

**SOUTH JERSEY TRANSPORTATION AUTHORITY  
BOARD OF COMMISSIONERS MEETING  
AUGUST 16, 2011**

The scheduled Board of Commissioners Meeting of the South Jersey Transportation Authority was held on August 16, 2011 commencing at 10:00 a.m. at the Atlantic City International Airport, Egg Harbor Township, New Jersey 08234.

George R. Gilmore, Authority General Counsel, addressed the Commissioners and members of the public advising that the emergency relocation of the meeting was posted to the Authority's website, the Farley Service Plaza, the Atlantic City International Airport, the Atlantic City office and with the Secretary of the State of New Jersey. Instruction was given to the Farley receptionist to direct any members of the public arriving at Farley to the Airport. Mr. Gilmore advised that the receptionist was also directed to call the Airport and advise that a member of the public was in transit, so that the open portion of the meeting could be held until their arrival. Mr. Gilmore stated that the Authority had made every effort possible to notify the public of the relocation of this meeting. He advised that the Unions, currently involved in negotiations with the Authority, received notification via telephone and writing to ensure they were aware the meeting had changed.

**Present**

Chairman James S. Simpson (via conference call)  
 Commissioner Maurice B. Hill  
 Commissioner Joseph W. Devine \*  
 Commissioner C. Robert McDevitt  
 Commissioner Joseph Ripa  
 Commissioner Dianne Solomon  
 Bart R. Mueller, Executive Director  
 David M. Reiner, Governors Authorities Unit  
 George R. Gilmore, General Counsel  
 Lauren Staiger, General Council  
 Susan Lubrano, Authority Board Secretary  
 \*Commissioner Devine arrived at 10:20a.m.

**Absent**

Commissioner Jeffery A. April, Esq.  
 Commissioner Louis Toscano  
 Commissioner Timothy J. Lizura  
 Brandon Minde, Governors Authorities Unit

**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 as to the time and date of convening. Notice of the meeting relocation, due to emergency construction in the Farley Board room, was advertised on the SJTA web-site for a period of twenty four hours and posted at the Farley Administration office, 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 Timothy J. Lizura      |                | X             |
| Commissioner C. Robert McDevitt     | X              |               |
| Commissioner Joseph Ripa            | X              |               |
| Commissioner Dianne Solomon         | X              |               |
| Commissioner Louis Toscano          |                | X             |

A total of five (5) members of the public attended this meeting.

As Chairman Simpson was participating via teleconference call, the Secretary requested a motion nominating another member of the Board to chair the meeting. Whereupon, Commissioner Ripa was nominated to chair the meeting by motion of Commissioner McDevitt, which motion was seconded by Commissioner Hill, with all Commissioners present being in favor.

### **Approval of the Agenda**

Commissioner Ripa called for a motion to approve the August 16, 2011 Agenda. Whereupon, motion was moved by Commissioner Solomon and seconded by Commissioner McDevitt, approving the August 16, 2011 agenda. Commissioner Ripa 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 Ripa called for a motion to approve the July 19, 2011 Meeting Minutes. Whereupon, a motion was moved by Commissioner McDevitt and seconded by Commissioner Hill, approving the July 19, 2011 minutes. Commissioner Ripa asked for questions on the motion. No questions were asked. A unanimous vote was taken adopting and approving the minutes.

### **Employee Awards**

Mr. Gregory Fidyk, Financial Systems Manager, of the Transportation Services Department, was honored as the August 2011 Employee of the Month.

### **Executive Session**

Commissioner Ripa asked General Counsel if there was a need for an Executive Session. Mr. Gilmore responded affirmatively.

Mr. Mueller then presented Resolution 2011-86 to the Chairman and Commissioners for the exclusion of the public to discuss pending personnel and contractual matters. The public was advised that the minutes of this Executive Session will be disclosed to the public in accordance with State law. Commissioner Ripa called for a motion to move into Executive Session.

Whereupon, motion was moved by Commissioner McDevitt and seconded by Commissioner Hill, approving Resolution 2011-86. A unanimous vote was taken approving the resolution, adjourning the open portion of the meeting at 10:09 a.m. A copy of Resolution 2011-86 is attached hereto and made a permanent part of these official Authority minutes. At the close of Executive Session, Commissioner Ripa called for a motion to return to the open portion of the meeting.

