

**SOUTH JERSEY TRANSPORTATION AUTHORITY  
BOARD OF COMMISSIONERS MEETING  
DECEMBER 21, 2010**

The scheduled Board of Commissioners Meeting of the South Jersey Transportation Authority was held on December 21, 2010 commencing at 10:05a.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 James S. Simpson  
 Commissioner Jeffery A. April, Esq. (participated via conference call)  
 Commissioner Joseph W. Devine  
 Commissioner C. Robert McDevitt (\*participated via conference call)  
 Commissioner Joseph Ripa  
 Commissioner Louis Toscano  
 Bart R. Mueller, Executive Director  
 Kathy Diringer, NJDOT (participated via video conferencing)  
 George R. Gilmore, General Counsel  
 Jean Cipriani, General Counsel  
 Susan Lubrano, Authority Board Secretary  
 \*Commissioner McDevitt called in via conference call at 10:19a.m.

**Absent**

Vice-Chairman Mark Summerville  
 Commissioner Maurice B. Hill  
 Commissioner Timothy J. Lizura

**Statement of Public Notice**

The meeting of the Board of Commissioners was opened advising the Commissioners and the 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 of the time, date and place of convening. Notice was posted at the Farley Service Plaza, the Atlantic City International Airport and the Authority's Atlantic City, New Jersey office as prescribed by law.

**Roll Call**

<b>Commissioner</b>	<b>Present</b>	<b>Absent</b>
Chairman James S. Simpson	X	
Vice-Chairman Mark Summerville		X
Commissioner Jeffery A. April, Esq.	X	
Commissioner Joseph W. Devine	X	
Commissioner Maurice B. Hill		X
Commissioner C. Robert McDevitt		X
Commissioner Joseph Ripa	X	
Commissioner Louis Toscano	X	
Commissioner Timothy J. Lizura		X

\*Commissioner McDevitt called in via conference call at 10:19a.m.

A total of seven (7) members of the public attended this meeting.

**Approval of the Agenda**

Chairman Simpson called for a motion to approve the December 21, 2010 Agenda. Whereupon, motion was moved by Commissioner Devine and seconded by Commissioner Toscano, approving the agenda.

Chairman Simpson 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 to and made a permanent part of these official Authority minutes.

**Approval of Meeting Minutes**

Chairman Simpson called for a motion to approve the November 16, 2010 Meeting Minutes. Whereupon, motion was moved by Commissioner Devine and seconded by Commissioner April, approving the minutes. Chairman Simpson asked for questions on the motion. No questions were asked. A unanimous vote was taken adopting and approving the minutes.

**Employee Awards**

Heather Martin, of the Executive Department was honored as the December 2010 Employee of the Month. Mr. Mueller also publically commended Regina Thompson, of the Transportation Services Department for her courageous actions and presence of mind during an incident that occurred while she was on duty. He stated that her actions led to the apprehension and arrest of two armed men.

**Executive Session**

Chairman Simpson asked General Counsel if an Executive Session was needed. General Counsel responded affirmatively.

Mr. Mueller presented Resolution 2010-145 to the Commissioners for the exclusion of the public to discuss pending contractual and litigation matters. The minutes of this Executive Session will be disclosed to the public as and when required by law. Chairman Simpson called for a motion to move into Executive Session.

Whereupon, motion was moved by Commissioner Toscano and seconded by Commissioner Devine, approving Resolution 2010-145. A unanimous vote was taken approving the resolution, adjourning the open session of the meeting at 10:16a.m. A copy of Resolution 2010-145 is attached to and made a permanent part of these official Authority minutes. The open session of the meeting reconvened at 10:25 a.m. Chairman Simpson requested the Secretary call the roll.

