

**SOUTH JERSEY TRANSPORTATION AUTHORITY  
BOARD OF COMMISSIONERS MEETING  
JUNE 21, 2017**

This regularly scheduled Board of Commissioners Meeting of the South Jersey Transportation Authority was held on June 21, 2017, commencing at 9:06 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**

Chairman Richard T. Hammer  
Vice Chairman Jeffery A. April, Esq.  
Commissioner Maurice B. Hill, Jr., DMD  
Commissioner James J. McCullough  
Commissioner Joseph Ripa  
Commissioner Donna T. Sullivan  
Mary K. E. Maples, Governor's Authorities Unit (via teleconference)  
Stephen F. Dougherty, Executive Director  
Lauren R. Staiger, Esq., General Counsel  
Michael J. Watson, Special Counsel  
Susan Lubrano, Board Secretary

**Absent**

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>
Chairman Richard T. Hammer	X	
Vice Chairman Jeffery A. April, Esq.	X	
Commissioner Maurice B. Hill, Jr., DMD	X	
Commissioner James J. McCullough	X	
Commissioner C. Robert McDevitt		X
Commissioner Joseph Ripa	X	
Commissioner Donna T. Sullivan	X	

Two (2) members of the public attended this meeting.

**Approval of the Agenda**

Chairman Hammer called for a motion to approve the June 21, 2017 agenda. Whereupon, a motion was made by Vice Chairman April and seconded by Commissioner Hill, approving said agenda. Chairman Hammer 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**

Chairman Hammer called for a motion to approve the May 17, 2017 meeting minutes. Whereupon, a motion was made by Vice Chairman April and seconded by Commissioner Hill approving the May 17, 2017 meeting minutes. Chairman Hammer asked for questions on the motion. No questions were asked. All Commissioners in attendance voted, approving and adopting the minutes.

**Executive Session**

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

Mr. Dougherty presented Resolution 2017-46 to the Chairman and Commissioners for the exclusion of the public to discuss personnel matters pertaining to the Schedule "A," associated with Resolution 2017-38, an employee matter, personnel needs for the Transportation Services Department and a contractual matter specific to Local S-18.

Whereupon, the motion was made by Commissioner McCullough and seconded by Vice Chairman April approving Resolution 2017-46. A unanimous vote was taken approving the resolution, adjourning the open portion of the meeting at 9:07 a.m. The public was advised the minutes of this Executive Session would be disclosed to the public in accordance with State Law. At this time, the public and staff exited the Board room. A copy of Resolution 2017-46 is attached hereto and made a permanent part of these official Authority minutes.

At the close of Executive Session, Chairman Hammer called for a motion to return to the open portion of the meeting. Whereupon, a motion was made by Commissioner McCullough and seconded by Commissioner Hill. The open portion of the meeting reconvened at 9:49 a.m. Once the public returned to the meeting room, Chairman Hammer then requested the Secretary call the roll.

### **Roll Call**

<b>Commissioner</b>	<b>Present</b>	<b>Absent</b>
Chairman Richard T. Hammer	X	
Commissioner Jeffery A. April, Esq.	X	
Commissioner Maurice B. Hill	X	
Commissioner James J. McCullough	X	
Commissioner C. Robert McDevitt		X
Commissioner Joseph Ripa	X	
Commissioner Donna T. Sullivan	X	

Following roll call Ms. Staiger, Esq., advised, for the record, an additional contractual matter related to Spirit Airlines was discussed during Executive Session.

### **Executive Report**

Chairman Hammer asked for the presentation of the Executive Report. Mr. Dougherty presented the June 21, 2017 Executive Report; a copy of which is attached hereto and made a permanent part of these official Authority minutes.

### **Committee Reports**

Chairman Hammer asked Mr. Dougherty to present the Committee Reports. Mr. Dougherty reported all Committees met on June 7, 2017. During these meetings, briefings were provided on the resolutions being presented this morning as well as an upcoming ethics requirement, TSA Pre-Check and an update on the milepost 20.8 eastbound environmental clean-up. Commissioners were also advised special counsel would be providing a briefing on an employee matter during this morning's executive session. Commissioners received the schedule of upcoming projects, the EO-8 Report, and Airport statistics.

