

**SOUTH JERSEY TRANSPORTATION AUTHORITY  
BOARD OF COMMISSIONERS MEETING  
OCTOBER 20, 2021**

This Board of Commissioners Monthly Meeting of the South Jersey Transportation Authority was held on October 20, 2021, via teleconference commencing at 9:06 a.m.

After calling the meeting to order Chair Gutierrez-Scaccetti stated due to her chairing the meeting via teleconference, Vice Chair Milam would be signing the approved resolutions on her behalf.

**Present**

Chair Diane Gutierrez-Scaccetti  
Commissioner Bryan J. Bush  
Commissioner Maurice B. Hill, Jr., DMD  
Commissioner James J. McCullough  
Commissioner C. Robert McDevitt  
Vice Chairman Christopher M. Milam  
Commissioner Joseph Ripa  
Rudy Rodas, Governor's Authorities Unit  
Stephen F. Dougherty, Executive Director  
Karen Davis, Director of Finance  
Nicholas Sullivan, Esq., General Counsel  
Cynthia Blasberg, Board Secretary  
Debra Murphy, Alternate Board Secretary

**Absent**

Commissioner Jeffery A. April, Esq.  
Commissioner Christina Fuentes, EDA

**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, the Camden Courier Post, and with the Secretary of the State of New Jersey as to the time and date of convening. Notice has also been posted at the Farley Service Plaza, the Atlantic City International Airport, the Atlantic City and Blackwood Offices as prescribed by law.

Chair Diane Gutierrez-Scaccetti called for a moment of silence for those who continue to be affected by the COVID Virus.

**Roll Call**

| <b>Commissioner</b>                    | <b>Present</b> | <b>Absent</b> |
|--|----------------|---------------|
| Chair Diane Gutierrez-Scaccetti        | 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             |

*\* One member of the public called into this meeting.*

### **Approval of the Agenda**

Chair Diane Gutierrez-Scaccetti called for a motion to approve the October 20, 2021 agenda. Whereupon a motion was made by Commissioner McCullough and seconded by Commissioner Hill approving said agenda. Chair Diane Gutierrez-Scaccetti 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**

Chair Diane Gutierrez-Scaccetti called for a motion to approve the September 15, 2021 meeting minutes. Whereupon a motion was made by Commissioner McCullough and seconded by Commissioner Hill approving said minutes. No questions were asked. All Commissioners in attendance voted, approving, and adopting the minutes.

### **Executive Session**

Chair Diane Gutierrez-Scaccetti asked General Counsel if an Executive Session was needed, to which General Counsel responded an Executive Session affirmatively.

Mr. Dougherty presented Resolution 2021-126 to the Chair and Commissioners for the exclusion of the public to discuss personnel matters pertaining to the Schedule "A," associated with Resolution 2021-117, and litigation matter specific to Gaudelli Brothers, Inc. Whereupon, the motion was made by Commissioner McCullough and seconded by Commissioner Hill approving Resolution 2021-126. A unanimous vote was taken approving the resolution, adjourning the open portion of the meeting at 9:08 a.m.

Chair Gutierrez-Scaccetti asked the Operator to place the public audience on hold while the Board conducts the Executive Session.

At the close of Executive Session, Chair Gutierrez-Scaccetti 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 9:21 a.m.

The Operator opened the meeting back up to the public portion of the meeting. Chair Gutierrez-Scaccetti then requested the Secretary call the roll.

### **Roll Call**

| <b>Commissioner</b>                    | <b>Present</b> | <b>Absent</b> |
|--|----------------|---------------|
| Chair Diane Gutierrez-Scaccetti        | 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**

Chair Diane Gutierrez-Scaccetti asked for the presentation of the Executive Report. Mr. Dougherty presented the October 20, 2021 Executive Report: a copy of which is attached hereto and made a permanent part of these official Authority minutes. Stephen Dougherty commended Chair Diane Gutierrez-Scaccetti on her new role as president of the International Bridge, Tunnel and Turnpike Association on behalf of the Board of Commissioners, Directors and entire SJTA staff. Chair Diane Gutierrez-Scaccetti stated it is only with the support of all in New Jersey that she can share in these prominent roles and can rely on the support from the SJTA. Various Commissioners congratulated the Chair individually. Commissioner Hill also thanked Stephen Dougherty and the Airport Staff for the great job they did in responding to the emergency with the Spirit Airline Flight.