**Roll Call**

<b>Commissioner</b>	<b>Present</b>	<b>Absent</b>
Chairman James S. Simpson	X	
Vice-Chairman Mark Summerville		X
Commissioner Jeffery A. April, Esq.		*X
Commissioner Joseph W. Devine	X	
Commissioner Maurice B. Hill		X
Commissioner C. Robert McDevitt	X	
Commissioner Joseph Ripa	X	
Commissioner Louis Toscano	X	
Commissioner Timothy Lizura		X

\*Commissioner April was disconnected from the call at 10:20a.m.; however, was able to call back in at 10:29a.m.

**Executive Report**

Chairman Simpson asked for the presentation of the Executive Report. Mr. Mueller presented the December 2010 Executive Report. Following the Executive Report, at 10:37a.m., Commissioner April withdrew from the conference call as he did not have a clear connection.

### **Committee Reports**

Mr. Mueller reported that all committees met on December 7<sup>th</sup>. The Commissioners were briefed on the resolutions being presented for approval at the December 21, 2010 Board meeting, as well as the potential 2012 Network Airline/Airport Conference.

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

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

### **Approval of Bills**

Chairman Simpson asked Mr. Mueller for the presentation of bills. Mr. Mueller stated that the bills had been mailed to the Commissioner for review prior to this meeting and are being presented for approval. Chairman Simpson called for a motion to approve the bills. Whereupon, the motion was moved by Commissioner Toscano and seconded by Commissioner Ripa, approving the bills. Chairman Simpson asked for questions on the motion. No questions were asked. Chairman Simpson requested 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>
Chairman Simpson			X				
Vice-Chairman Summerville							X
Commissioner April							*X
Commissioner Devine			X				
Commissioner Hill							X
Commissioner McDevitt			X				
Commissioner Ripa		X	X				
Commissioner Toscano	X		X				

\*Commissioner April withdrew from the conference call at 10:37a.m.

### **Resolutions and Motions:**

Chairman Simpson asked Mr. Mueller to present the resolutions. Mr. Mueller presented Resolution 2010-130 through 2010-144 to the Commissioners for approval. Chairman Simpson called for a motion to approve Resolution 2010-130 through 2010-144, whereupon, the motion as presented, was moved by Commissioner Ripa and seconded by Commissioner Devine, approving the resolutions. Chairman Simpson asked for questions on the motion. Commissioner Devine commented by stating his appreciation for the work that went into preparing the Operating Budget. He specifically mentioned the thorough presentation of the budget that was provided to the Commissioners. Chairman Simpson then requested 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>
Chairman Simpson			X				
Vice Chairman Summerville							X
Commissioner April							X
Commissioner Devine		X	X				
Commissioner Hill							X
Commissioner McDevitt			X				
Commissioner Ripa	X		X				
Commissioner Toscano			X				

A copy of Resolutions 2010-130, 2010-131, 2010-132, 2010-133, 2010-134, 2010-135, 2010-136, 2010-137, 2010-138, 2010-139, 2010-140, 2010-141, 2010-142, 2010-143 and 2010-144 are attached to and made a permanent part of these official Authority minutes.

**RESOLUTION 2010-130 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$35,000,000 TRANSPORTATION SYSTEM REVENUE REFUNDING BONDS, 2011 SERIES**

This resolution authorizes the issuance of refunding bonds, the proceeds of which will be used to refund all or a portion of the SJTA Transportation System Revenue Bonds Series 1999.

**RESOLUTION 2010-131 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY ADOPTING THE 2011 OPERATING BUDGET**

This Resolution is to authorize the adoption of the 2011 Operating Budget. The budget will cover all operating expenses, debt service, all other required payments and meet all bond ratio coverage tests.

**RESOLUTION 2010-132 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING AN AMENDMENT TO THE SOUTH JERSEY TRANSPORTATION AUTHORITY FLEXIBLE SPENDING BENEFITS PLAN**

The Authority presently maintains a Flexible Benefit Plan, Medical Expense reimbursement plan ("Flexible Benefits Plan") whereby eligible Authority employees may request that a portion of their compensation be set aside each pay period to be used to pay certain qualifying medical expenses. The Authority has the right to amend the Flexible Benefits Plan from time to time as is necessary for the continued administration of the Plan. The Authority shall amend the Plan to reflect a change to the Medical Expense Reimbursement account limit from \$2,500.00 to \$3,500.00.

