

**SOUTH JERSEY TRANSPORTATION AUTHORITY  
BOARD OF COMMISSIONERS MEETING  
APRIL 17, 2019**

This regularly scheduled Board of Commissioners Meeting of the South Jersey Transportation Authority was held on April 17, 2019, commencing at 9:05 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**

Chair Diane Gutierrez-Scaccetti  
 Vice Chairman Jeffery A. April, Esq.  
 Commissioner Bryan J. Bush (via teleconference)  
 Commissioner Maurice B. Hill, Jr., DMD  
 Commissioner James J. McCullough  
 Commissioner Christopher M. Milam  
 Commissioner Joseph Ripa (via teleconference)  
 Commissioner Christina Fuentes, EDA  
 Daniel Kelly, Esq., Governor’s Authorities Unit  
 Robert Damminger, Deputy Executive Director  
 Lauren R. Staiger, Esq., General Counsel  
 Cynthia Blasberg, Board Secretary  
 Debra Murphy, Alternate 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>
Chair Diane Gutierrez-Scaccetti	X	
Vice Chair 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
Commissioner Christopher M. Milam	X	
Commissioner Joseph Ripa	X	
Commissioner Christina Fuentes	X	

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

**Approval of the Agenda**

Chair Gutierrez-Scaccetti called for a motion to approve the April 17, 2019 agenda. Whereupon, a motion was made by Commissioner Milam and seconded by Commissioner McCullough approving said agenda. Chair 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 Gutierrez-Scaccetti called for a motion to approve the March 20, 2019 meeting minutes and the April 5, 2019 Special Board meeting minutes. Whereupon, a motion was made by Commissioner Hill and seconded by Commissioner Milam approving the said minutes. Commissioner Bush abstained from voting. Chair Gutierrez-Scaccetti asked for questions on the motion. No questions were asked. All Commissioners in attendance voted, approving and adopting the minutes.

### **Employee Recognition Award**

Chair Gutierrez-Scaccetti asked Mr. Damminger if there is an Employee Award this month. Mr. Damminger responded affirmatively, presenting Ray Effinger with the Quarterly Employee Recognition Award.

Chair Gutierrez-Scaccetti praised Ray for all he has done and noted she is impressed with all the good work the Authority does.

### **Executive Session**

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

Mr. Damminger presented Resolution 2019-29 to the Chair and Commissioners for the exclusion of the public to discuss personnel matters pertaining to the Schedule "A," associated with Resolution 2018-21.

Whereupon, the motion was made by Commissioner Hill and seconded by Vice Commissioner Milam approving Resolution 2018-29. A unanimous vote was taken approving the resolution, adjourning the open portion of the meeting at 9:10 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 2018-29 is attached hereto and made a permanent part of these official Authority minutes.

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 Milam. The open portion of the meeting reconvened at 9:40 a.m. Chair Gutierrez-Scaccetti then requested the Secretary call the roll. General Counsel asked that the records reflect that a contractual matter was discussed during Executive Session.

### **Roll Call**

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

### **Executive Report**

Chair Gutierrez-Scaccetti asked for the presentation of the Executive Report. Mr. Damminger presented the April 17, 2019 Executive Report: a copy of which is attached hereto and made a permanent part of these official Authority minutes

### **Committee Reports**

Chair Gutierrez-Scaccetti asked Mr. Damminger to present the Committee Reports. Mr. Damminger reported all Committees met on April 3, 2019. During these meetings, Commissioners were briefed on the resolutions being presented this morning as well as an update on the March 27, 2019 Audit Committee Meeting and the Atlantic City Visitors Center. Commissioners were provided with the schedule of upcoming projects, the EO-8 Report and Airport statistics.

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

Chair Gutierrez-Scaccetti asked the public for comments on any of the agenda items. There being none, Chair Gutierrez-Scaccetti welcomed Mr. Harvey Coccozza from the firm Ford Scott & Associates. He thanked the Chair for the opportunity to speak. Addressing the Board, he stated the 2018 Audit was in draft format awaiting on the Division of Pension and Treasury pension information. He briefly discussed results of the report and noted he went over the report in detail with the Audit Committee on March 27, 2019 and no audit findings nor any mathematic matters were discovered. Mr. Coccozza recommended the Authority continue to monitor our operations for any risk as the Authority has done in the past. Once the pension information is received, the Financials will be completed and transmitted to the Authority. Chair Gutierrez-Scaccetti thanked Mr. Coccozza for his report and thanked Karen Davis for her hard work.