### **Committee Reports**

Chair Diane Gutierrez-Scaccetti asked Mr. Dougherty to present the Committee Reports. Mr. Dougherty reported all Committees met on October 6, 2021. During these meetings, briefings were provided on the resolutions being presented this morning as well as an update on the single audit. Commissioners were also provided the schedule of upcoming projects, the EO-8 Report and Airport statistics.

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

Chair Diane Gutierrez-Scaccetti asked the public for comments on any of the agenda items. No comments were made.

### **Approval of Bills**

Chair Diane Gutierrez-Scaccetti 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. Chair Diane Gutierrez-Scaccetti called for a motion to approve the bill list. Whereupon the motion was made by Commissioner Hill and seconded by Commissioner McDevitt approving said bill list. Chair Diane Gutierrez-Scaccetti asked the Commissioners for questions on the motion. Being none, Chair Diane Gutierrez-Scaccetti 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> |
|--|---------------|-----------------------|------------|------------|----------------|----------------|---------------|
| Chair Diane Gutierrez-Scaccetti        |               |                       | X          |            |                |                |               |
| Commissioner Jeffery A. April, Esq.    |               |                       |            |            |                |                | X             |
| Commissioner Bryan J. Bush             |               |                       | X          |            |                |                |               |
| Commissioner Maurice B. Hill, Jr., DMD | X             |                       | X          |            |                |                |               |
| Commissioner James J. McCullough       |               |                       | X          |            |                |                |               |
| Commissioner C. Robert McDevitt        |               | X                     | X          |            |                |                |               |
| Vice Chairman Christopher M. Milam     |               |                       | X          |            |                |                |               |
| Commissioner Joseph Ripa               |               |                       | X          |            |                |                |               |

### **Resolutions and Motions:**

Chair Diane Gutierrez-Scaccetti asked Mr. Dougherty to present the resolutions. Mr. Dougherty advised the Commissioners he would be presenting a total of nine (9) resolutions for their consideration. Mr. Dougherty presented Resolutions 2021-117 through 2021-125. Chair Diane Gutierrez-Scaccetti called for a motion to approve said resolutions. The motion as presented, was moved by Commissioner McCullough, and seconded by Commissioner Hill approving said resolutions. Chair Diane Gutierrez-Scaccetti asked for questions or discussions on the motion. There being none, Chair Diane Gutierrez-Scaccetti 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          |            |                |                |               |
| Commissioner Jeffery A. April, Esq.    |               |                       |            |            |                |                | X             |
| Commissioner Bryan J. Bush             |               |                       | X          |            |                |                |               |
| Commissioner Maurice B. Hill, Jr., DMD |               | X                     | X          |            |                |                |               |
| Commissioner James J. McCullough       | X             |                       | X          |            |                |                |               |
| Commissioner C. Robert McDevitt        |               |                       | X          |            |                |                |               |
| Vice Chairman Christopher M. Milam     |               |                       | X          |            |                |                |               |
| Commissioner Joseph Ripa               |               |                       | X          |            |                |                |               |

*Copies of Resolutions 2021-117 through 2021-125 are attached hereto and made a permanent part of these official Authority minutes.*

**RESOLUTION 2021-117 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 2021-118 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 August 26 and August 27, 2021, the Authority publicly advertised a Request for Proposals for General and/or Special Legal Counsel Services for the Authority. On September 16, 2021, in response to said advertising, five (5) qualified proposals were received. On September 23, 2021, the Consultant Selection Committee (CSC) met to review and rank the proposals and 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. The term of these appointments shall be one (1) year with a one (1) year option to renew at the Authority's discretion. The Director of Business Administration believes it is in the best interest of the Authority and recommends the aforementioned appointments.