**RESOLUTION 2010-133 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY APPROVING THE FILLING OF A VACANT POSITION**

The purpose of this resolution is to seek Board approval to fill a vacant position within the Finance Department. 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. The Authority has determined that, in compliance with the changes in its by-laws, approved on January 12, 2010, a resolution confirming Board approval of full and part-time hires is required; therefore the Authority seeks to fill the vacant position of Account 3 within the Finance Department.

**RESOLUTION 2010-134 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING AN AGREEMENT WITH IFTPE LOCAL 196 FOR PART-TIME TOLL COLLECTOR SERVICES TO THE AUTHORITY**

Resolution 2010-120 conditionally accepted a proposal submitted by Faneuil, Inc., of Hampton, Virginia to provide part-time toll collection services at an hourly rate, per employee, not to exceed \$18.26 unless an agreement could be reached with Local 196, by December 6, 2010, to continue the present on-call toll collectors at a savings to the Authority in comparison to the proposed contract with Faneuil, Inc. Representatives of the Authority and the IFTPE Local 196 (the "Local 196") were able to reach an agreement to amend the current Part-Time Toll Collectors Collective Negotiations Agreement between the Authority and Local 196 within the time frame established by Resolution 2010-120, so that the Authority will achieve a savings comparable to that which would have been achieved through the proposed contract with Faneuil, Inc

**RESOLUTION 2010-135 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING THE ACCEPTANCE OF VARIOUS INSURANCE POLICIES NEGOTIATED AND RECOMMENDED BY BROWN & BROWN CONSULTING**

Brown & Brown Consulting has negotiated and recommended annual insurance policies with Blue Cross and Blue Shield (Medicare), American Association of Retired Persons (AARP) and HM Life Insurance to provide various insurance policies for Authority employees. The present insurance policies will expire on December 31, 2010. Resolution 2010-51 authorized Brown and Brown Consulting of Philadelphia, PA as Professional Consultant Services for Medical Insurance, effective August 1, 2010. On behalf of the Authority, Brown and Brown has, by way of RFP, received proposals and negotiated policies of which, pending approval, will become effective January 1, 2011.

**RESOLUTION 2010-136 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**

As host agency to the SJTPO, the Authority regularly enters into agreements to accept FHWA funds on their behalf. This resolution designates the Executive Director to approve on behalf of the Authority each Federal Aid Agreement issued by the State, 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, 2011 through December 31, 2011. The Executive Director's execution of any documents required in connection therewith is conclusive evidence of such authorization and approval.

**RESOLUTION 2010-137 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING EXPENDITURES FOR 2011 ADVERTISING**

The purpose of this resolution is to dedicate funds for the purpose of promoting SJTA core functions and commercial scheduled airline passenger traffic at the airport. Increasing passenger and airline traffic at the airport will generate income for the airport. An Advertising Plan for the SJTA is researched and developed utilizing a mix of print and electronic media. The Advertising Plan includes three primary market areas; Philadelphia, Central/ New Jersey and Atlantic City/Southern New Jersey. Tracking programs are implemented within budget constraints and advertising development is done through the Authority Marketing & Communication Department and not through an advertising agency. The Executive Director signs all advertising insertion orders. Ads are placed and monitored through the Marketing & Communications Department. The budget amount for advertising in 2011 for the Atlantic City Expressway and the Atlantic City International Airport is \$700,000.00.

