

**SOUTH JERSEY TRANSPORTATION AUTHORITY  
EXECUTIVE SESSION MINUTES  
JULY 20, 2016**

Chairman Hammer called the Executive Session to order at 9:04 a.m. and noted this Executive Session is being conducted in accordance with Resolution 2016-94 of the South Jersey Transportation Authority, which provides for the following:

The general nature of the subject matter of this closed session meeting pertains to litigation and personnel matters authorized pursuant to N.J.S.A. 10:4-12(b)(8).

**Present**

Chairman Richard T. Hammer  
Vice Chairman Jeffery A. April, Esq.  
Commissioner Maurice B. Hill, Jr., DMD  
Commissioner James J. McCullough  
Commissioner C. Robert McDevitt  
Commissioner Joseph Ripa  
Michael L. Collins, Governor's Authorities Unit  
Stephen F. Dougherty, Executive Director  
Robert M. Damminger, Deputy Executive Director, Operations  
Frank F. Frankowski, Chief Financial Officer  
Paul C. Heck, Director of Business Administration  
David Zappariello, Chief of Staff  
Lauren Staiger, Esq., General Counsel  
Eric Milavsky, Special Counsel  
Susan Lubrano, Authority Board Secretary

**Litigation Matters**

Prior to the beginning of the discussion, at 9:04 a.m. Vice Chairman April exited the Board room due to his recusal from matters pertaining to Buena Vista Township.

Mr. Dougherty advised the Chairman and Commissioners of three litigation matters that would be discussed by counsel, indicating Ms. Staiger, Esq. would begin with an update on the Chiarello v. SJTA matter. Ms. Staiger discussed the history of the case stating that after Mr. Chiarello retired, he filed suit against the Authority for not providing reasonable accommodations, which he claims would have allowed his continued employment with the Authority. She discussed the accommodations made to Mr. Chiarello by the Authority advising they were reasonable and somewhat extensive. Ms. Staiger indicated that Mr. Chiarello brought his case before the Superior Court, which was unsuccessful. He then filed an appeal with the Appellate Division, which again was unsuccessful. She said Mr. Chiarello has a right to file a petition for a writ of certiorari with the Supreme Court. Mr. Dougherty advised additional briefings will be provided should he take such action. At this point in the meeting at 9:09 a.m., Vice Chairman April was asked to return.

Ms. Staiger then discussed the Patel v. SJTA matter. She provided some background on the accident, an Authority employee's involvement and the level of injuries sustained by Mr. Patel. She briefed the Commissioners on the settlement amount originally sought based on arbitration and mediation as well as subsequent evidence uncovered, which reduced the proposed settlement significantly. Ms. Staiger advised there was contributory negligence on Mr. Patel's part as well; however, she believes the revised settlement request is fair. Mr. Dougherty indicated after the accident, the employee was put on progressive discipline and following a second accident was terminated.

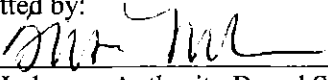
Mr. Dougherty then asked Mr. Milavsky to brief the Chairman and Commissioners on the SJTA v. Segars matter. Mr. Milavsky advised that the matter did not settle at the court-ordered settlement conference. He advised that this means the appeal will continue, and the Appellate Division will soon set a briefing schedule. Mr. Milavsky believes the matter will be fully briefed by the Fall of 2016, with oral arguments in early 2017. Mr. Milavsky believes the Appellate Division will ultimately issue its decision sometime in 2017.

**Personnel Matters**

Mr. Heck directed the Chairman and Commissioners to the Schedule "A" associated with Resolution 2016-80. He briefly discussed the Authority's current and budgeted headcount as well as the need for the two on-call Emergency Service Patrol positions. He asked if the Commissioners had any questions. No questions were asked.

Chairman Hammer called for a motion to adjourn the Executive Session. Said motion was moved by Commissioner McCullough and seconded by Commissioner McDevitt. The motion carried adjourning the Executive Session at 9:17 a.m.

Submitted by:

  
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Susan Lubrano, Authority Board Secretary