

**SOUTH JERSEY TRANSPORTATION AUTHORITY  
BOARD OF COMMISSIONERS MEETING  
JANUARY 15, 2020**

This regularly scheduled Board of Commissioners Meeting of the South Jersey Transportation Authority was held on January 15, 2020, commencing at 9:03 a.m. at the South Jersey Transportation Authority Administration Building, Farley Service Plaza, Atlantic City Expressway, Milepost 21.3 in Elwood, New Jersey 08217.

**Present**

Deputy Commissioner Joseph D. Bertoni (via video conference)  
Commissioner Jeffery A. April, Esq.  
Commissioner Bryan J. Bush  
Commissioner Maurice B. Hill, Jr., DMD  
Commissioner James J. McCullough  
Vice Chairman Christopher M. Milam  
Commissioner Joseph Ripa (via teleconference)  
Commissioner Christina Fuentes, EDA (via teleconference)  
Daniel J. Kelly, Esq. Governor's Authorities Unit (via teleconference)  
Stephen F. Dougherty, Executive Director  
Cynthia Blasberg, Board Secretary  
Debra Murphy, Alternate Board Secretary  
Nicholas Sullivan, Esq. General Counsel

**Absent**

Chair Diane Gutierrez-Scaccetti  
Commissioner C. Robert McDevitt

**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, date and place of convening. Notice was also posted at the Farley Service Plaza, the Atlantic City International Airport, the Atlantic City Office and Blackwood Office as prescribed by law.

**Roll Call**

<b>Commissioner</b>	<b>Present</b>	<b>Absent</b>
Chair Diane Gutierrez-Scaccetti		X
Deputy Commissioner Joseph D. Bertoni	X	
Commissioner Jeffery A. April, Esq.	X	
Commissioner Bryan J. Bush	X	
Commissioner Maurice B. Hill, Jr., DMD ( <i>called in at 9:07 a.m.</i> )	X	
Commissioner James J. McCullough	X	
Commissioner C. Robert McDevitt		X
Vice Chairman Christopher M. Milam	X	
Commissioner Joseph Ripa	X	
Commissioner Christina Fuentes	X	

One member of the public attended this meeting.

**Approval of the Agenda**

Vice Chairman Milam called for a motion to approve the January 15, 2020 agenda. Whereupon, a motion was made by Commissioner McCullough and seconded by Commissioner April approving said agenda. Vice Chairman Milam 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 Milam called for a motion to approve the December 18, 2019 meeting minutes. Whereupon, a motion was made by Commissioner April and seconded by Commissioner McCullough approving the

December 18, 2020 meeting minutes. Vice Chairman Milam asked for questions on the motion. No questions were asked. All Commissioners in attendance voted, approving and adopting the minutes.

### **Employee Recognition Award**

Vice Chairman Milam asked Mr. Dougherty if there is an Employee Award this month. Mr. Dougherty responded affirmatively, presenting Nicholas Marchese with the Quarterly Employee Recognition Award.

Vice Chairman Milam congratulated Nick saying he was well deserving of this award.

### **Executive Session**

Vice Chairman Milam asked General Counsel if an Executive Session was needed, to which General Counsel responded affirmatively.

Mr. Dougherty presented Resolution 2020-07 to the Commissioners for the exclusion of the public to discuss personnel matters pertaining to the Schedule "A" associated with Resolution 2020-01 and a litigation matter specific to Wireless Edge Westchester Group, LLC v. SJTA.

Whereupon, the motion was made by Commissioner McCullough and seconded by Commissioner April approving Resolution 2020-07. A unanimous vote was taken approving the resolution, adjourning the public portion of the meeting at 9:08 a.m. The public was advised the minutes of this Executive Session would be disclosed to the public in accordance with State Law. A copy of Resolution 2020-07 is attached hereto and made a permanent part of these official Authority minutes.

At the close of Executive Session, Vice Chairman Milam called for a motion to return to the public portion of the meeting. Whereupon, a motion was made by Commissioner McCullough and seconded by Commissioner Hill. The public portion of the meeting reconvened at 9:25 a.m. Vice Chairman Milam then requested the Secretary call the roll.

