

**SOUTH JERSEY TRANSPORTATION AUTHORITY  
BOARD OF COMMISSIONERS MEETING  
MARCH 15, 2011**

The scheduled Board of Commissioners Meeting of the South Jersey Transportation Authority was held on March 15, 2011 commencing at 10:04a.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)  
 Vice-Chairman Mark A. Summerville  
 Commissioner Joseph W. Devine  
 Commissioner Maurice B. Hill  
 Commissioner Louis Toscano (via teleconference)  
 Commissioner Timothy J. Lizura  
 Bart R. Mueller, Executive Director  
 Maura Tully, Governors Authorities Unit (via video conference)  
 George R. Gilmore, General Counsel  
 Jean Cipriani, General Counsel  
 Susan Lubrano, Authority Board Secretary

**Absent**

Commissioner Jeffery A. April, Esq.  
 Commissioner C. Robert McDevitt  
 Commissioner Joseph Ripa

**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**

Commissioner	Present	Absent
Chairman James S. Simpson	X *	
Vice-Chairman Mark Summerville	X	
Commissioner Jeffery A. April, Esq.		X
Commissioner Joseph W. Devine	X	
Commissioner Maurice B. Hill	X	
Commissioner C. Robert McDevitt		X
Commissioner Joseph Ripa		X
Commissioner Louis Toscano	X *	
Commissioner Timothy J. Lizura	X	

\*Chairman Simpson participated via video conference

\*Commissioner Toscano participated via teleconference.

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

**Approval of the Agenda**

Vice-Chairman Summerville called for a motion to approve the March 15, 2011 Agenda. Whereupon, motion was moved by Commissioner Devine and seconded by Commissioner Hill, approving the March 15, 2011 agenda. Vice-Chairman Summerville 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**

Vice-Chairman Summerville called for a motion to approve the February 15, 2011 Meeting Minutes. Whereupon, a motion was moved by Commissioner Devine and seconded by Chairman Simpson, approving the February 15, 2011 minutes. Vice-Chairman Summerville asked for questions on the motion. No questions were asked. A unanimous vote was taken adopting and approving the minutes.

### **Employee Awards**

Kathrine Giacobbe, of the Engineering and Operations Department was honored as the March 2011 Employee of the Month.

### **Executive Session**

Vice-Chairman Summerville asked General Counsel if an Executive Session was needed. General Counsel responded affirmatively.

Mr. Mueller then presented Resolution 2011-26 to the Commissioners for the exclusion of the public to discuss pending personnel and litigation matters for their approval. The public was advised that the minutes of this Executive Session will be disclosed to the public as and when required by law. Vice-Chairman Summerville called for a motion to move into Executive Session.

Whereupon, motion was moved by Commissioner Devine and seconded by Commissioner Toscano, approving Resolution 2011-26. A unanimous vote was taken approving the resolution, adjourning the open portion of the meeting at 10:10a.m. A copy of Resolution 2011-26 is attached hereto and made a permanent part of these official Authority minutes. At the close of Executive Session, Vice-Chairman Summerville called for a motion to return to the open portion of the meeting.

Whereupon, motion was moved by Commissioner Hill and seconded by Commissioner Devine. The open portion of the meeting reconvened at 10:16a.m. Vice-Chairman Summerville requested the Secretary call the roll.

### **Roll Call**

<b>Commissioner</b>	<b>Present</b>	<b>Absent</b>
Chairman James S. Simpson	X	
Vice-Chairman Mark Summerville	X	
Commissioner Jeffery A. April, Esq.		X
Commissioner Joseph W. Devine	X	
Commissioner Maurice B. Hill	X	
Commissioner C. Robert McDevitt		X
Commissioner Joseph Ripa		X
Commissioner Louis Toscano	X	
Commissioner Timothy Lizura	X	

### **Executive Report**

Vice-Chairman Summerville asked for the presentation of the Executive Report. Mr. Mueller presented the March 2011 Executive Report. A copy of the March 2011 Executive Report is attached hereto and made a permanent part of these official Authority minutes.

### **Committee Reports**

Vice-Chairman Summerville asked Mr. Mueller to present the Committee Reports. Mr. Mueller reported that all committees met on March 1, 2011. He stated that during these meetings the Commissioners were briefed on the resolutions being presented for approval as well as the substitute letter of credit, parking fees, consultant broker services, Mark IV, ERP, our median cross over project and the open public meeting process. He further stated that the Commissioners were provided with a presentation on the impact from increased air service at ACY.