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

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

### **Approval of Bills**

Chairman Hammer 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. Chairman Hammer called for a motion to approve the bill list. Whereupon the motion was made by Commissioner Hill and seconded by Commissioner Ripa, approving said bill list. Chairman Hammer asked the Commissioners for questions on the motion. Being none, Chairman Hammer 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 Richard T. Hammer			X				
Vice Chairman Jeffery A. April, Esq.			X				
Commissioner Maurice B. Hill, Jr., DMD	X		X				
Commissioner James J. McCullough			X				
Commissioner C. Robert McDevitt							X
Commissioner Joseph Ripa		X	X				

### **Resolutions and Motions:**

Chairman Hammer asked Mr. Dougherty to present the resolutions. Mr. Dougherty advised the Chairman and Commissioners he would be presenting a total of eight (8) resolutions for their consideration. Mr. Dougherty presented Resolutions 2017-38 through 2017-45. Chairman Hammer called for a motion to approve said resolutions. The motion as presented, was moved by Vice Chairman April and seconded by Commissioner Hill, approving said resolutions. Chairman Hammer asked for questions on the motion. There being no comments or discussion, Chairman Hammer asked the Secretary to call the roll.

**Roll Call**

Commissioner	Motion	2 <sup>nd</sup>	Yea	Nay	Abstain	Recused	Absent
Chairman Hammer			X				
Vice Chairman Jeffery A. April, Esq.	X		X				
Commissioner Maurice B. Hill, Jr., DMD		X	X				
Commissioner James J. McCullough			X				
Commissioner C. Robert McDevitt							X
Commissioner Joseph Ripa			X				

*Copies of Resolutions 2017-38 through 2017-45 are attached hereto and made a permanent part of these official Authority minutes.*

**RESOLUTION 2017-38 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 said resolution.

**RESOLUTION 2017-39 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING THE AWARD OF A CONTRACT TO ENERNOC, OF BOSTON, MASSACHUSETTS, TO SERVE AS A THIRD PARTY REVERSE AUCTION SERVICE PROVIDER FOR THE AUTHORITY**

The SJTA intends to publicly bid its electric power supply (as opposed to using the default BGS-FP tariff) in an effort to achieve cost savings on its electric utility bills. To achieve the best value, the Authority must ensure that the bidding process is designed and implemented in a manner consistent with its purchasing rules and regulations, and provide for a clear comparison of bids to ascertain the lowest cost and maximize bidder participation so to drive down the bid price as low as possible. The Department of Community Affairs’ (“DCA”) Division of Local Government Services has authorized local units to procure energy suppliers through online bidding and reverse auction programs pre-approved by the Division. The SJTA is not a local unit; however, to be consistent with the State and local governments, we follow the rules for online bidding services established by the Division. The DCA approved providers of reverse-auctions do not have state contracts for the Authority to utilize. As such, the Authority has issued an RFP to select one of the firms from the DCA approved list to provide reverse auction services. Such firm shall have authorization to act on the Authority’s behalf to procure the respective authorized suppliers who provide the Authority with the best price advantage by way of this auction. On April 4<sup>th</sup> and April 5<sup>th</sup>, 2017, the Authority advertised a Request for Proposals. On May 9, 2017, two proposals were received. On May 17, 2017, the Consultant Selection Committee met for the purpose of ranking the reviewed proposals. Based on the results of the Consultant Selection Committee meeting, EnerNOC, of Boston, Massachusetts was deemed to have submitted the highest ranked proposal and is being recommended to provide such service.

**RESOLUTION 2017-40 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING THE APPOINTMENT OF NEHMAD PERILLO & DAVIS P.C., OF EGG HARBOR TOWNSHIP, NEW JERSEY, AS GENERAL LEGAL COUNSEL AND FLORIO PERRUCCI STEINHARDT & FADAR, LLC, OF CHERRY HILL, NEW JERSEY, AS SPECIAL LEGAL COUNSEL TO THE SOUTH JERSEY TRANSPORTATION PLANNING ORGANIZATION**

In furtherance of Executive Order #37, on April 3<sup>rd</sup> & 4<sup>th</sup>, 2017 the Authority publicly advertised a Request for Proposals (“RFP”) for General Legal Counsel and Special Legal Counsel services for the South Jersey Transportation Planning Organization (the “SJTPO”). On May 2, 2017, six proposals were received. On May 12, 2017, same were reviewed by the Consultant Selection Committee, comprised of Authority and SJTPO staff. Based on the Consultant Selection Committee’s evaluation, the SJTPO, via Resolutions 1705-13 and 1705-14 respectively, at their May 22, 2017 Policy Board Meeting, awarded contracts to Nehmad Perillo and Davis, P.C., of Egg Harbor Township, New Jersey, to serve as General Legal Counsel and Florio Perrucci Steinhardt & Fader, LLC, of Cherry Hill, New Jersey, to serve as Special Legal Counsel to the SJTPO. The term of these contracts shall be one (1) year with an option to extend for one additional year at the discretion of the SJTPO and the Authority. The hourly rates, as set forth in the RFP are \$200.00 per hour for partners, \$175.00 per hour for associates, \$125.00 per hour for workers’ compensation attorneys, \$100.00 per hour for clerks and law assistants and \$90.00 per hour for paralegals. A cap on total annual compensation for such practice areas shall be as follows: General Legal Counsel, \$15,000.00; Special Legal Counsel (Employment and Labor), \$15,000.00 and Special Legal Counsel (Environmental), \$15,000.00.