**RESOLUTION 2010-138 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING THE AWARD OF A CONTRACT TO JPC GROUP, INC. OF BLACKWOOD, NEW JERSEY FOR THE ATLANTIC CITY EXPRESSWAY CONNECTOR 2010 TUNNEL REHABILITATION PROJECT**

On October 28<sup>th</sup> and October 29<sup>th</sup>, 2010, the Authority publicly advertised for bids for the Atlantic City Expressway Connector 2010 Tunnel Rehabilitation Project. On November 16<sup>th</sup>, 2010 three (3) bids were received, opened and tabulated. JPC Group, Inc. of Blackwood, New Jersey was deemed the lowest responsible bidder in an amount not to exceed \$174,400.00. This contract consists of furnishing all labor, equipment and materials, and performing all work required to seal water infiltration at the concrete roof panels and outer wall panels in the northbound and southbound tubes of the Atlantic City Expressway Connector Tunnel. The Director of Engineering and Operations recommends award of this contract.

**RESOLUTION 2010-139 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING A CHANGE ORDER TO THE CONTRACT WITH JERSEY CONSTRUCTION OF HAMMONTON, NEW JERSEY, FOR THE WIDENING OF MISSISSIPPI AVENUE IN ATLANTIC CITY, NEW JERSEY**

Resolution 2010-22 awarded a contract to Jersey Construction, of Hammonton, New Jersey for the widening of Mississippi Avenue in Atlantic City, New Jersey. The purpose of this resolution is to authorize Change Order #1, in an amount of \$66,122.56, to this contract for the purpose of signal modifications at Mississippi Avenue and Atlantic Avenue. The Director of Engineering and Operations recommends the award of this change order.

**RESOLUTION 2010-140 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY SUPPORTING THE 53<sup>RD</sup> ANNUAL CONFERENCE OF THE NORTHEAST CHAPTER OF THE AMERICAN ASSOCIATION OF AIRPORT EXECUTIVES (AAAE) HELD IN ATLANTIC CITY, NEW JERSEY**

AAAE has selected the Atlantic City International Airport to be the host airport of the 53<sup>rd</sup> Annual Conference to be held at the Sheraton Hotel and Convention Center from August 13-19, 2011. The South Jersey Transportation Authority (SJTA) is keenly interested in assisting the AAAE in its mission to

further develop airports located in the Northeast States that the NEC represents. The program schedule addresses a myriad of important, topical airport issues during a 5 day agenda comprised of sessions and exhibitions. The program anticipates it will provide meaningful new ideas that will enable all to better manage and operate their facilities. Attendance will be approximately 200-300 people, making this an economic benefit to the region. This Resolution will allow the Executive Director to provide SJTA support and resources to the NEC Annual Conference including but not limited to personnel and transportation.

**RESOLUTION 2010-141 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AN AGREEMENT WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE, ANIMAL PLAN HEALTH INSPECTION SERVICE AND WILDLIFE SERVICES (USDA-APHIS-WS) FOR THE PROVISION OF PROFESSIONAL SERVICES TO REDUCE WILDLIFE HAZARDS AT THE ATLANTIC CITY INTERNATIONAL AIRPORT**

This Intergovernmental Agreement is an agreement with United States Department of Agriculture Animal and Plant Health Inspection Service Wildlife Services (USDA-APIS-WS). This agreement will reduce wildlife hazards to aircraft using the Atlantic City International Airport (Airport) and the critical airspace surrounding the Airport. This Agreement allows for the direct assistance by APIS-WS personnel to conduct wildlife hazard management and technical assistance operations for the protection of human and aviation safety. Additionally objectives include providing wildlife damage information and assistance on other SJTA projects and/or lands. The term of the agreement is one (1) year.

**RESOLUTION 2010-142 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING THE EXECUTIVE DIRECTOR TO APPROVE AND EXECUTE GRANTS AND DOCUMENTS ON BEHALF OF THE AUTHORITY WITH RESPECT TO THE AUTHORITY'S TRANSPORTATION SERVICES DEPARTMENT**

This resolution authorizes the Executive Director to approve and execute grants and documents with respect to the Transportation Services Department for the period of January 1, 2011 through December 31, 2011 additional funding issued by the Federal Government, State of New Jersey and the counties or other private sector grants. The execution of additional funding is to be conclusive evidence of the Executive Director's authorization and approval thereof.

