

**SOUTH JERSEY TRANSPORTATION AUTHORITY
BOARD OF COMMISSIONERS MEETING
DECEMBER 16, 2020
AGENDA**

The December 16, 2020 Board of Commissioners Meeting will be held at 9:00 a.m. via Teleconference. Opportunity for public participation by telephone will be available by dialing: 1 (800) 346-7359 access code: 492851.

1. Statement of Public Notice
2. Roll Call
3. Approval of the December 16, 2020 Agenda
4. Approval of the November 18, 2020 Meeting Minutes
5. Employee Recognition Award
6. Executive Session
7. Roll Call upon return to Open Session
8. Executive Report
9. Committee Reports
10. Public Response to Agenda Items
11. Presentation and Approval of Bills
12. Resolutions and Motions

RESOLUTIONS TO BE PRESENTED

RESOLUTION 2020-152 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 this resolution.

RESOLUTION 2020-153 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING THE EXECUTIVE DIRECTOR TO APPROVE AND EXECUTE DOCUMENTS ON BEHALF OF THE AUTHORITY WITH RESPECT TO THE SOUTH JERSEY TRANSPORTATION PLANNING ORGANIZATION (SJTP0)

As host agency to the SJTP0, the Authority regularly enters into agreements to accept funding on their behalf. This resolution designates the Executive Director to approve, on behalf of the Authority, each Federal Aid Agreement issued, to request reimbursement of eligible costs under each Federal Aid Agreement, to accept reimbursement thereof and execute sub-contracts with sub-regions, consultants or other parties as may be provided for in an approved Federal Aid Agreement for the period of January 1, 2021 through December 31, 2021. The Executive Director's execution of any documents required in connection therewith is conclusive evidence of such authorization and approval.

RESOLUTION 2020-154 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING AN AGREEMENT WITH BLUE SKY DIGITAL OUTDOOR, LLC REGARDING VEGETATION CANOPY MANAGEMENT

In order to protect the vegetation on the Expressway, among other New Jersey laws and regulations, the Authority enforces the "SJTA Policy for Vegetation Canopy Management. Blue Sky Digital Outdoor, LLC (f/k/a BC OWI Digital Outdoor Partners, LLC, c/o Panacea Capital Advisors, Inc.) ("Blue Sky"), is the owner and operator of a billboard located at the New Jersey Transit Blackwood, NJ Garage, 6000 NJ Route 42 located near the property of New Jersey Transit along the Expressway. On or about February 27, 2020, representatives from the Authority discovered the "topping" of several hundred feet of trees in the Expressway right-of-way near the aforementioned billboard. The Authority and Blue Sky have negotiated a settlement agreement requiring Blue Sky to reimburse the Authority for the "topping" of the vegetation canopy along the Expressway. Pursuant to the settlement agreement, the Authority acknowledges no admission of liability on behalf of Blue Sky. The Executive Director and Chief Engineer believe it to be in the best interest of the Authority and recommends entering into a settlement agreement with Blue Sky

RESOLUTION 2020-155 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING THE CHIEF ENGINEER TO EXECUTE PROJECT APPLICATIONS, PERMITS AND GRANTS WITH AGENCIES SUCH AS THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE PINELANDS COMMISSION ON BEHALF OF THE AUTHORITY

The Authority is authorized to enter into any and all agreements or contracts convenient or desirable for the purposes of the Authority. The Authority identifies necessary projects to carry out its purposes under the Act. Many of these projects are led by or overseen by the Chief Engineer of the Authority. In order to pursue these projects, the Authority must complete various permit applications, project applications, grant applications and the like with agencies such as, but not limited to, the New Jersey Department of Environmental Protection, the Pinelands Commission, the New Jersey Department of Transportation, the New Jersey Department of Community Affairs, and the Federal Aviation Administration. The Chief Engineer is responsible for completing these various applications. It is the desire of the Authority to grant the Chief Engineer the authority to execute such applications on behalf of the Authority, provided these applications are part of approved projects (i.e., are identified within an adopted budget or capital project plan) or are at no cost to the Authority or will require future approvals from the Board of Commissioners. The Commissioners of the Authority do hereby authorize the Chief Engineer, during the period of January 1, 2021 through December 31, 2021, to complete and submit permit applications, project applications, grant applications and the like with agencies such as, but not limited to, the New Jersey Department of Environmental Protection, the Pinelands Commission, the New Jersey Department of Transportation, the New Jersey Department of Community Affairs, and the Federal Aviation Administration in connection with the purposes outlined herein and consistent with the Authority's enabling legislation, N.J.S.A. 27:25A-1 et seq.