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

Vice-Chairman Summerville asked the public for comments on any of the agenda items. No comments were made.

### **Approval of Bills**

Vice-Chairman Summerville asked Mr. Mueller for the presentation of bills. Mr. Mueller stated that the bills had been mailed to the Commissioners previously for their review; however prior to this meeting a decision was made to withdraw the Florio, Perrucci, Steinhardt and Fader, February 20, 2011 invoice for further review. He advised that the Commissioners would be voting on all invoices with the exception of the Florio Perrucci Steinhardt and Fader invoice and that the remaining bills are being presented for their approval. Vice-Chairman Summerville called for a motion to approve the bills. Whereupon, the motion was moved by Commissioner Hill and seconded by Commissioner Devine, approving said bills. Vice-Chairman Summerville asked the Commissioners for questions on the motion. There being none, Vice-Chairman Summerville requested 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				
Vice-Chairman Mark Summerville			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 Louis Toscano			X				

### **Resolutions and Motions:**

Vice-Chairman Summerville asked Mr. Mueller to present the resolutions. Mr. Mueller presented Resolution 2011-18 through 2011-25 to the Commissioners for approval. Vice-Chairman Summerville called for a motion to approve Resolutions 2011-18 through 2011-25, whereupon, the motion as presented, was moved by Commissioner Devine and seconded by Commissioner Hill, approving said resolutions. Vice-Chairman Summerville asked for questions on the motion. Chairman Simpson responded with a question on Resolution 2011-18, which authorizes the first Supplemental Resolution to the 2009 Series A Resolution and Series Certificate. He requested further clarification of this resolution. Ms. Sharman, Director of Finance, addressed his questions. She indicated that during the rating update process on the substitute letter of credit, Moody's requested a technical amendment be made to the 2009 Series Resolution due to an inconsistency between the Reimbursement Agreement and the Bond Resolution. She stated that the Letter of Credit provides the opportunity to draw, for optional redemption, when the bonds are tendered. The Resolution provides the opportunity to draw, for optional redemption, unless the asset is destroyed, in which case, the Authority would have to use insurance proceeds for this purpose. This amendment cleans up the language so that the Bond resolution is consistent with the Letter of Credit. Vice-Chairman Summerville then requested 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				
Vice-Chairman Mark Summerville			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 Louis Toscano			X				

A copy of Resolutions 2011-18, 2011-19, 2011-20, 2011-21, 2011-22, 2011-23, 2011-24 and 2011-25 are attached hereto and made a permanent part of these official Authority minutes.

### **RESOLUTION 2011-18 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING THE FIRST SUPPLEMENTAL RESOLUTION TO THE 2009 SERIES A RESOLUTION AND SERIES CERTIFICATES FOR THE VARIABLE RATE TRANSPORTATION SYSTEM REVENUE BONDS, 2009 SERIES A-3 AND 2009 SERIES A-4**

In conjunction with the substitution of the Credit Facility for the 2009 A-3 Series Bonds, Moody's Investors Service has requested an amendment of a provision in the 2009 Series Certificates which

pertains to payments being made to bondholders from monies which are not derived from a draw on the Credit Facility. The amendment of the provision is stated in its entirety in the fact sheet attached to Resolution 2011-18.

**RESOLUTION 2011-19 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY APPROVING THE SELECTION OF NEHMAD PERILLO & DAVIS, OF SOMERS POINT, NEW JERSEY AS GENERAL LEGAL COUNSEL TO THE SOUTH JERSEY TRANSPORTATION AND 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, is seeking a firm to provide General Legal Counsel. SJTA, via the Basic Agreement of November 6, 2009, between the State of New Jersey, the Authority, and 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, the Authority advertised a Request for Proposals for a General Legal Counsel for the SJTPO. On December 15, 2010 five (5) proposals were received. The Consultant Selection Committee, comprised of SJTA and SJTPO staff, met on January 5<sup>th</sup> 2011 and based on the review of proposals and ranking of same, recommended Nehmad Perillo & Davis, of Somers Point, New Jersey, for award of a contract for General Legal Counsel for a term of one (1) year with a one (1) year option to renew at the Authority's discretion. SJTPO presented Resolution 1101-09, approving the selection of Nehmad Perillo & Davis as General Legal Counsel, to their Board of Commissioners on January 24, 2011. This resolution was passed and is being presented to the SJTA Board for final approval.