**CONFIRMING RESOLUTION 2021-119 AUTHORIZING THE EXECUTIVE DIRECTOR TO  
NEGOTIATE AND EXECUTE A LICENSE AGREEMENT BETWEEN THE SOUTH JERSEY  
TRANSPORTATION AUTHORITY AND LAB Q DIAGNOSTICS, LLC AT THE ATLANTIC  
CITY INTERNATIONAL AIRPORT FOR A DRIVE-UP COVID-19 TESTING SITE, AS A  
RESULT OF THE COVID-19 PANDEMIC**

Pursuant to Section 7(x), the Authority is authorized to enter into all agreements or contracts convenient or desirable for the purposes of the Authority. Due to the outbreak of the coronavirus (COVID-19), and recommendations by the federal government, travel has been restricted in the United States. On March 9, 2020, New Jersey Governor Philip Murphy, in order to protect the health, safety and welfare of the people of New Jersey, signed Executive Order No. 103, declaring a Public Health Emergency and State of Emergency exists in the State of New Jersey due to COVID-19. Pursuant to Executive Order 244, Governor Philip Murphy declared the Public Health Emergency declared in Executive Order No. 103 has terminated but the State of Emergency in Executive Order No. 103 continues to exist. Lab Q Diagnostics, LLC is engaged in the business of conducting and performing COVID-19 testing. As a result of the State of Emergency due to COVID, the Authority and Lab Q Diagnostics, LLC identified certain property at the Airport as a suitable location for conducting a drive-up COVID-19 testing site for the residents of the County of Atlantic, Airport travelers, and the South Jersey region for a period of thirty (30) days, subject to an automatic renewal for an additional thirty (30) day periods, unless terminated by either party. The Authority and Lab Q Diagnostics, LLC seek to enter into an Agreement ("License Agreement) for this purpose. Due to the exigency of the circumstances created by COVID-19, the Commissioners of the Authority do hereby confirm the Executive Director's decision to negotiate and enter into a License Agreement, attached hereto as Exhibit A, with Lab Q Diagnostics, LLC for the limited purposes provided herein.

**RESOLUTION 2021-120 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY  
AUTHORIZING THE AWARD OF A CONTRACT TO L. FERRIOZZI CONCRETE OF  
ATLANTIC CITY, NEW JERSEY FOR THE ATLANTIC CITY INTERNATIONAL  
AIRPORT (ACY) 2021 AMELIA EARHART BOULEVARD SIGN PROJECT**

On September 1<sup>st</sup> and September 2<sup>nd</sup>, 2021, the Authority publicly advertised for bids for the Atlantic City International Airport (ACY) 2021 Amelia Earhart Boulevard Sign Project. Work associated with this project involves the installation of a new monumental entrance sign at the beginning of Amelia

Earhart Boulevard near the Tilton Road Circle, in Egg Harbor Township, NJ. As part of the solicitation, the Authority sought three (3) separate Base Bids as wherein the work limits for each varied and the selection of the base bid is contingent upon available funds:

Base Bid #1: One complete seamless sign unit consisting of .090 aluminum sheet epoxied to 2" aluminum frame sub-structure. Aluminum sub-frame will be welded or clipped to structural steel frame consisting of factory primed tube steel with steel base plates and cast in place anchor bolts. Letters will be surfaced applied painted with acrylic paint and UV rated laminated digital logo decals. Back of sign unit to receive a 24" high x full length aluminum 'access panel' which is face fastened to sub-frame.

Base Bid #2: Same as Base bid 1; however, in lieu of the surface applied letters, provide non-illuminated Acrylic 3/4" Dimensional Letters.

Base Bid #3: Same as Base bid 1; however, in lieu of the surface applied letters and non-illuminated Acrylic 3/4" Dimensional Letters, provide 'push through' internally lit die-cut dimensional letters.

