commissioner April called for a motion to return to the open portion of the meeting.

Whereupon, motion was made by Commissioner Ripa and seconded by Commissioner Solomon. The open portion of the meeting reconvened at 10:26 a.m. Commissioner April requested the Secretary call the roll.

### **Roll Call**

<b>Commissioner</b>	<b>Present</b>	<b>Absent</b>
Chairman James S. Simpson	X	
Commissioner Jeffery A. April, Esq.	X	
Commissioner Joseph W. Devine	X	
Commissioner Maurice B. Hill	X	
Commissioner David Nuse	X	
Commissioner C. Robert McDevitt		X
Commissioner Joseph Ripa	X	
Commissioner Dianne Solomon	X	
Commissioner Louis Toscano		X

**Following the calling of the roll, Ms. Cipriani advised the members of the public that an additional matter involving personnel was discussed that was not included in Resolution 2012-34.**

### **Executive Report**

Commissioner April asked for the presentation of the Executive Report. Mr. Mueller presented the April 2012 Executive Report. A copy of the April 2012 Executive Report is attached hereto and made a permanent part of these official Authority minutes.

### **Committee Reports**

Commissioner April asked Mr. Mueller to present the Committee Reports. Mr. Mueller reported that all committees met on April 3, 2012. Further, during these meetings Commissioners received briefings on the resolutions being presented this morning, as well as briefings on Out-of-Home Advertising, rotating future Board Meetings around our 6 counties, Vehicle Registration Suspension Program, E-ZPass “On-the-Go” Retail Administration Fees and AET. Mr. Mueller advised that Commissioners were also provided the schedule of upcoming projects, the EO-8 Report and Airport statistics.

### **Public Response to Agenda Items**

Commissioner April then asked the public for comments on any of the agenda items. No comments were made.

### **Approval of Bills**

Commissioner April asked Mr. Mueller for the presentation of bills. Mr. Mueller stated that the bills had been sent to the Commissioners previously for their review and are being presented for their approval. Commissioner April called for a motion to approve the bills. Whereupon, the motion was made by Commissioner Devine and seconded by Commissioner Hill approving said bills. Commissioner April asked the Commissioners for questions on the motion. There being none, Commissioner April requested that the Secretary call the roll.

### **Roll Call**

<b>Commissioner</b>	<b>Motion</b>	<b>2<sup>nd</sup></b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Recused</b>	<b>Absent</b>
Chairman James S. Simpson			X				
Commissioner Jeffery A. April			X				
Commissioner Joseph Devine	X		X				
Commissioner Maurice B. Hill		X	X				
Commissioner C. Robert McDevitt							X
Commissioner Joseph Ripa			X				
Commissioner Dianne Solomon			X				
Commissioner Louis Toscano							X

\*Commissioner April approved all bills but abstained from voting on the bills from the firm Cooper, Levenson, April, Niedelman & Wagenheim.

### **Resolutions and Motions:**

Commissioner April asked Mr. Mueller to present the resolutions. Mr. Mueller advised that prior to presenting nine (9) resolutions for approval; he would ask Commissioner Devine, Chairman of the Audit Committee, to present the 2011 Financial Audit which will be voted on separately.

Commissioner Devine opened by advising that approximately two years ago the Board made a recommendation to discuss the Audit findings during the Board meeting for transparency purposes as well as to insure everyone had a clear understanding of the Audit Report. He advised that this year's report went extremely well with only two management recommendations; demonstrating a very well run Authority, both financially and operationally. He further stated that with all of the economic challenges the Authority has faced, many positives came out of this audit, such as our efficient internal financial controls. He then thanked Frank Frankowski, Director of Finance, and Michael Cort, Comptroller, for an outstanding job and sound leadership.