**RESOLUTION 2011-20 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY APPROVING THE FILLING OF THE VACANT POSITION OF SYSTEM ANALYST TRAINEE WITHIN THE INFORMATION TOLLS AND TECHNOLOGY DEPARTMENT, INFORMATION SERVICES DIVISION**

Resolution 2011-20 seeks Board approval to fill a vacant position within the Information Tolls Technology Department. Pursuant to the Authority's By-Laws, the Personnel Committee shall advise the Board on issues relating to organization structure, equal employment opportunity, labor negotiations, employment practices and personnel actions affecting an individual's employment status or compensation. The Authority has determined that, in compliance with the changes in its by-laws, approved on January 12, 2010, a resolution confirming Board approval of full and part-time hires is required. On February 15, 2011 and February 18, 2011, the Manager of Information Services interviewed four candidates which had applied for the position of Systems Analyst Trainee. Based on the interview process, the Information Tolls and Technology Director recommends Mario Cannuscio be selected to fill the position vacated by Thomas Hughes, who was recently transferred to an Accountant III position within the Finance Department, Revenue Control Division, in accordance with SJTA Resolution 2011-02.

**RESOLUTION 2011-21 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING THE AUTHORITY TO ENTER INTO PROFESSIONAL SERVICES AGREEMENTS FOR SELF-FUNDED GROUP HEALTH BENEFIT PROGRAM**

The Authority and the New Jersey Turnpike Authority (the Authorities) issued four (4) Requests for Proposals (RFP) for Health-Care Carriers/Firms to administer the Authorities' four (4) Self-funded Group Medical Benefit Programs which are: Medical; Pharmacy Services; Dental Services and Vision Services. A RFP for this benefit was prepared, advertised and made available to the public between November 21<sup>st</sup> and November 29<sup>th</sup> 2010. The Authorities received seventeen (17) proposals on January 4, 2011 from firms for the above stated Medical Programs. The Consultant Selection Committee comprised of representatives from both Authorities reviewed the proposals based on the criteria set forth in the RFP. Aon Hewitt played a key advisory role in this process to ensure an extra measure of objectivity and accuracy in the analysis of the proposals and best and final offers (BAFOs). The Chief of Staff believes it to be in the best interest of the Authority to accept the recommendation of the Consultant Selection Committee and enter into a contract for these various insurance policies: Horizon Blue Cross Blue Shield of N.J. (as Health Insurance Carrier); Express Scripts (as Pharmacy Insurance Carrier); Delta Dental (as Dental Insurance Carrier) and Davis Vision (as Vision Insurance Carrier). The NJTA passed this initiative at their February 23, 2011 Board meeting via Agenda Item No. 074-02-2011. The Report of the Evaluation Committee provides all pertinent information and is attached to the resolution.

**RESOLUTION 2011-22 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING THE AWARD OF A CONTRACT TO A.E. STONE, INC. OF EGG HARBOR TOWNSHIP, NEW JERSEY FOR THE 2011 RESURFACING PROJECT**

On February 3<sup>rd</sup> and 4<sup>th</sup>, 2011 the Authority publicly advertised for bids for the 2011 Resurfacing Program. On February 15, 2011, three (3) bids were received, opened and tabulated. A.E. Stone, Inc., of Egg Harbor Township, New Jersey was deemed the lowest responsible bidder in an amount not to exceed \$1,873,900.00. This contract includes all labor, equipment, and materials required for the milling and pavement overlay of the Eastbound Atlantic City Expressway from Milepost 17.5 (Egg Harbor Toll Plaza) to Milepost 14.5, including Eastbound lanes departing the toll plaza, along the Interchange 17 Eastbound deceleration lane and a portion of the Interchange 17 Eastbound off-ramp, along the Eastbound travel lanes from Milepost 2.8 to Milepost 0.4, along the Interchange 2 Eastbound off-ramp, along the Westbound travel lanes from Milepost 0.4 to Milepost 2.8 and along the Westbound Interchange 2 on-ramp.

**RESOLUTION 2011-23 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING THE AWARD OF A CONTRACT TO DRISCOLL MECHANICAL LLC, OF CHERRY HILL, NEW JERSEY FOR THE SJTA ADMINISTRATION BUILDING HVAC RENOVATION**

On January 14<sup>th</sup> and 15<sup>th</sup>, 2011, the Authority publicly advertised for bids for the SJTA Administration Building HVAC Renovation. On February 3, 2011, five (5) bids were received, opened and tabulated. Driscoll Mechanical LLC, of Cherry Hill, New Jersey was deemed the lowest responsible bidder in an amount not to exceed \$314,000.00. This contract includes the demolition of existing air handling units, pad mounted condensing units, air duct systems, exhaust fans and gravity ventilators and the installation of new exhaust fans, gravity ventilators, condensing units, air duct systems, three hot water circulating pumps and electronic 3-way control valves and interface.