On September 22, 2021 three (3) bids were received, opened, and tabulated; to ensure all met the requirements of the Bid Specifications. Following a review of the bids, the Authority deemed that the award of the Base Bid 3 of which limits are indicated above, represented the best value for the Authority. Whereas, L. Ferriozzi Concrete of Atlantic City, New Jersey was deemed the lowest responsive, responsible bidder in an amount not to exceed \$174,670.00 for the Atlantic City International Airport (ACY) 2021 Amelia Earhart Boulevard Sign Project Base Bid #3. The Director of Engineering/Chief Engineer believes it to be in the best interest of the Authority and recommends entering into a contract with L. Ferriozzi Concrete of Atlantic City, New Jersey for the Atlantic City International Airport (ACY) 2021 Amelia Earhart Boulevard Sign Project, Base Bid #3, in an amount not to exceed \$174,670.00.

#### **RESOLUTION 2021-121 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING THE AWARD OF A CONTRACT TO R. MAXWELL CONSTRUCTION CO., INC. OF PLEASANTVILLE, NEW JERSEY FOR THE ATLANTIC CITY EXPRESSWAY 2021 WEST MAINTENANCE ADDITION PROJECT**

On September 1, 2021 and September 2, 2021, the Authority publicly advertised for bids for the Atlantic City Expressway 2021 West Maintenance Addition Project. This project includes the construction of a new +/- 919 SF office, locker room and storage room addition to the existing maintenance building, generally constructed of cast-in-place concrete foundations and slab-on-grade, CFMF walls and roof, metal siding and EPDM roofing. On September 21, 2021, eight (8) bids were received, opened, and tabulated with R. Maxwell Construction Co., Inc. of Pleasantville, New Jersey being deemed the lowest responsive, responsible bidder in an amount not to exceed \$476,213.00. The Director of Engineering/Chief Engineer believes it to be in the best interest of the Authority and recommends entering into a contract with R. Maxwell Construction Co., Inc. of Pleasantville, New Jersey, for the Atlantic City Expressway 2021 West Maintenance Addition Project in an amount not to exceed \$476,213.00.

#### **RESOLUTION 2021-122 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING A LICENSE TO CROSS TO THE SOUTH JERSEY GAS COMPANY TO REPLACE AND ABANDON EXISTING GAS FACILITIES WITHIN THE ATLANTIC CITY EXPRESSWAY RIGHT OF WAY AT MILEPOST 4.82**

The South Jersey Gas Company wishes to abandon an old six-inch Natural Gas Distribution Line at milepost 4.84 and construct a new eight-inch Natural Gas Distribution Line across the Atlantic City Expressway at milepost 4.82. 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. The South Jersey Gas Company has proposed that the Authority allow construction of a new underground crossing. South Jersey Gas Company will pay all costs as outlined in the License to Cross agreement. The Director of Engineering recommends authorizing a License to Cross to the South Jersey Gas Company to construct a natural gas distribution line beneath the Atlantic City Expressway right-of-way.

**RESOLUTION 2021-123 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING CONTINUED NEGOTIATIONS UNTIL DECEMBER 30, 2021 WITH U.S. FACILITIES, INC., OF PHILADELPHIA, PENNSYLVANIA, FOR AIRPORT MAINTENANCE AND JANITORIAL SERVICES AT THE ATLANTIC CITY INTERNATIONAL AIRPORT**

The Authority is responsible for the operation, maintenance, improvement, and promotion of the Airport. U.S. Facilities, Inc., of Philadelphia, Pennsylvania, and the Authority entered into a contract on October 1, 2016, for U.S. Facilities, Inc. to perform maintenance and janitorial services at the Airport (the "Janitorial Contract"). The Janitorial Contract is due to expire on September 30, 2021. Pursuant to Authority Resolution 2021-90, U.S. Facilities, Inc., after receiving multiple Requests for Proposal, was deemed the highest ranked and most qualified proposer to provide such maintenance and janitorial services, and the Commissioners of the Authority authorized the Executive Director to enter into negotiations and subsequent agreement with U.S. Facilities, Inc. for Airport maintenance and janitorial services at the Atlantic City International Airport for the period commencing October 1, 2021. The Authority and U.S. Facilities, Inc. continue to negotiate a new contract pursuant to Resolution 2021-90 and the parties agree to continue negotiations until no later than December 30, 2021. In order to continue the maintenance and janitorial services at the Airport during such continued negotiations between the Authority and U.S. Facilities, Inc., U.S. Facilities, Inc., and the Authority believe it is in the best interest of the Authority and the public to extend the Janitorial Contract until the sooner of December 30, 2021 or such time as either a new contract is executed with U.S. Facilities, Inc. or the Authority terminates negotiations for such new contract.

