

**SOUTH JERSEY TRANSPORTATION AUTHORITY
BOARD OF COMMISSIONERS MEETING
DECEMBER 18, 2019
AGENDA**

The December 18, 2019 Board of Commissioners Meeting will be held at 9:00 a.m. at the South Jersey Transportation Authority Administration Building on the Atlantic City Expressway at Milepost 21.3 in Elwood, New Jersey 08217.

1. Statement of Public Notice
2. Roll Call
3. Approval of the December 18, 2019 Agenda
4. Approval of the November 20, 2019 Meeting Minutes
5. Executive Session
6. Roll Call upon return to Open Session
7. Executive Report
8. Committee Reports
9. Public Response to Agenda Items
10. Presentation and Approval of Bills
11. Resolutions and Motions

RESOLUTIONS TO BE PRESENTED

RESOLUTION 2019-114 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 2019-115 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 (SJTPO)

As host agency to the SJTPO, 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, 2020 through December 31, 2020. The Executive Director's execution of any documents required in connection therewith is conclusive evidence of such authorization and approval.

RESOLUTION 2019-116 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY APPOINTING FLORIO, PERRUCCI, STEINHARDT, & CAPPELLI OF CHERRY HILL, NJ AS GENERAL COUNSEL, COOPER LEVENSON OF ATLANTIC CITY, NJ AS CO-GENERAL COUNSEL AND BROWN AND CONNERY, LLC. OF WESTMONT, NJ AS SPECIAL COUNSEL FOR THE AUTHORITY

On November 7th and November 8th, 2019, the Authority publicly advertised a Request for Proposals for General and/or Special Legal Counsel Services for the Authority. On November 27, 2019, in response to said advertising, eight (8) proposals were received. The Consultant Selection Committee (CSC) reviewed and ranked the Proposals and to determine if same met all the requirements of the specifications and instructions to proposers. Based on the CSC's evaluation and the recommendation of the CSC Chairman, it is recommended the Authority appoint Florio, Perrucci, Steinhardt, & Cappelli, of Cherry Hill, New Jersey as General Counsel, Cooper Levenson of Atlantic City, New Jersey as Co-General Counsel and Brown & Connery, L.L.P. of Westmont New Jersey as Special Counsel to the

Authority for all legal services regarding all Employment and Labor matters. The term of these appointments shall be one (1) year with a one (1) year option to renew at the Authority's discretion. The hourly rates, as set forth in the Request for Proposals, are \$200.00 per hour for partners; \$175.00 per hour for associates; \$125.00 per hour for Workers' Compensation matters; \$90.00 per hour for paralegals and \$100.00 per hour for clerks, law assistants and law school graduates awaiting the bar results. All other expense limits are as indicated in the Request for Proposals. The Director of Business Administration believes it is in the best interest of the Authority and recommends the aforementioned appointments pending satisfactory Certificates of Insurance are provided to the Authority in the amounts as specified in the Request for Proposal.

RESOLUTION 2019-117 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, 2020 through December 31, 2020, 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 2019-118 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING A LICENSE TO CROSS TO ATLANTIC CITY ELECTRIC TO CONSTRUCT A NEW ELECTRICITY TRANSMISSION LINE ACROSS THE ATLANTIC CITY EXPRESSWAY CONNECTOR AT MILEPOST CN .07

Atlantic City Electric wishes to install a new 69kV aerial crossing over Beach Thorofare at the Atlantic City Expressway Connector at milepost CN 0.7 in order to improve reliability and resiliency of the electricity transmission system into Atlantic City. It is in the best interest of the Authority to protect its facilities via a License to Cross for permanent installations such as utility crossing and for temporary impacts, such as construction easements. Atlantic City Electric has proposed that the Authority allow construction of a new 69kV aerial crossing between a number of steel poles to be located outside of the Authority rights-of-way. Atlantic City Electric will pay all costs including that of State Police, traffic control, emergency repair costs and other costs outlined in the License to Cross agreement for Authority inspection fees and also submit a non-refundable application fee. The Director of Engineering recommends authorizing a License to Cross to Atlantic City Electric to construct a electricity transmission line across the Atlantic City Expressway Connector's right-of-way at milepost CN 0.7.

RESOLUTION 2019-119 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING THE MODIFICATION OF THE RATES & CHARGES AT THE ATLANTIC CITY INTERNATIONAL AIRPORT

Pursuant to Section 24 of the FAA Airport Improvement Program Grant, assurances state that the airport “will maintain a fee and rental structure for the facilities and services at the airport that make the airport as self-sustaining as possible. The Airport Department has performed a review of existing Airport Rates & Charges consistent with the objectives to attract additional air service and minimize the impact on existing carriers. The Department recommends a modification to the existing Rates & Charges as detailed in Exhibit A, specifically by changing the Ramp Fee Program and implementing a Security Fee for airlines that utilize the Airport. The Airport Director believes it is in the best interest of the Authority and recommends making these changes in an effort to make the airport self-sustaining