**RESOLUTION 2011-24 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING A LICENSE TO CROSS TO SOUTH JERSEY GAS TO INSTALL A GAS TRANSMISSION MAIN CROSSING UNDER THE ATLANTIC CITY EXPRESSWAY AT FIRE ROAD**

This resolution authorizes a License to Cross to South Jersey Gas for the installation of a gas transmission main in Egg Harbor Township, New Jersey which will cross the Atlantic City Expressway at Fire Road at approximately milepost 6.5. The gas main will be installed using a method that will not require lane closings or pavement openings.

**RESOLUTION 2011-25 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING AWARD OF A CONTRACT TO ALL RISK INC. OF SOMERDALE, NEW JERSEY FOR EMERGENCY REMEDIATION AT THE NEW JERSEY STATE POLICE BARRACKS, FARLEY PLAZA**

Mold was detected during routine renovations at the State Police Barracks at Farley Plaza. Five (5) quotes, based on an hourly rate, were solicited. Two (2) quotes were received for testing and three (3) quotes were received for microbial remediation work. An emergency Purchase Order was issued for testing to the lowest responsible bidder, Coastal Environmental Compliance, LLC of Hammonton, New Jersey, in an amount not to exceed \$2,000.00. Coastal Environmental Compliance, LLC was engaged to evaluate the severity of the mold and the indoor air quality. Upon inspection and air sampling, airborne fungi, *Stachybotrys* was detected and therefore required immediate emergency mold remediation. All Risk Inc., of Somerdale, New Jersey was deemed to have submitted the lowest responsible quote of \$74.50 per hour for this remediation work. This project will be completed on a time and material basis and in an amount not to exceed \$50,000.00.

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

Vice-Chairman Summerville 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 places and there was no unfinished or new business.

### **General Comment**

Vice-Chairman Summerville asked for any general comments. Ms. Dee Gorczyca, a member of the public, requested to address the Board. She thanked the Commissioners for the opportunity to speak. She stated that she is an International Representative of the IFPTE, which is the International Federation of Professional and Technical Engineers. She advised that she represents union members from both SJTA and NJTA and that she wanted to remind the Commissioners of the RFP for the privatization of part-time toll collection services that was issued back in September of 2010 and its outcome. She stated that after hearing from several of the collectors the Authority had agreed to enter into negotiations with Local 196. At the close of the negotiation an agreement was reached allowing for significant savings by the Authority and as well as providing the Authority the opportunity to withdraw awarding a contract to any prospective bidders. She stated that she and local members later learned that the NJTA was putting out an RFP for the privatization of toll collection services. She advised of negotiations between Local 196, and the NJTA. She stated that the RFP was amended to remove the language that the contractor had to offer to the current toll collectors first right of refusal for positions with the private company. She advised that she does not believe that privatization saves money and urged the Commissioners not to privatize toll collections and to stand with the NJTA Commissioners to oppose privatizing toll collection services on all three roadways. She then asked the Chairman to please hold off on the opening of the bids today and allow the NJTA and Local 194 to resume negotiations and find a middle ground so that the livelihood of those she represents is not lost.

Commissioner Toscano asked if the right of refusal was removed from the contract. Ms. Gorczyca stated that it was. Ms. Gordon advised that yes it was removed, and that an RFP was issued by the NJTA in which the SJTA has the opportunity, at its discretion, to participate. She added that the vendors have been instructed that all existing toll collectors would be given the opportunity to apply. Commissioner Toscano asked if this clause was in writing. Ms. Gordon advised that it was not.

Chairman Simpson advised that Local 194 was considered to have interfered with the procurement process between the NJTA and SJTA and their procurement rights. He stated that this action was initiated by the union and as a result of our inability to have vendors freely respond, the NJTA made the decision to remove this clause. Chairman asked that Mr. Mueller brief the Commissioner on this matter.

Mr. Gilmore stated that an RFP was issued, proposals are being submitted and an evaluation will need to be made. He stated that he understood Ms. Gorczyca point of view but that she also has to look at the government's objective in trying to reduce cost in any way possible that makes sense. He advised that the RFP has been issued, responses have come in and they will be reviewed at the appropriate time.

### **Adjournment**

There being no further business, Vice-Chairman Summerville 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 10:37a.m.

Submitted by:

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Susan Lubrano, Authority Board Secretary