### **Roll Call**

<b>Commissioner</b>	<b>Present</b>	<b>Absent</b>
Chair Diane Gutierrez-Scaccetti		X
Deputy Commissioner Joseph D. Bertoni	X	
Commissioner Jeffery A. April, Esq.	X	
Commissioner Bryan J. Bush	X	
Commissioner Maurice B. Hill, Jr., DMD	X	
Commissioner James J. McCullough	X	
Commissioner C. Robert McDevitt		X
Vice Chairman Christopher M. Milam	X	
Commissioner Joseph Ripa	X	
Commissioner Christina Fuentes	X	

### **Executive Report**

Vice Chairman Milam asked for the presentation of the Executive Report. Mr. Dougherty presented the January 15, 2020 Executive Report: a copy of which is attached hereto and made a permanent part of these official Authority minutes.

### **Committee Reports**

Vice Chairman Milam asked Mr. Dougherty to present the Committee Reports. Mr. Dougherty reported all Committees met on January 3, 2020. During these meetings, Commissioners were briefed on the resolutions being presented this morning as well as the December 18, 2019 Audit Committee Meeting, Atlantic City Expressway Intercept Lot Development and the auction for the Authority's Energy Supplier. Commissioners received the schedule of upcoming projects, the EO-8 Report, and Airport statistics.

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

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

### **Approval of Bills**

Vice Chairman Milam asked Mr. Dougherty for the presentation of bills. Mr. Dougherty stated the bills have been sent to the Commissioners previously for their review and are being recommended for approval. Vice Chairman Milam called for a motion to approve the bill list. Whereupon the motion was made by Commissioner McCullough and seconded by Commissioner April, approving said bill list. Vice Chairman

Milam asked the Commissioners for questions on the motion. Being none, Vice Chairman Milam requested the Secretary call the roll.

**Roll Call**

Commissioner	Motion	2 <sup>nd</sup>	Yea	Nay	Abstain	Recused	Absent
Chair Diane Gutierrez-Scaccetti							X
Deputy Commissioner Joseph D. Bertoni			X				
Commissioner Jeffery A. April, Esq.		X	X				
Commissioner Bryan J. Bush			X				
Commissioner Maurice B. Hill, Jr., DMD			X				
Commissioner James J. McCullough	X		X				
Commissioner C. Robert McDevitt							X
Vice Chairman Christopher M. Milam			X				
Commissioner Joseph Ripa			X				

**Resolutions and Motions:**

Vice Chairman Milam asked Mr. Dougherty to present the resolutions. Mr. Dougherty advised Vice Chairman Milam prior to presenting a total of five (5) resolutions for consideration he would present Resolution 2020-06, specifically Authorizing Settlement of Litigation, to be voted on separately.

Vice Chairman Milam called for a motion to approve said resolution. The motion as presented, was moved by Commissioner McCullough and seconded by Commissioner April, approving said resolution.

**Roll Call**

Commissioner	Motion	2 <sup>nd</sup>	Yea	Nay	Abstain	Recused	Absent
Chair Diane Gutierrez-Scaccetti							X
Deputy Commissioner Joseph D. Bertoni			X				
Commissioner Jeffery A. April, Esq.		X	X				
Commissioner Bryan J. Bush			X				
Commissioner Maurice B. Hill, Jr., DMD			X				
Commissioner James J. McCullough	X		X				
Commissioner C. Robert McDevitt							X
Vice Chairman Christopher M. Milam			X				
Commissioner Joseph Ripa			X				