Commissioner Devine then asked if Mr. Robert Hutchins, of Hutchins, Farrell, Meyer and Allison, PA, had any comments. Mr. Hutchins introduced himself and his associate, Ms. Crystal Fitzpatrick, advising that Ms. Fitzpatrick was the manager responsible for the audit. He then thanked SJTA's team who he stated engaged successfully with them during the audit process and provided the necessary documents/information to assist in accomplishing the procedures and testing necessary to issue the clean opinion in the audit. Mr. Hutchins continued by saying how pleased his firm was that all management comments from the prior year's management letter were implemented and/or addressed. He proceeded to give a very short synopsis of the management comment letter, which he advised were merely recommendations to enhance internal controls and not criticisms. The first recommendation he spoke of was the recommendation to conduct analyses of accounts on an interim basis rather than year-end which will make the year-end process easier. The second was to verify other revenue sources such as billboard income on an interim bases. Mr. Hutchins then stated that 2011 was an unremarkable year as the Authority operated close to budget. He directed the Commissioners to page 18 of the audit and discussed operating revenue and reduced expenses explaining the differences between the two years. Mr. Hutchins then advised that in finalizing their audit responsibilities, a preliminary Exit Conference was held in the beginning of March with Mr. Frankowski and Mr. Cort, where a draft audit was delivered, this was followed by a final Exit Conference with Mr. Mueller and Mr. Frankowski and lastly, a meeting with the Audit Committee at the end of March,

all of which were successful and productive. In closing, Mr. Hutchins advised that his firm had enjoyed providing accounting services to the Authority and expressed his appreciation for the confidence management had in them. He then thanked the Commissioner for their time.

Commissioner April then asked Mr. Mueller to present the Audit Resolution for approval. Mr. Mueller then presented Resolution 2012-25. Commissioner April called for a motion to approve Resolution 2012-25, where the motion as presented, was moved by Commissioner Ripa and seconded by Commissioner Devine, approving said resolution. Commissioner April asked for questions on the motion. There being none, Commissioner April asked the Secretary to call the roll.

**Roll Call**

Commissioner	Motion	2 <sup>nd</sup>	Yea	Nay	Abstain	Recused	Absent
Chairman James S. Simpson			X				
Commissioner Jeffery A. April			X				
Commissioner Joseph Devine		X	X				
Commissioner Maurice B. Hill			X				
Commissioner C. Robert McDevitt							X
Commissioner Joseph Ripa	X		X				
Commissioner Dianne Solomon			X				
Commissioner Louis Toscano							X

A copy of Resolution 2012-25 is attached hereto and made a permanent part of these official Authority minutes.

**RESOLUTION 2012-25 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY ACCEPTING THE 2011 FINANCIAL AUDIT**

The Audit Committee met on December 12, 2011 and March 30, 2012 in accordance with Executive Order No. 122 and has reviewed the 2011 Financial Audit Report and discussed the findings with the independent auditor. The Audit Committee recommends that the Board of Commissioners accept the 2011 Financial Audit and hereby directs the Executive Director to file a copy of the audit with the Treasurer of the State of New Jersey

Commissioner April then asked Mr. Mueller to present the remaining eight (8) Resolutions. Mr. Mueller presented Resolutions 2012-26 through 2012-33. Commissioner April called for a motion to approve Resolutions 2012-26 through 2012-33, where the motion as presented, was moved by Commissioner Hill and seconded by Commissioner Devine, approving said resolutions. Commissioner April asked for questions on the motion. There being none, Commissioner April asked the Secretary to call the roll.

**Roll Call**

Commissioner	Motion	2 <sup>nd</sup>	Yea	Nay	Abstain	Recused	Absent
Chairman James S. Simpson			X				
Commissioner Jeffery A. April			X				
Commissioner Joseph Devine		X	X				
Commissioner Maurice B. Hill	X		X				
Commissioner C. Robert McDevitt							X
Commissioner Joseph Ripa			X				
Commissioner Dianne Solomon			X				
Commissioner Louis Toscano							X

A copy of Resolutions 2012-26 through 2012-33 is attached hereto and made a permanent part of these official Authority minutes.

**RESOLUTION 2012-26 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING CERTAIN PERSONNEL ACTIONS**

Pursuant to the Authority By-Laws, the Personnel Committee shall advise the Board on issues

related to organization structure, equal employment opportunity, labor negotiations, employment practices and personnel actions affecting an individual's employment status or compensation. This resolution seeks Board approval for personnel actions as specified in the "Schedule A" attached to the resolution.