### **Approval of Bills**

Chair Gutierrez-Scaccetti asked Mr. Damminger for the presentation of bills. Mr. Damminger stated the bills have been sent to the Commissioners previously for their review and are being recommended for approval. Chair Gutierrez-Scaccetti called for a motion to approve the bill list. Whereupon the motion was made by Vice Chairman Milam and seconded by Vice Chair April, approving said bill list. Chair Gutierrez-Scaccetti asked the Commissioners for questions on the motion. Being none, Chair 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				
Vice Chairman Jeffery A. April, Esq.		X	X				
Commissioner Bryan J. Bush			X				
Commissioner Maurice B. Hill, Jr., DMD			X				
Commissioner James J. McCullough			X				
Commissioner C. Robert McDevitt							X
Commissioner Christopher M. Milam	X		X				
Commissioner Joseph Ripa			X				

### **Resolutions and Motions:**

Chair Gutierrez-Scaccetti asked Mr. Damminger to present the resolutions. Mr. Damminger advised the Chair and Commissioners he would be presenting a total of eight (8) resolutions for their consideration. Mr. Damminger presented Resolutions 2019-19 through 2019-26. Chair Gutierrez-Scaccetti called for a motion to approve said resolutions. The motion as presented, was moved by Commissioner Milam and seconded by Commissioner McCullough, approving said resolutions.

Vice Chair April asked if the resolution approving the 2018 Financial Audit in draft form is acceptable for approval to which counsel responded affirmatively. Chair Gutierrez-Scaccetti stated Resolution 2019-22, Accepting the 2018 Financial Audit is contingent upon receipt of the pension information.

### **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				
Vice Chairman Jeffery A. April, Esq.			X				
Commissioner Bryan J. Bush			X				
Commissioner Maurice B. Hill, Jr., DMD			X				
Commissioner James J. McCullough		X	X				
Commissioner C. Robert McDevitt							X
Commissioner Christopher M. Milam	X		X				
Commissioner Joseph Ripa			X				

**RESOLUTION 2019-21 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING THE ENTRANCE INTO AN AGREEMENT BETWEEN THE SOUTH JERSEY TRANSPORTATION AUTHORITY AND THE STATE OF NEW JERSEY FOR THE PROVISION OF FEEDER ROAD MAINTENANCE COST SHARING**

The State of New Jersey (the "State") provides road and bridge maintenance on State Highways which intersect with six interchanges for the Atlantic City Expressway. These portions of the State Highways which intersect and interconnect with Authority interchanges support the efficient and effective ingress and egress of vehicles using the Authority facilities, hereinafter referred to as "Feeder Roads". Pursuant to Resolution 2009-120, the Authority executed an agreement with the State dated December 14, 2009, entitled Feeder Road Maintenance Cost Sharing Agreement (the "Cost Sharing Agreement") to provide for reimbursement by the Authority to the State for the reconstruction, maintenance and repair of the six feeder road segments that interconnect and intersect Authority interchanges. The Authority, via subsequent resolutions extended this Cost Sharing Agreement through the State fiscal year 2019, which is set to expire on June 30, 2019. Language in the extension amendment to the December 14, 2009 Cost Sharing Agreement specified that a new Cost Sharing Agreement must be executed for State fiscal year 2020. The Authority and the State now desire to enter into a new Cost Sharing Agreement for the period beginning July 1, 2019 and ending June 30, 2020 (State Fiscal Year 2020)

**RESOLUTION 2019-22 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY ACCEPTING THE 2018 FINANCIAL AUDIT**

The Audit Committee held a teleconference on December 27, 2018 and on March 27, 2019, in accordance with Executive Order No. 122. The Audit Committee has reviewed the 2018 Financial Audit Report with the independent auditor. The Audit Committee recommends that the Board of Commissioners accept the 2018 Financial Audit and hereby directs the Executive Director to file a copy of the Audit with the Treasurer of the State of New Jersey

**RESOLUTION 2019-23 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 2019-24 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING THE AWARD OF A CONTRACT TO JULIANO'S ATM SERVICES, OF LINWOOD, NEW JERSEY FOR AUTOMATIC TELLER MACHINES (ATMS) FOR THE ATLANTIC CITY INTERNATIONAL AIRPORT AND THE TRAVEL PLAZA AT THE FARLEY SERVICE AREA**

On February 14 and February 15, 2019, the Authority advertised a Request for Proposals (RFP) for Automatic Teller Machines (ATMs) at the Atlantic City International Airport and the Travel Plaza at the Farley Service Area. On March 7, 2019, the Authority received one proposal in response to the advertisement. On March 12, 2019, the Authority's Consultant Selection Committee met to review the sole proposal submitted by Juliano's ATM Services of Linwood, New Jersey and determined that the proposal has met the criteria as outlined in the request for proposal. The Authority desires to award a contract to Juliano's ATM Services of Linwood, New Jersey for the provision of Automatic Teller Machines for a term of one year, commencing on or about June 1, 2019, with two mutually agreeable one-year options to renew.

**RESOLUTION 2019-25 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING THE ADOPTION OF THE 2018 ANNUAL REPORT OUTLINING THE AUTHORITY'S PROJECTS AND ACHIEVEMENTS FOR THE YEAR 2018**

Pursuant to N.J.S.A. 27:25-20, the Authority is required to promulgate an Annual Report. The Authority's Annual Report outlines Authority projects and achievements for the year 2018. The Annual Report includes the 2018 Financial Audit Report that is being presented via Resolution 2019-20, also at the April 17, 2019 Board Meeting. The Authority desires to adopt the 2018 Annual Report presented by the Authority's Marketing & Communications Division.