**RESOLUTION 2017-41 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING THE AWARD OF A CONTRACT TO AIR CONTROL TECHNOLOGY, INC., OF WEST BERLIN, NEW JERSEY FOR THE ATLANTIC CITY EXPRESSWAY INSTALLATION OF NEW NATURAL GAS HEATING SYSTEMS AT VARIOUS SITE LOCATIONS**

On May 1<sup>st</sup> and 2<sup>nd</sup>, 2017, the Authority publicly advertised for bids for the Atlantic City Expressway Installation of New Natural Gas Heating Systems at Various Site Locations. Work associated with this project was sought via two separate Base Bids. Base Bid #1 includes, but is not limited to, furnishing all labor, equipment, and materials and performing all work required for the replacement of the existing oil-fired boilers with natural gas boilers at two sites: the Pleasantville Site (East Maintenance Yard) and the Winslow Site (West Maintenance Yard). These Yards are nearly identical in scope, as they both contain one boiler and one set of pumps. Base Bid #2 includes the work referenced in Base Bid #1, as well as one additional site location, the Hammonton Site (Central Maintenance Yard). The Central Maintenance Yard contains two boilers and two sets of pumps. The selection of the Base Bid is contingent upon the availability of funds. On May 24, 2017, five bids were received, opened and tabulated. Air Control Technology, Inc., of West Berlin, was deemed the lowest responsive, responsible bidder in an amount not to exceed \$292,316.00 for the desired Base Bid #2. The Authority desires to enter into a contract with Air Control Technology, Inc., of West Berlin, for Base Bid #2, in an amount not to exceed \$292,316.00.

**RESOLUTION 2017-42 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING THE NEGOTIATION AND EXECUTION OF A GROUND LEASE AGREEMENT WITH FRESH AIR LOGISTICS, LLC, OF HAMMONTON, NEW JERSEY AT THE ATLANTIC CITY INTERNATIONAL AIRPORT FOR THE DEVELOPMENT OF AN AIRCARGO FACILITY AND ASSOCIATED SUPPORT STRUCTURES**

Pursuant to N.J.S.A. 27:25, 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 and/or leased by the Authority from the Department of Transportation Federal Aviation Administration (“FAA”) that has been identified as developable property in the Atlantic City International Airport’s FAA Approved Master Plan. Fresh Air Logistics LLC (“FAL”), a limited liability company of the State of New Jersey, which is based in Hammonton, New Jersey, proposes to enter into a long term ground lease with the Authority for the lease of real property at the Airport for the development of an air cargo facility and associated support structures. Under the proposal, FAL would pay fair market ground rent for the property included in the lease and would construct, with its own funds, the air cargo facility, associated support structures and related infrastructure improvements. The Deputy Airport Director believes the proposed ground lease and development of the air cargo facility and associated support structures would foster economic development in the area, generate additional revenue for the Airport and be in the best interests of the Authority and the public it serves.

**RESOLUTION 2017-43 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY SUPPORTING THE 7<sup>TH</sup> ANNUAL DELMOSPORTS ATLANTIC CITY TRIATHLON**

DelMoSports, LLC has requested permission from the Authority to utilize portions of the Atlantic City Expressway for the 7<sup>th</sup> Annual Atlantic City Triathlon which will be held on August 5<sup>th</sup>, 2017, from 6:00 a.m. to 11:00 a.m. The Atlantic City Triathlon is a well-known Olympic event that promotes a positive image and showcases the region’s many tourist attractions, as well as brings Atlantic City and its surroundings a healthful, non-gaming, family-friendly event. The Authority is keenly interested in supporting events that promote tourism, and provide economic stimulation to the region. The Authority will be reimbursed by DelMoSports, LLC for documented Authority related expenses in connection with its support of the event and all participants of the Triathlon shall be required to sign an application which discharges the Authority, sponsors of this event, their agents, officers, employees, volunteers, event directors and event holders and anyone associated in any way with the event, from all liabilities, actions, claims, demands and damages. It is estimated the Atlantic City Triathlon will have a significant economic impact to the region, as participation in 2016 included nearly 2000 registered athletes. It was estimated that the economic impact of this event in 2016 brought between \$775K and \$1.3M to the region’s economy.