RESOLUTION 2020-156 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING THE AWARD OF A CONTRACT TO C. ABBONIZIO CONTRACTORS, INC. OF SEWELL, NEW JERSEY FOR THE ATLANTIC CITY EXPRESSWAY 2020 CULVERT REHABILITATION PROJECT

On October 28th and October 29th, 2020, the Authority publicly advertised for bids for the Atlantic City Expressway 2020 Culvert Rehabilitation Project. The scope of work for this project consists of furnishing all labor, equipment, and materials and performing all work required to rehabilitate various existing storm water culverts along properties of the South Jersey Transportation Authority. As part of this solicitation, the Authority sought three separate base bids for the for all work as described above for the following limits:

Base Bid 1: -Storm sewer pipe at Atlantic City Expressway Intercept Lot Milepost 3.5;

Base Bid 2: -Storm sewer pipe at Atlantic City Expressway Intercept Lot Milepost 3.5

-Storm sewer pipe, and connection to oil water separator at the Atlantic City Expressway Connector Milepost CN 1.5

Base Bid 3: -Storm sewer pipe at Atlantic City Expressway Intercept Lot Milepost 3.5

-Storm sewer pipe, and connection to oil water separator at the Atlantic City Expressway Connector Milepost CN 1.5

-Storm sewer pipe located at the Atlantic City International Airport Parking Lot adjacent to Short Term Parking Lot Exit

On November 18th, 2020 seven (7) bids were received, opened and tabulated. Following a review of the bids, the Authority deemed that the award of the Base Bid 3, represented the best value for the Authority. C. Abbonizio Contractors, Inc. of Sewell, New Jersey was deemed to have submitted the lowest responsible bid for the desired Base 3. The Director of Engineering/Chief Engineer believes it to be in the best interest of the Authority and recommends entering into a contract with C. Abbonizio Contractors, Inc. for the Atlantic City Expressway 2020 Culvert Rehabilitation Base Bid 3, in an amount not to exceed \$423,864.00.

RESOLUTION 2020-157 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING THE AWARD OF A CONTRACT TO SCHINDLER ELEVATOR CORPORATION OF MORRISTOWN, NEW JERSEY FOR THE ATLANTIC CITY INTERNATIONAL AIRPORT (ACY) TSA ELEVATOR REHABILITATION PROJECT

On June 19th and 20th, 2019 the Authority publicly advertised for Bids for the Atlantic City International Airport (ACY) TSA Elevator Rehabilitation Project, which includes, but is not limited to, upgrading the elevator's interior finishes, elevator door finishes, a new stainless-steel ceiling with lighting, a new car operating panel, new hall stations, cleaning and buffing of the elevator jambs, new spring mounted roller guides, new hydraulic pistons seals and new code compliant hoistway lighting and GFCI power. On July 18, 2019 one (1) bid was received, opened and tabulated, and subsequently rejected due to being well in excess of the Authority's estimate and budget for the project. On October 2nd and 3rd, 2019 the Authority publicly advertised the Rebid of the project; On October 24, 2019 three (3) bids were received, opened and tabulated, and subsequently rejected due to being well in excess of the Authority's estimate and budget for the project. Pursuant to Section 8(a) of the Act, the Authority is required to publicly advertise for all contracts and agreements made pursuant to the Act to be awarded by the Authority only after public advertising. Pursuant to Section 8(b)(6) of the Act, the Authority the Authority may negotiate a contract without public bid or advertisement when the Authority has advertised for bids on two occasions and received no responsive bids and at that time, the contract may then be negotiated and awarded to any responsive contractor except that the terms, conditions, restrictions and specifications in the negotiated contract cannot be substantially different than those in the competitive bidding. The Authority attempted to negotiate independently with each of the three (3) companies that had submitted a bid for the project, but could not reach a price that the Authority considered reasonable for the scope of work. The Authority then began negotiation with a Schindler Elevator Corporation whom did not originally submit a bid in response to the Authorities advertisement, but upon contact expressed interest in negotiating a contractor. Schindler Elevator Corporation agreed to complete the project in accordance with the as-bid scope of work for a cost of \$92,000.00, which both within the Authority's budget and the engineer's estimate for the project. The Chief Engineer recommends the award of a contract to Schindler Elevator Corporation of Morristown, New Jersey for the Atlantic City International Airport (ACY) TSA Elevator Rehabilitation Project, in an amount not to exceed \$92,000.00.

RESOLUTION 2020-158 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING 2021 ADVERTISING EXPENDITURES TO PROMOTE THE ATLANTIC CITY INTERNATIONAL AIRPORT

To dedicate funds for the purpose of promoting passenger and airline traffic at the Airport as increasing passenger and airline traffic at ACY generates income for the airport.