**RESOLUTION 2012-27 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY APPOINTING KEVIN REHMANN TO THE POSITION OF CUSTODIAN OF RECORDS**

Under the Open Public Records Act, N.J.S.A. 47:1A-1 et seq., (OPRA), the Authority is required to appoint a Custodian of Records to serve as the official officer for the Authority relative to requests for information under OPRA. There exists a need within the Authority to appoint a Custodian of Records through formal action of the Authority to serve in this capacity. Due to new assignments of the current Custodian of Records, Heather Martin, the Authority desires to name Kevin Rehmann as the Custodian of Records of the Authority pursuant to and in furtherance of OPRA.

**RESOLUTION 2012-28 OF THE SOUTH JERSEY TRANSPORTATION AUTHORIZING THE EXTENSION OF THE CONTRACT WITH NEHMAD PERILLO & DAVIS, OF SOMERS POINT, NEW JERSEY AS GENERAL LEGAL COUNSEL TO THE SOUTH JERSEY TRANSPORTATION PLANNING ORGANIZATION**

South Jersey Transportation and Planning Organization (SJTPO), a Metropolitan Planning Organization whose function includes the development of transportation programs for urbanized areas of the State in order to encourage and promote the development of Intermodal Transportation Systems, sought a firm in 2011 to provide General Legal Counsel. South Jersey Transportation Authority (SJTA) via the Basic Agreement of November 6, 2009, between the State of New Jersey, the Authority, and the SJTPO, is the administrative host to the SJTPO and is therefore designated to provide administrative support. On October 28<sup>th</sup> and 29<sup>th</sup> 2010, SJTA solicited proposals from qualified firms to provide General Counsel services to the SJTPO using the procurement procedures of the South Jersey Transportation Authority. The Consultant Selection Committee consisting of SJTA staff and SJTPO staff reviewed five (5) proposals and recommend the firm of Nehmad Perillo & Davis of Somers Point, New Jersey. The appointment term was for one (1) year with a one (1) year option to renew with hourly rates as set forth in the NPD Proposal: Two Hundred (\$200.00) dollars per hour for partners, One Hundred Seventy-Five (\$175.00) dollars per hour for associates, One Hundred (\$100.00) dollars per hour for clerks and law school graduates awaiting bar results, Ninety (\$90.00) dollars per hour for paralegals, and One Hundred Twenty Five (\$125.00) dollars per hour for Workers' Compensation attorney. The SJTPO desires to exercise its option to renew this contract for the period of one (1) year from July 1, 2012 to June 30, 2013. SJTPO presented Resolution 1203-13, approving the extension of the contract with Nehmad Perillo & Davis as General Legal Counsel, to their Board of Commissioners on March 26, 2012. This resolution was passed and is being presented to the SJTA Board for final approval.

**RESOLUTION 2012-29 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING THE AWARD OF A CONTRACT TO KRISANNA CONSTRUCTION INC., OF HAMMONTON, NEW JERSEY FOR THE ATLANTIC CITY EXPRESSWAY ACCESSIBILITY IMPROVEMENTS**

On January 13<sup>th</sup> and 14<sup>th</sup>, 2012, the Authority publicly advertised a Request for Bids for the Atlantic City Expressway Accessibility Improvements at various Atlantic City Expressway locations. On March 9th, 2012 four (4) bids were received, opened and tabulated. Krisanna Construction Inc., of Hammonton, New Jersey was deemed the lowest responsible bidder in an amount not to exceed \$264,775.00. The contract consists of furnishing all labor, equipment, materials and performing all work required to enhance the accessibility of various Atlantic City Expressway facilities to individuals with disabilities, as indicated in the contract documents.

**RESOLUTION 2012-30 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING CHANGE ORDER #3 TO THE CONTRACT WITH HNTB CORPORATION OF WOODBURY, NEW JERSEY FOR THE CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES OF THE THIRD LANE WESTBOUND WIDENING PROJECT**

The purpose of this resolution is to authorize Change Order #3 to the contract with HNTB Corporation of Woodbury, New Jersey, in the amount not to exceed \$73,007.35 for the additional construction management and inspection services associated with the installation of a Sign Structure, final paving and striping.