**RESOLUTION 2017-44 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING AN AGREEMENT WITH CONDUENT, INC., OF CHERRY HILL, NEW JERSEY, (FORMERLY XEROX COMPANY) FOR THE PROVISION OF CERTAIN TRANSPORTATION SERVICES**

The Transportation Services Division is currently operating a comprehensive transportation system acquired from the Camden County Improvement Authority. Xerox Company (“Xerox”) requested the Authority provide round trip transportation for its employees from the PATCO Woodcrest Station in Cherry Hill, New Jersey to their workplace located at 101 Woodcrest Road, in Cherry Hill, New Jersey. Resolution 2014-73 authorized the Authority to provide said services effective September 1, 2014 and terminating on or about August 31, 2017 at a rate of \$42.00 per hour. On January 1, 2017, Conduent, Inc., separated from Xerox and is now an independent public company. Conduent, Inc., has requested the Authority continue to provide its employees with shuttle service for a term of three years, commencing on or about September 1, 2017 and terminating on or about August 31, 2020, at a rate of \$45.00 per hour. The rate as indicated in this agreement covers the costs incurred by the Authority to operate this shuttle service. The hours of operation for the shuttle are 7:00 a.m. to 12:30 p.m. and 4:00 p.m. to 9:30 p.m., Monday through Friday.

## **RESOLUTION 2017-45 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY APPROVING PROPOSED NEW RULES OF OPERATION FOR THE BUS MANAGEMENT PROGRAM AND AUTHORIZING THE FILING OF SAME WITH THE NEW JERSEY OFFICE OF ADMINISTRATIVE LAW**

NJ.S.A. 27:25A-7(q) authorizes the Authority to establish rules and regulations pursuant to the Administrative Procedures as necessary for the management and regulation of its affairs, the use, maintenance and operation of the transportation system, including, but not limited to, the management, control and regulation of motorbus regular routes and motorbus charter service (the “Bus Management Program”). Pursuant to the sunset provisions of NJ.S.A. 52:14B-5.1c, N.J.A.C. 19:75, South Jersey Transportation Authority Bus Management Program Rules of Operation, expired on November 20, 2016. The Authority desires to adopt New Rules related to its Bus Management Program with certain amendments to the expired rules (the “Proposed New Rules”) and intends to file such Proposed New Rules with the New Jersey Office of Administrative Law. The Commissioners have reviewed the Proposed New Rules and determined they are necessary, reasonable and proper for the purposes for which they were originally promulgated, and have approved the Proposed New Rules for filing with the OAL, in the form as attached hereto and incorporated herein entitled Schedule “A.” Pursuant to the Rules of the OAL, the Authority desires to seek informal comments, particularly from the motor bus industry, and shall hold public hearings to provide opportunity for public comment on the new rules. In accordance with the Administrative Procedures Act, the Proposed New Rules will be filed with the OAL, and subsequently be published in the New Jersey Register in July/August of 2017.

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

Chairman Hammer 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 or are at the Commissioners’ place. He further stated he has no new or unfinished business to discuss.

### **General Comment**

Chairman Hammer asked the public for any general comments. Mr. Charles Goodman walked to the podium, introduced himself, stating he resides at 34 Rainbow Drive, in Mays Landing, New Jersey. Mr. Goodman thanked the Commissioners for the opportunity to speak. He stated his intention for speaking this morning was to provide an update on the Nicole Beck matter. He advised Ms. Beck was called by the Authority to attend an arbitration hearing this July. He also asked to clarify something he said during his comments last month; specifically, Ms. Beck’s meeting with the State’s Civil Rights organization was not race related, rather gender related. Mr. Goodman then addressed Ms. Beck’s desire to return to work and the financial hardship she is experiencing. In closing, he indicated he understood the Board could not respond, but felt it necessary to provide the update. Chairman Hammer thanked Mr. Goodman for his comments. No additional comments were made.

### **Adjournment**

There being no further business, Chairman Hammer called for a motion to adjourn the meeting. Whereupon, the motion was made by Commissioner Hill and seconded by Vice Chairman April to adjourn the meeting. A unanimous voice vote was taken adjourning the meeting at 10:00 a.m.

Submitted by:

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Susan Lubrano, Board Secretary

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