RESOLUTION 2019-120 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING THE EXECUTION OF AN AGREEMENT TO ENTER INTO A LEASE AND A GROUND LEASE WITH JB AIR, LLC (FORMERLY JBA AIR, LLC) FOR THE DEVELOPMENT OF LONG-TERM HANGAR AND AIRCRAFT FUELING FACILITIES AND ASSOCIATED SUPPORT STRUCTURES AT THE ATLANTIC CITY INTERNATIONAL AIRPORT

Pursuant to Section 7(n) of the Act, the Authority has the power to grant by franchise, lease or otherwise, the use of any project, facility or property owned and controlled by the Authority to any person for the consideration and for the period or periods of time and upon terms and conditions as are agreed upon, including but not limited to, the condition that the lessee may construct or provide any buildings or structures for the project facility or property or portions thereof. The Airport includes real property owned by the Authority that is identified as developable property in the Federal Aviation Administration (“FAA”) Approved Master Plan. JB Air, LLC (“JB Air”), (formerly JBA Air, LLC), a limited liability company of the State of New Jersey proposes to enter into a project for the development of a long-term hangar and aircraft fueling facilities and associated support facilities on property owned by the Authority at the Airport that is developable property (the “Project”). The Project would include the construction of a new hangar building, fuel farm, vehicle parking lot and ramp on an approximately four-acre parcel that is currently used as the overflow parking lot. Under the proposal, JB Air would pay no less than fair market ground rent for the leased property, construct with its own funds the necessary facilities and associated support structures. In addition to the above JB Air would also be responsible for all applicable fees and costs for the use of Airport facilities. Under Resolution 2017-113 the Authority provided an initial approval of the Project. This resolution seeks approval for certain revised terms for the Project as set forth in the resolution. In addition, the Authority and JB Air have reached substantial agreement on the agreement to enter into lease and ground lease which are attached as Exhibit A and B respectively. The Director of the Airport believes that the proposed Project as revised would foster economic development in the area, would generate additional revenue for the Airport and would be in the best interests of the Authority and the public that it serves.

RESOLUTION 2019-121 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY APPROVING THE ASSIGNMENT OF AN EXISTING AIRPORT FOOD & BEVERAGE LEASE AND CONCESSION AGREEMENT WITH OHM CONCESSION GROUP, LLC TO OHM ACY, LLC

Pursuant to Section 7(x) of the Act, the Authority has the power to enter into any and all agreements or contracts, execute any and all instruments, and to perform any and all acts or things necessary, convenient or desirable for the purposes of the Authority or to carry out any powers expressly given in the Act. Following a publicly advertised Request for Proposals, on March 5, 2018 and March 6, 2018, pursuant to Resolution No. 2018-23, the Authority awarded an Airport Lease and Concession Agreement (the “Agreement”) to OHM Concession Group LLC of St. Louis, Missouri (“OHM”). On November 19, 2019, the Authority received notice from OHM advising that OHM has entered into an agreement to sell certain assets to Hudson Group Retail (“Hudson Group”) and, as a result, on or about January 8, 2020, each of OHM’s existing stores currently in operation at the Atlantic City International Airport (“ACY”) will be owned and operated by OHM ACY, LLC. OHM ACY, LLC will be jointly owned by Hudson Group (80%) and OHM (20%). Section 7.1 of the Agreement states that OHM shall not transfer or assign any rights, obligations, or privileges under the Agreement without obtaining the Authority’s prior, written consent, and that such consent shall not be reasonably withheld. OHM and

the Hudson Group have confirmed that OHM ACY, LLC will assume all past, existing, and future rights, obligations, and privileges under the Agreement. All terms and conditions of the Agreement shall remain unchanged. Through consultation with the Authority's legal counsel, the ACY Airport Director recommends assigning the Agreement from OHM to OHM ACY, LLC.

**RESOLUTION 2019-122 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY
AUTHORIZING SETTLEMENT OF LITIGATION**

On January 12, 2018, the Authority was named as a defendant in the litigation filed by plaintiff Cheri Miller ("Plaintiff"), captioned as Miller v. Hewitt, Jr., et al., Docket No. CAM-L-164-18, filed in the Superior Court of New Jersey, Law Division, Camden County (the "Litigation"). The Authority, other named defendants, and Plaintiff have determined that it is in their mutual interest to resolve all issues between them in the Litigation amicably and have negotiated terms of settlement set forth in a document entitled "General Release". Pursuant to the General Release, Plaintiff has agreed to dismiss her claims against the Authority and has further agreed to release the Authority from any and all claims she has or may have against them (the "Release"). The settlement of the Litigation is not an admission of liability in any manner by the Authority. Through consultation with its legal counsel, the Authority's Board of Commissioners has determined it is in the best interests of the Authority to settle the Litigation in a manner consistent with the terms set forth in the General Release.

- 12. Petitions and Communications, Unfinished Business, New Business
- 13. General Comment
- 14. Time and Place of Next Meeting: The next regularly scheduled Board meeting will be held on **Wednesday, January 15, 2020 at 9:00 a.m.** in the Board Room of the SJTA Administration Building, Farley Service Plaza, Elwood, New Jersey.

ADJOURNMENT