**RESOLUTION 2020-06 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING SETTLEMENT OF LITIGATION**

On April 21, 2017, the Authority was named as a defendant in the litigation filed by plaintiff Wireless Edge Westchester Group (“Plaintiff”), captioned as Wireless Edge Westchester Group vs. South Jersey Transportation Authority and Crown Atlantic Company LLC, docket number ATL-L-823-17, filed in the Superior Court of New Jersey, Law Division, Atlantic 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 “Settlement Agreement and General Release. Pursuant to the Settlement Agreement and General Release, Plaintiff has agreed to dismiss its claims against the Authority and has further agreed to release the Authority from any and all claims it has or may have against the Authority (the “Release”). The terms of the Settlement Agreement and General Release provide that the Authority will make a payment to the Plaintiff in the amount of \$342,000.00 and enter into a renegotiated full 20 year lease term, in exchange for, *inter alia*, the aforementioned dismissal of the Litigation and the Release. The terms of the Settlement Agreement and General Release provide that the Authority will make a payment to the co-defendant, crossclaim defendant Crown Atlantic Company LLC in the amount of \$110,000.00 and provide a release from the crossclaim, in exchange for, among other terms, a 12-year, 1.25-mile radius non-poach agreement. The settlement of the Litigation is not an admission of liability in any manner by the Authority. Through consultation with its legal counsel, Brown & Connery, LLP, 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 Settlement Agreement and General Release.

Vice Chairman Milam asked Mr. Dougherty to present the remaining resolutions. Mr. Dougherty presented Resolutions 2020-01 and 2020-03 through 2020-05. Vice Chairman Milam called for a motion to approve said resolutions. The motion as presented, was moved by Commissioner April and seconded by Commissioner McCullough, approving said resolutions. Vice Chairman Milam asked for questions on the motion. There being no comments or discussion, Vice Chairman Milam 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>
Chair Diane Gutierrez-Scaccetti							X
Deputy Commissioner Joseph D. Bertoni			X				
Commissioner Jeffery A. April, Esq.	X		X				
Commissioner Bryan J. Bush			X				
Commissioner Maurice B. Hill, Jr., DMD			X				
Commissioner James J. McCullough		X	X				
Commissioner C. Robert McDevitt							X
Vice Chairman Christopher M. Milam			X				
Commissioner Joseph Ripa			X				

**RESOLUTION 2020-01 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 2020-03 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING THE AWARD OF A CONTRACT TO ALLRISK PROPERTY DAMAGE EXPERTS, OF SOMERDALE, NEW JERSEY FOR THE MANAGEMENT OF EMERGENCY MAINTENANCE AND EMERGENCY STANDBY SERVICES**

On November 13<sup>th</sup> and November 14<sup>th</sup>, 2019, the Authority publicly advertised a Request for Proposals (RFP) seeking pre-need, pre-event proposals from qualified firms for the Management of Emergency Maintenance and Emergency Standby Services to support the Authority’s efforts in responding to future emergencies and any emergency work needed by the Authority, which includes the Atlantic City Expressway, Atlantic City International Airport and other Authority facilities. In response to said advertising, on December 4, 2019, the Authority received one proposal. On December 16<sup>th</sup>, 2019, the Consultant Selection Committee (CSC) met to review and ensure the received proposal met all of the requirements of the RFP. Based on this review, the Authority’s CSC determined that the sole proposal, submitted by AllRisk Property Damage Experts of Somerdale, New Jersey met all of the requirements of RFP. The Authority desires to enter into a contract with AllRisk Property Damage Experts, of Somerdale, New Jersey for the Management of Emergency Maintenance and Emergency Standby Services for a term of two years with a one-year extension option in accordance with the fee schedule set forth in their proposal. Work shall be on an as needed and task order basis with no minimum guarantee.

**RESOLUTION 2020-04 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING THE PAYMENT OF AUTHORITY CONTRACTORS THROUGH AN APPROVED INSURANCE CLAIM FROM CHUBB INSURANCE GROUP OF NEW JERSEY DUE TO THE LIGHTING STRIKE AT THE ATLANTIC CITY INTERNATIONAL AIRPORT (CONFIRMING)**