RESOLUTION 2020-159 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING THE EXECUTIVE DIRECTOR TO NEGOTIATE AND EXECUTE A FOURTH AMENDMENT TO THE AIRPORT LEASE AND CONCESSION AGREEMENT WITH HUDSON GROUP RETAIL, A LIMITED LIABILITY COMPANY AS A RESULT OF THE COVID-19 PANDEMIC

The Authority entered into an Airport Lease and Concession Agreement dated February 21, 2020 with Hudson Group Retail, LLC d/b/a/ Hudson Group and an amendment to the Airport Lease and Concession Agreement dated May 4, 2020 (collectively the "Concession Agreement") to provide the Airport and its facilities high quality and reasonably priced food and beverage services to the traveling public within the terminal at the Airport. Due to the outbreak of the coronavirus ("COVID-19"), and recommendations by the federal government, travel has been restricted in the United States. On March 9, 2020, New Jersey Governor Philip Murphy, in order to protect the health, safety and welfare of the people of New Jersey, signed Executive Order No. 103, declaring a Public Health Emergency and State of Emergency exist in the State of New Jersey. On April 7, 2020, Governor Murphy signed Executive Order No. 119 declaring that the Public Health Emergency declared in Executive Order No. 103. Governor Murphy subsequently signed Executive Orders extending all prior Executive Orders related to the Public Health Emergency created by COVID-19 as follows: May 6, 2020, Executive Order No. 138; June 4, 2020, Executive Order No.151; July 2, 2020, Executive Order 162; August 1, 2020, Executive Order No. 171; August 27, 2020, Executive Order No. 181; September 25, 2020, Executive Order No. 186; October 24, 2020, Executive Order No. 191 and most recently, on November 22, 2020, Executive Order No. 200, As a result of the Public Health Emergency due to COVID-19 and upon request of Hudson Group, the Authority authorized amendments to the Concession Agreement which temporarily modified during the Public Health Emergency by (a) waiving the Minimal Annual Guaranty (b) allowing Hudson Group to close its business, except for as otherwise agreed upon, at the Airport until

such time to be determined at the sole discretion of the Authority. As a result of the Public Health Emergency due to COVID-19, Hudson Group has requested that the Concession Agreement be further temporarily modified during the Public Health Emergency by (a) extending the period waiving the Minimal Annual Guaranty for a period of time beginning on December 1, 2020 and ending on February 28, 2021 and (b) allowing Hudson Group to close certain Assigned Premises until such time before or after December 1, 2020 to be determined at the sole discretion of the Authority. The Authority finds that entering into a fourth amendment with Hudson Group would be beneficial to the Authority and the traveling public.

RESOLUTION 2020-160 AUTHORIZING THE EXECUTIVE DIRECTOR TO NEGOTIATE AND EXECUTE A FOURTH AMENDMENT TO THE AIRPORT LEASE AND CONCESSION AGREEMENT WITH OUTSTANDING HOSPITALITY MANAGEMENT, A LIMITED LIABILITY COMPANY AS A RESULT OF THE COVID-19 PANDEMIC

The Authority entered into a Concession Agreement dated July 9, 2018, with a commencement date of July 19, 2018, with Outstanding Hospitality Management, a limited liability company (“OHM”) along with an Amendment to Airport Lease and Concession Agreement dated April 28, 2020 (collectively the “Concession Agreement”) to provide the Airport and its facilities high quality and reasonably priced food and beverage services to the traveling public within the terminal at the Airport. Due to the outbreak of the coronavirus (“COVID-19”), and recommendations by the federal government, travel has been restricted in the United States. On March 9, 2020, New Jersey Governor Philip Murphy, in order to protect the health, safety and welfare of the people of New Jersey, signed Executive Order No. 103, declaring a Public Health Emergency and State of Emergency exist in the State of New Jersey. On April 7, 2020, Governor Murphy signed Executive Order No. 119 declaring that the Public Health Emergency declared in Executive Order No. 103. Governor Murphy subsequently signed Executive Orders extending all prior Executive Orders related to the Public Health Emergency created by COVID-19 as follows: May 6, 2020, Executive Order No. 138; June 4, 2020, Executive Order No. 151; July 2, 2020, Executive Order 162; August 1, 2020, Executive Order No. 171; August 27, 2020, Executive Order No. 181; September 25, 2020, Executive Order No. 186; October 24, 2020, Executive Order No. 191 and most recently, on November 22, 2020, Executive Order No. 200. As a result of the Public Health Emergency and upon request of OHM, the Authority authorized amendments to the Airport Lease and Concession Agreement by (a) waiving the Minimal Annual Guaranty for a period of time and (b) allowing OHM to close its business, except for as otherwise agreed upon, at the Airport until such time to be determined at the sole discretion of the Authority; and (c) a revision in the term of the agreement. As a result of the ongoing Public Health Emergency due to COVID-19, OHM has requested that the Concession Agreement be further temporarily modified during the Public Health Emergency by (a) extending the period for waiving the Minimal Annual Guaranty for a period of time commencing on December 1, 2020 and expiring February 28, 2021 and (b) allowing OHM to close its business, except as otherwise agreed upon, at the Airport until such time before or after December 1, 2020 to be determined at the sole discretion of the Authority. The Authority finds that entering into an amendment with OHM would be beneficial to the Authority and the traveling public.