Whereupon, motion was moved by Commissioner Hill and seconded by Commissioner McDevitt. The open portion of the meeting reconvened at 10:41 a.m. Commissioner Ripa 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 Timothy Lizura         |                | X             |
| Commissioner C. Robert McDevitt     | X              |               |
| Commissioner Joseph Ripa            | X              |               |
| Commissioner Dianne Solomon         | X              |               |
| Commissioner Louis Toscano          |                | X             |

\* Commissioner Devine arrived at 10:20a.m.

### **Executive Report**

Commissioner Ripa asked for the presentation of the Executive Report. Mr. Mueller presented the August 2011 Executive Report. A copy of the August 2011 Executive Report is attached hereto and made a permanent part of these official Authority minutes.

### **Committee Reports**

Commissioner Ripa asked Mr. Mueller to present the Committee Reports. Mr. Mueller reported that all committees met on August 2, 2011. Commissioners were briefed on the resolutions being presented this morning as well as the 2<sup>nd</sup> Quarter Financials, Toll Collector negotiations, the CFO position, Spirit's Chicago/Boston Service, AirTran service at ACY, the IAG Procurement, detention basins and an update on the status of the terminal expansion/FIS project and Route 50 Bridge repairs. Commissioners also received an update of the FAA shutdown, the 3 day Bader field event relating to Jitney Service and the Transportation Services Grant.

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

Commissioner Ripa asked the public for comments on any of the agenda items. A member of the public, Ms. Dee Gorczyca, IFPTE Business Representative for Local 193, requested to comment publicly regarding current contract negotiations. Ms. Gorczyca advised that the Union has met with the Authority for the purpose of negotiating in good faith and continuing their contract. She advised that the union has made concession, but not to the satisfaction of the Authority. Ms. Gorczyca stated that Local 193 is willing to continue to meet with management in hopes to maintain their contract. She added that she hopes the Authority's position will become more reasonable. Ms. Gorczyca stated that with the possible elimination of the toll supervisors, SJTA would be losing a wealth of experience and expertise. She alleged that the toll supervisors are the only minority supervisors employed by the Authority and suggested that by eliminating toll supervisor positions, SJTA would be eliminating opportunities for minorities to advance into management. Ms. Gorczyca continued with saying the SJTA female, minority supervisors have over 22 years of service with the Authority and desire to finish out their careers with the Authority. She concluded with advising the Commissioners that the union is willing to get back to the table and continue discussions. Commissioner Ripa thanked Ms. Gorczyca for her comments and asked if there were any other responses to agenda items. There being none, Commissioner Ripa requested to move to the approval of the bills.

### **Approval of Bills**

Commissioner Ripa 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 Ripa called for a motion to approve the bills. Whereupon, the motion was moved by Commissioner Devine and seconded by Commissioner Hill, approving said bills. Commissioner Ripa asked the Commissioners for questions on the motion. There being none, Commissioner Ripa asked the Secretary to 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             |

### **Resolutions and Motions:**

Commissioner Ripa asked Mr. Mueller to present the resolutions. Mr. Mueller presented eight (8) resolutions to the Commissioners for approval, Resolutions 2011-78 through 2011-85. Commissioner Ripa called for a motion to approve Resolutions 2011-78 through 2011-86, the motion as presented, was moved by Commissioner Hill and seconded by Commissioner Devine, approving said resolutions. Commissioner Ripa asked for questions on the motion. There being none, Commissioner Ripa 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 2011-78 through 2011-85 is attached hereto and made a permanent part of these official Authority minutes.

### **RESOLUTION 2011-78 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING APPROVAL OF ADDITIONAL EXPENDITURES TO THE SOLE SOURCE CONTRACT WITH PSX, GROUP, OF KENNETT SQUARE, PA, FOR THE ESSENTIAL OPERATIONS OF THE ATLANTIC CITY EXPRESSWAY AND ATLANTIC CITY INTERNATIONAL AIRPORT**