**RESOLUTION 2021-124 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING THE NEGOTIATION AND EXECUTION OF AN AMENDED OR AMENDMENTS TO THE GROUND LEASE WITH FRESH AIR LOGISTICS, LLC, OF HAMMONTON, NEW JERSEY, AT THE ATLANTIC CITY INTERNATIONAL AIRPORT FOR THE DEVELOPMENT OF A STORAGE FACILITY**

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, has entered into an Agreement to Enter into Ground Sub-Lease – Storage Facility with the Authority on December 21, 2020 in order to determine and obtain approvals for the construction of the Storage Facility at the Airport. During its Due Diligence, FAL has learned that the experimental VORTAC exclusion area has a radius of 1,000 feet (a diameter of 2,000 feet) instead of a radius of 500 feet (a diameter of 1,000 feet) as it was thought, which such deviation has a significant impact on the Leased Premises (as defined in the Agreement) as proposed within the Agreement. FAL and the Authority are in the process of determining if the experimental VORTAC will be left in place, relocated to a new location at the Airport or incorporated into the Airport's operational vortac. The Airport Director believes that as this issue is further understood and determined, FAL and the Authority will be in better position to determine the next steps and that such resolution or next steps may take the form of either an amendment or amendments to the Agreement, including extension or extensions to the Due Diligence Period and allowing for such amendment or amendments is in the best interests of the Authority and the public it serves.

**RESOLUTION 2021-125 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING THE NEGOTIATION AND EXECUTION OF AN AMENDED OR AMENDMENTS TO THE GROUND LEASE WITH FRESH AIR LOGISTICS, LLC, OF HAMMONTON, NEW JERSEY, AT THE ATLANTIC CITY INTERNATIONAL AIRPORT FOR THE DEVELOPMENT OF A CARGO FACILITY**

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, has entered into an Agreement to Enter into Ground Sub-Lease – Cargo

Facility with the Authority on December 21, 2020 in order to determine and obtain approvals for the construction of the cargo facility at the Airport. During its Due Diligence, FAL has learned that the experimental VORTAC exclusion area has a radius of 1,000 feet (a diameter of 2,000 feet) instead of a radius of 500 feet (a diameter of 1,000 feet) as it was thought, which such deviation has a significant impact on the Leased Premises (as defined in the Agreement) as proposed within the Agreement. FAL and the Authority are in the process of determining if the experimental VORTAC will be left in place, relocated to a new location at the Airport or incorporated into the Airport's operational vortac. The Airport Director believes that as this issue is further understood and determined, FAL and the Authority will be in better position to determine the next steps and that such resolution or next steps may take the form of either an amendment or amendments to the Agreement, including extension or extensions to the Due Diligence Period and allowing for such amendment or amendments is in the best interests of the Authority and the public it serves.

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

Chair Diane Gutierrez-Scaccetti 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. We have no new business to discuss this morning.

#### **General Comment**

Chair Diane Gutierrez-Scaccetti asked the public for any general comments. Whereas the Operator instructed the public to enter the queue for any public for General Comments. No comments were made.

#### **Adjournment**

There being no further business, Chair Diane Gutierrez-Scaccetti announced the next meeting will be held on November 17, 2021, via teleconference at 9:00 a.m.

Chair Diane Gutierrez-Scaccetti called for a motion to adjourn the meeting. Whereupon the motion was made by Commissioner McCullough and seconded by Commissioner Bush to adjourn the meeting. A unanimous voice vote was taken adjourning the meeting at 9:21 a.m.

Submitted by:

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Cynthia Blasberg, Board Secretary

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