RESOLUTION 2020-161 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING AN ASSIGNMENT AGREEMENT BETWEEN THE AUTHORITY AND DEPARTURE MEDIA, INC. FOR INDOOR ADVERTISING CONCESSIONS AT THE ATLANTIC CITY INTERNATIONAL AIRPORT AND AUTHORIZING THE AUTHORITY TO ENTER INTO ADDITIONAL AGREEMENTS FOR INDOOR ADVERTISING CONCESSIONS AT THE ATLANTIC CITY INTERNATIONAL AIRPORT UNTIL SUCH TIME THAT A THIRD-PARTY IS SOLICITED AND ACCEPTED TO PERFORM INDOOR ADVERTISING CONCESSIONS

On February 1, 2018, after soliciting advertisements for services, the Authority and Departure Media, Inc. (“Departure Media”) entered into an agreement for Indoor Advertising Concessions at the Airport (the “Agreement”). On September 3, 2020, Departure Media submitted a letter to the Authority terminating the Agreement effective November 2, 2020, pursuant to Section 2.05 of the Agreement, which requires Departure Media to provide sixty (60) days written notice of its intention to terminate the agreement to the Authority. At the time of termination on November 2, 2020, Departure Media maintained approximately five (5) agreements for indoor advertising at the Airport. Due to Departure Media’s termination of the

Agreement, the Authority seeks for the remaining contracts for indoor advertising at the Airport to be assigned to the Authority pursuant to an assignment agreement. Due to the termination of the Agreement by Departure Media, the Authority seeks to advertise and solicit for additional indoor advertising at the Airport until a time that the Authority has the opportunity to solicit services for a company to provide Indoor Advertising Concessions on behalf of the Authority. The Director of the Airport believes it to be in the best interest of the Authority and recommends the execution of an assignment agreement between Departure Media and the Authority and for the Authority to enter into additional contracts for indoor advertising space at the Airport, pursuant to the Act.

RESOLUTION 2020-162 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING THE AWARD OF A CONTRACT TO CHAS. S. WINNER INC. D/B/A WINNER FORD OF CHERRY HILL, NEW JERSEY FOR THE PURCHASE AND DELIVERY OF A 2020 OR CURRENT PRODUCTION YEAR GUIDERAIL TRUCK WITH SERVICE BODY AND EQUIPMENT OR EQUIVALENT

On October 28, 2020 and October 29, 2020, the Authority publicly advertised for bids for the Purchase and Delivery of a 2020 or Current Production Year Guardrail Truck with Service Body and Equipment or Equivalent. On November 18, 2020, one (1) bid was received, opened and tabulated. Chas. S. Winner, Inc. D/B/A Winner Ford of Cherry Hill, New Jersey was deemed the sole, responsive, responsible bidder in an amount not to \$91,122.00 per unit. The number of units to be purchased is contingent upon the availability of funds. In the event the need arises, and funding is available, the Authority reserves the right to order additional units as specified herein. The Bidder agrees to hold their unit prices until March 31, 2021. The Director of Operations recommends the Purchase and Delivery of a 2020 or Current Production Year Guardrail Truck with Service Body and Equipment or Equivalent in an amount not to exceed 91,122.00 for one unit.

RESOLUTION 2020-163 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING THE SETTLEMENT OF ZAMOR V. NEW JERSEY STATE POLICE, ET. AL.

Pursuant to Section 7(x) of the Act, the Authority is authorized to enter into any and all agreements or contracts convenient or desirable for the purposes of the Authority. On March 28, 2018 and May 11, 2018, counsel for Plaintiffs in the matter of Dominique Zamor, et al. v. New Jersey State Police, et al., Docket No. ATL-L-652-18, filed a Complaint and subsequently an Amended Complaint. Due to certain circumstances, the Authority was required to indemnify the New Jersey State Police. The Parties have determined it is in the best interest of all involved to reach a settlement of all outstanding claims which all such claims are to be paid by the Authority's Insurance Carrier. The Authority consents to the Insurance Carrier entering into and paying this settlement agreement on behalf of the Authority. The Executive Director believes it to be in the best interest of the Authority and the public within its jurisdiction to enter into this settlement agreement resolving the matter of Zamor, et al. v. New Jersey State Police, et al., Docket No. ATL-L-652-18.

13. Petitions and Communications, Unfinished Business, New Business
14. General Comment
15. Time and Place of Next Meeting: The next regularly scheduled Board meeting will be held on **Wednesday, January 20, 2020 at 9:00 a.m.** via teleconference.

ADJOURNMENT