It has been determined that there is a need for certain vendors to provide various goods and services for essential operational requirements of the various operating departments as sole source providers. Resolution 2011-12, in accordance with standard procurement processes, specified vendors to be awarded contracts on an as-needed basis to provide specified services. Resolution 2011-12 authorized the Authority to enter into a maintenance agreement with PSX for parking revenue system sales, service and repairs. The maintenance agreement authorized by this resolution lists exclusions which are not covered under the agreement, such as data entry into the Facilities Management System, programming of rate changes, clearing ticket jams, changing broken gate arms and resetting circuit breakers as well as misuse, vandalism of the equipment or failures due to acts of God. Due to unforeseen circumstances, an additional \$6,003.00 was incurred for repairs to the parking equipment located at the Airport due to wind and water damage on two separate occasions. The invoices, totaling \$6,003.00, were out of the scope of the agreement and thus not authorized in Resolution 2011-12; therefore approval was sought from the Board to pay PSX Group, of Kennett Square, PA, an additional amount of \$6,003.00 for services provided that were out of the scope of the maintenance agreement and to encumber funds for potential future repairs and services throughout the remainder of the contract period, ending December 31, 2011, in an amount not to exceed \$18,000.

### **RESOLUTION 2011-79 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING APPROVAL THE ASSIGNING OFFICER TO FILE A REQUEST TO REPLACE LOST STOCK CERTIFICATES WITH ABOVE NET, INC.**

The Authority acquired shares of AboveNet, Inc. stock in lieu of payment due the Authority, through bankruptcy proceedings of a former customer, Micromedia Fiber Network, Inc., back in 2004. The Authority and its accounting department were not aware of this transaction until 2010, when a dividend check was received in an amount of \$5,090.00. The Authority searched its records and could not locate the original stock certificate. In order to replace the certificate the Authority is required to file an Affidavit of Loss and Indemnity Agreement and make a check payable to American Stock Transfer & Trust Company, LLC in an approximate cost of \$800.00, to cover the bond cost and administrative fee. The stock certificate will be replaced upon receipt of the completed affidavit and fee. As custody of common stock is not permitted under the Authority's current Investment Policy, it is the desire of the Authority to liquidate these share of AboveNet, Inc. after the replacement stock certificate is received. The Authority seeks Board approval for the replacement of the stock certificate and the divestiture of same.

### **RESOLUTION 2011-80 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 attached "Schedule A".

**RESOLUTION 2011-81 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY  
AWARDING A CONTRACT TO NINSA LLC OF HAMMONTON, NEW JERSEY AND  
WARRINER'S CONSTRUCTION OF EGG HARBOR TOWNSHIP, NEW JERSEY FOR THE  
SNOW REMOVAL AND ANTI-ICING SERVICES AT VARIOUS SJTA LOCATIONS**

On June 17<sup>th</sup> and 18<sup>th</sup>, 2011, the Authority publicly advertised for bids for the Snow Removal and Anti-icing Services at various SJTA Locations. On July 13, 2011, two (2) bids were received, opened and tabulated. Language in the bid reserved the right for the Authority to split the bid award to more than one bidder if it was deemed to be in the best interest of the Authority. This Resolution authorizes the Authority to award contracts based on the lowest bid per Service Area to Warriner's Construction of Egg Harbor Township, New Jersey and NINSA LLC of Hammonton, New Jersey. This contract includes the supply of trucks and loaders with operators for the purpose of assisting the Authority with snow removal and ice control services at various SJTA locations and other areas of responsibility. The term of this contract is two (2) years with two (2) one-year renewal options at the discretion of the Authority. The Director of Engineering and Operations recommends the award of this contract.

**RESOLUTION 2011-82 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY  
SUPPORTING THE ATLANTIC CITY MARATHON**

The Authority is keenly interested in supporting events that promote tourism and provide economic stimulation to the region. The Atlantic City Marathon, the third oldest marathon in the country will promote a positive image and showcase the region's many tourist attractions. Milton & Betty Katz Jewish Community Center of Atlantic County has requested permission from the Authority to utilize the Atlantic City Expressway Connector Tunnel for the Marathon on October 16<sup>th</sup>, 2011, from 7:30 a.m. through 9:15 a.m. It is anticipated that this event will have an economic impact to the City of Atlantic City and the surrounding area. All participants will be required to sign a hold harmless waiver.