**RESOLUTION 2010-143 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING ENTRY INTO A MASTER LICENSE AGREEMENT WITH WIRELESS EDGE WESTCHESTER GROUP, LLC, OF NEW ROCHELLE, NEW YORK FOR THE CONSTRUCTION AND OPERATION OF WIRELESS COMMUNICATIONS FACILITIES ON AUTHORITY PROPERTY**

By Resolution 2010-62, the SJTA authorized a Master License Agreement (MLA) with Wireless EDGE Westchester Group, LLC, of New Rochelle, New York ("Wireless EDGE") and Global Towers Assets, LLC, of Boca Raton, Florida ("Global"), as Joint Venturers for the construction and operation of wireless communications facilities on SJTA property. Prior to the execution of the MLA by the SJTA, Global terminated (on November 18, 2010) its Joint Ventureship with Wireless EDGE and assigned to Wireless EDGE any rights in the MLA. Wireless EDGE desires to proceed on its own with the MLA. Wireless EDGE has evidenced through its involvement in other projects the ability to proceed with the MLA. The proposed resolution seeks the approval of the Board to proceed with Wireless EDGE alone on the previously authorized MLA.

**RESOLUTION 2010-144 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING THE CONTINUANCE AND AMENDMENT OF TRANSPORTATION SERVICES AGREEMENT AND AIRPORT USE AND LEASE AGREEMENT WITH AIRTRAN**

The Federal Aviation Administration allows promotional incentives to air carriers for new service to increase travel using the airport and promote competition provided that each air carrier's incentive period is limited to no more than two years. The Authority advertised for Request for Proposals in February 2009 for scheduled commercial passenger air service at Atlantic City International Airport. An air carrier

incentive program was incorporated to enhance air carrier service at the airport and create an opportunity to increase traffic, for the initial one year term, with the Authority reserving the right to extend or modify the terms and any options accordingly through negotiations as may be in the best interest of the SJTA. In March of 2009, via Resolution 2009-35, the Authority entered into a Transportation Services Agreement, with Air Tran, by which AirTran agreed to operate daily scheduled round-trip jet service between Atlantic City and Atlanta, for an initial one-year term, effective June 11, 2009. This agreement incorporated an incentive program based on guaranteed gross passenger revenues in an amount not to exceed \$3.1 million. The Authority also entered into an Airport Use and Lease Agreement contract with Air Tran Airways, which was executed on or about June 4, 2009 for one year and provided for five additional one year extensions. The initial one year was limited in anticipation that AirTran's service would be fully self-sufficient within one year. AirTran's air service between Atlanta and Atlantic City International Airport has achieved initial success and the \$3.1 million dollar incentive for year one can be significantly reduced in year two. AirTran has requested, consistent with the Request for Proposal and Federal Aviation Administration requirements, a one-year extension of the Transportation Services Agreement incentive program, which shall be at a significantly reduced amount, not to exceed \$1.4 million, due to the growing success of AirTran in this market.

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

Chairman Simpson asked if there were any petitions or communications, unfinished or new business. Mr. Mueller responded that all previous petitions and communications were either mailed to the Commissioners prior to the meeting or are at their places and there was no unfinished business.

#### **General Comment**

Chairman Simpson asked for any general comments. No comments were made.

#### **Adjournment**

There being no further business, Chairman Simpson called for a motion to adjourn the meeting. Whereupon, the motion was moved by Commissioner Toscano and seconded by Commissioner Devine to adjourn the meeting. A unanimous voice vote was taken adjourning the meeting at 10:40a.m.

Submitted by:

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Susan Lubrano, Authority Board Secretary

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