**RESOLUTION 2012-31 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING THE USE OF AUTHORITY PARKING FACILITIES/PARKING AREAS DURING ATLANTIC CITY'S THREE DAY MUSIC FESTIVAL, AND THE ESTABLISHMENT OF APPROPRIATE FEES**

On June 15, 16 & 17<sup>th</sup>, 2012, the City of Atlantic City will conduct a music festival at Bader Field. The festival is expected to attract large crowds daily, creating a concern with motor vehicle parking for the event. Atlantic City has contacted the Authority relative to the use of its three City parking facilities at Atlantic Avenue and Fairmount Avenue. The City has also requested the use of the Authority's Atlantic City Expressway intercept lot to accommodate the large festival crowds. A successful festival serves to benefit the City of Atlantic City and the welfare of the community at large. The Director of Transportation Services Division/Parking has requested that the Board authorize the fees and personnel use as provided in the Exhibit A attached to Resolution 2012-31. Also, due to the anticipated crowds associated with this event, the use of these facilities and shuttle services also includes the need to enter into an agreement with the Atlantic City Jitney Association for the provision of shuttles, similar to the agreement attached to same as Exhibit B. The Authority desires to authorize the use of its parking facilities/areas during the festival promoted by the City of Atlantic City.

**RESOLUTION 2012-32 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING THE USE OF AUTHORITY PARKING FACILITIES/PARKING AREAS DURING ATLANTIC CITY'S TWO DAY MUSIC FESTIVAL, AND THE ESTABLISHMENT OF APPROPRIATE FEES**

On June 23 & 24<sup>th</sup>, the City of Atlantic City will conduct a music festival at Bader Field. The festival is expected to attract large crowds daily, creating a concern with motor vehicle parking for the event. Atlantic City has contacted the Authority relative to the use of its three City parking facilities at Atlantic Avenue and Fairmount Avenue. The City has also requested the use of the Authority's Atlantic City Expressway intercept lot to accommodate the large festival crowds. A successful festival serves to benefit the City of Atlantic City and the welfare of the community at large. The Authority's Director of Transportation Services Division/Parking believes that it is in the best interest of the Authority to aid the City in providing a successful event. The use of Authority parking facilities/areas requires authorization from the Board. Such fees and use of Authority personnel are for a one time only event. The Director of Transportation Services Division/Parking has requested that the Board authorize the fees and personnel use as provided in Exhibit A, attached to Resolution 2012-32. Also, due to the anticipated crowds associated with this event, the use of facilities and shuttle services also include the need to enter into an agreement with the Atlantic City Jitney Association for the provision of shuttles, similar to the agreement attached to same as Exhibit B. The Authority desires to authorize the use of its parking facilities/areas during the festival promoted by the City of Atlantic City.

**RESOLUTION 2012-33 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING THE AMENDMENT OF THE AGREEMENT WITH HOME PORT ALLIANCE FOR THE PROVISION OF SHUTTLE SERVICES TO THE BATTLESHIP USS NEW JERSEY**

Pursuant to Resolution 2010-34, the Authority entered into an agreement dated April 4, 2010 with Home Port Alliance (“HPA”), wherein the Authority provides a shuttle service utilizing two (2) vehicles to provide transportation services for the HPA patrons, employees and volunteers at the Battleship USS New Jersey, between the Marina Circle on the Camden Waterfront parking garage in the City of Camden. The Agreement was for a period of two (2) years and automatically renewed for an additional option period of one (1) year on April 1, 2012. The Authority wishes to confirm the extension of the Agreement for an additional one-year (1) term. The Authority and HPA have agreed that the terms of the Agreement need to be modified to alter the times and dates in which the Authority will provide its shuttle service as noted in “Exhibit A” attached to this resolution.

**Petitions or Communications, Unfinished Business and New Business**

Commissioner April asked if there were any petitions or communications, unfinished or new business. Mr. Mueller responded that all previous petitions and communications were either mailed to the Commissioners prior to the meeting or are at their place. He advised that there was neither unfinished business nor any new business.

**General Comment**

Commissioner April asked for general comments. No comments were made.

**Adjournment**

There being no further business, Commissioner April called for a motion to adjourn the meeting. Whereupon, the motion was made by Commissioner Devine and seconded by Commissioner Hill to adjourn the meeting. A unanimous voice vote was taken adjourning the meeting at 10:36 a.m.

Submitted by:

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Susan Lubrano, Authority Board Secretary

**Note: An Executive Session was held at this meeting.**