**RESOLUTION 2011-83 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY  
SUPPORTING THE RIDE FOR AUTISM SPEAKS**

As the Authority seeks to promote regional events that bring tourism and economic benefit to the region, the Engineering & Operations Department seeks Board approval to support the Ride for Autism Speaks Philadelphia, a well-know fundraising event which will promote a positive image and showcase the region's many tourist attractions. It is anticipated that this event will have an economic impact to the City of Atlantic City and the surrounding area. Autism Speaks has requested permission from the Authority to utilize the Atlantic City Expressway for the event on October 2<sup>nd</sup>, 2011, beginning at 12:00pm. Autism speaks will be billed for all tolls.

**RESOLUTION 2011-84 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY  
AUTHORIZING AWARD OF A CONTRACT TO HI-LITE MARKINGS OF ADAMS CENTER,  
NEW YORK FOR AIRFIELD RUBBER REMOVAL AND RUNWAY AND TAXIWAY  
PAINTING AT THE ATLANTIC CITY INTERNATIONAL AIRPORT**

On June 26<sup>th</sup> and 27<sup>th</sup> 2011, the SJTA publicly advertised for bids for Runway Rubber and Contaminant Removal, Surface Preparation, Paint Marking Removal and Runway Painting at the Atlantic City International Airport. On Friday, July 15, 2011, three (3) bids were received and subsequently not awarded due to bid form interpretation discrepancies. On July 28, 2011, the SJTA publicly re-advertised for bids for this project. On Wednesday, August 10, 2011, two (2) bids were received and Hi-Lite Markings of Adams Center, New York was deemed the lowest responsive, responsible bidder in an amount not to exceed \$87,968.31. These services are necessary for the safe operation of aircraft at the airport. Rubber removal is required to ensure the runway surface is free of rubber build up and other items that could decrease the braking action of landing aircraft. Re-striping of FAA mandated markings with glass beads is necessary to ensure visibility of said markings by aircraft. The markings selected by the FAA required the airport to conduct Part 139 inspections.

**RESOLUTION 2011-85 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY  
AUTHORIZING AN AGREEMENT WITH RICHARD STOCKTON COLLEGE OF NEW  
JERSEY OR ITS DESIGNEE TO OPERATE A SHUTTLE SERVICE TO CONNECT THE  
COLLEGE WITH NEW JERSEY TRANSIT TRAIN SERVICE AND THE ATLANTIC CITY**

## **INTERNATIONAL AIRPORT**

The purpose of the shuttle is to link the College, the New Jersey Transit Egg Harbor Train Station and the Atlantic City International Airport. The College desires that the Authority provide the shuttle services pursuant to the schedule set forth in the form of agreement attached as Exhibit A. The Authority has applied for and received approval for a 2010 CMAQ grant, in the amount of \$118,000.00, to help defray the cost of the project. The Authority will charge the College the amount of \$15,000.00, to further defray the cost of this program, for the 2011-2012 academic year. The combination of these funds covers the cost of the program. Providing these shuttle services will allow the Authority to continue to fulfill its transportation mission for the South Jersey area.

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

Commissioner Ripa asked if there were any petitions or communications, unfinished or new business. Mr. Mueller responded that all petitions & communications had been mailed to the Commissioners prior to the meeting. He stated that there is no New Business; however, under unfinished business the Authority is releasing Executive Session Minutes that have been approved but not publicly released at the time of the meeting due to their containing matters not yet resolved. Mr. Mueller stated the Executive Session Meeting Minutes for April 17, 2007, January 29, 2008, March 12, 2008, April 21, 2009, May 19, 2009, August 26, 2009, September 15, 2009, February 23, 2010, April 20, 2010, June 15, 2010 and July 20, 2010 are being presented for release. He advised that portions of the minutes have been redacted where the need for confidentiality still exists and that General Counsel has reviewed these minutes and recommends them for public release. Commissioner Ripa called for a motion to approve the release of the Executive Session Minutes. Whereupon, the motion was moved by Commissioner McDevitt and seconded by Commissioner Devine, approving the release of minutes. Commissioner Ripa asked the Commissioners for questions on the motion, no questions were asked. A unanimous vote was taken approving the release of the minutes.

### **General Comment**

Commissioner Ripa asked for any general comments. No comments were made.

### **Adjournment**

There being no further business, Commissioner Ripa called for a motion to adjourn the meeting. Whereupon, the motion was moved by Commissioner Devine and seconded by Commissioner Hill to adjourn the meeting. A unanimous voice vote was taken adjourning the meeting at 10:53 a.m.

Submitted by:

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Susan Lubrano, Authority Board Secretary