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 do and perform any and all acts necessary, convenient or desirable for the purposes of the Authority or to carry out any powers expressly given in the Act. The Authority has existing agreements with PSX, Inc. (“PSX”) for upgrades, maintenance, replacement, and repair services related to the Authority’s Parking Access and Revenue Control Systems (“PARCS”) at the Airport. The Authority has an existing agreement with TEC Elevator, Inc. (“TEC”), for elevator maintenance, repair, testing, and inspection services at Authority locations, including the parking garage at the Airport. On Sunday, September 30, 2019, at approximately 1:00 A.M., Authority personnel discovered that a lighting strike had significantly damaged the Authority’s PARCS systems, including Airport garage elevators and cameras. As a result of the September 30,

2019 lighting strike, the Authority contacted PSX, TEC, and the Authority's IT Department for an assessment of the damages and necessary repairs to the PARCS, garage elevators, cameras, and other components. Authority personnel and contractors were able to bring the PARCS system back on-line in order to collect parking revenue at the Airport, but the PARCS was not operating at full capacity, which caused the Authority to suspend inbound parking garage traffic and EZ-Pass Plus as a patron payment option. The Authority contacted Chubb Insurance Company of New Jersey to discuss and submit an insurance claim due to the unknown impact of the September 30, 2019 lighting strike(s). The Authority suspended inbound garage parking traffic from October 1, 2019 through October 10, 2019, while TEC repaired the elevators. The Authority also suspended the patron option of EZ-Pass Plus as a payment method until new equipment was purchased and installed, as overseen by PSX. The Authority's Board of Commissioners was briefed on the aforementioned lighting strike, repair efforts, and insurance claim during the Authority's October 2019 and November 2019 Committee Meetings. The purpose of this confirming resolution is to memorialize Chubb Insurance Company of New Jersey's approval of the Authority's claim in the amount of \$123,651.23 (Attachment A) and related payments to PSX and TEC.

### **RESOLUTION 2020-05 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY CONDITIONALLY APPROVING PROPOSED TERMS OF SETTLEMENT WITH THE ATLANTIC CITY INTERNATIONAL AIRPORT FIREFIGHTERS, LOCAL S-18**

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. The 2008 – 2011 Collective Bargaining Agreement ("2008 Agreement") between the Authority and the Atlantic City International Airport Firefighters, Local S-18 ("Local S-18") expired on December 31, 2011. Since the expiration of the 2008 Agreement, the Authority and the Local S-18 have entered into negotiations for a successor collective bargaining agreement. The Authority and the Local S-18 have tentatively agreed upon the terms and conditions of a successor Collective Bargaining Agreement which, if ratified by both parties, shall be set forth in a Memorandum of Agreement ("MOA"). The foregoing terms are subject to ratification by the membership of the Local S-18 and by the Authority's Board of Commissioners. The Commissioners have reviewed the proposed terms of the MOA and desire to memorialize their conditional approval of the MOA and their conditional authorization for execution of the MOA.

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

Vice Chairman Milam asked if there were any petitions or communications, unfinished or new business. Mr. Dougherty responded all petitions and communications were mailed prior to the meeting. Further, he stated he has no new business to discuss; however, under unfinished business the Authority recommends the release of the Executive Session Meeting Minutes from June 19, 2019 and July 18, 2019. Mr. Dougherty stated in accordance with State law, the Authority and prior General Counsel have reviewed the minutes and find them suitable for release. He then recommended the public release of the Executive Session minutes for approval. Vice Chairman Milam called for a motion to approve the release of the Executive Session Minutes. Whereupon, the motion was moved by Commissioner April and seconded by Commissioner McCullough, approving the release of minutes. Vice Chairman Milam 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**

Vice Chairman Milam asked the public for any general comments. Commissioner April asked if the Authority has heard from the Port Authority. Mr. Dougherty stated we have not. No additional comments were made.

#### **Adjournment**

There being no further business, Vice Chairman Milam called for a motion to adjourn the meeting. Whereupon, the motion was made by Commissioner April and seconded by Commissioner McCullough to adjourn the meeting. A unanimous voice vote was taken adjourning the meeting at 9:33 a.m.

Submitted by:

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Cynthia A. Blasberg, Board Secretary

**Note: An Executive Session was held during this meeting.**