**RESOLUTION 2019-26 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING A MEMORANDUM OF AGREEMENT BETWEEN THE ATLANTIC COUNTY**

**ECONOMIC ALLIANCE AND THE SOUTH JERSEY TRANSPORTATION AUTHORITY FOR THE PURPOSE OF PLEDGING A MONETARY CONTRIBUTION TOWARDS THE UNITED STATES ECONOMIC DEVELOPMENT ADMINISTRATION'S REGIONAL STRATEGIES i6 CHALLENGE GRANT**

The Authority currently has a seat as a voting member on the Atlantic County Economic Alliance's ("ACEA") Board of Directors and works collaboratively with the ACEA and Atlantic County (who has invested funds and manpower to "jumpstart" and sustain the progress of the ACEA) towards developing the South Jersey region over which the Authority has interest in transportation matters. At the request of the ACEA and Atlantic County, the Authority, via Resolution 2018-105, designated the Atlantic City International Airport ("ACY") a Smart Research Test-Bed Facility, to assist in the development of aeronautical opportunities and research within the South Jersey region. The ACEA is currently seeking a grant through the United States Economic Development Administration (USEDA) known as the USED A Regional Strategies i6 Challenge Grant, which combined with the Smart Research Test-Bed Facility designation, will improve efficiencies at ACY by offering the airport low-cost to no-cost technologies (i.e., security portals, smart gates, face recognition systems, etc.), wherein companies enrolled in the program can test their products at ACY. The ACEA has requested monetary contributions from surrounding public entities to be used towards the obligations of the USED A Regional Strategies i6 Challenge Grant, should it be awarded same. Atlantic County, Cape May County, Cumberland County and Salem County, the New Jersey Economic Development Authority, Cape May County Airport, the New Jersey Innovation Institute, the National Aviation Research and Technology Park, the National Institute of Aerospace, Boeing and Embry-Riddle Aeronautical University have pledged to partner with the ACEA for this grant. The Authority desires to be part of this group in support of this proposal and pledge a monetary contribution of Fifty Thousand Dollars (\$50,000.00) to the ACEA to be used in connection with the USED A Regional Strategies i6 Challenge Grant, if the ACEA receives said grant.

**RESOLUTION 2019-27 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY SUPPORTING THE AMERICAN CANCER SOCIETY'S 47<sup>TH</sup> ANNUAL BIKE-A-THON**

The American Cancer Society has contacted the Authority with a request to utilize portions of the Atlantic City Expressway in support of their 47<sup>th</sup> Annual Bike-A-Thon, scheduled for Sunday, June 9, 2019 between the hours of 6:30 a.m. and 4:00 p.m. The event begins at the Ben Franklin Bridge in Philadelphia and concludes at Boardwalk Hall, in Atlantic City. The Authority anticipates this event will assist in promoting a positive image and showcase the region's many tourist attractions. The 47<sup>th</sup> Annual American Cancer Society Bike-A-Thon will also assist in bringing Atlantic City and its surroundings a healthful, non-gaming, family-friendly event. It is further anticipated that the 47<sup>th</sup> Annual American Cancer Society Bike-A-Thon will have a significant economic impact to the City of Atlantic City and the surrounding region as participation is currently estimated at 3,500 athletes. The Authority will be reimbursed by the American Cancer Society for documented Authority related expenses in connection with its support, in an amount as estimated on the attached agreement entitled Schedule "A." In addition, all participants of the Bike-A-Thon will be required to sign an application discharging 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.

**RESOLUTION 2019-28 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING THE AWARD OF A CONTRACT TO HUNTER TRUCK SALES AND SERVICE OF SWEDESBORO, NEW JERSEY FOR THE PURCHASE AND DELIVERY OF 2019 OR CURRENT YEAR SINGLE AXLE DUMP TRUCK WITH CENTRAL HYDRAULIC SYSTEM SPREADER AND PLOW OR EQUAL**

On February 20<sup>th</sup> and February 21<sup>st</sup>, 2019, the Authority publicly advertised for bids for the Purchase and Delivery of a 2019 or Current Year Single Axle Dump Truck with Central Hydraulic System Spreader and Plow or Equal. On March 13, 2019, one bid was received, opened and tabulated. Hunter Truck Sales and Service, of Swedesboro, New Jersey was deemed the sole responsive, responsible bidder in an amount not to exceed \$182,333.00 per unit. The number of units to be purchased is contingent upon the availability of funds. The Authority desires to enter into a contract with Hunter Truck Sales and Service, of Swedesboro, New Jersey for the Purchase and Delivery of three 2019 or Current Year Single Axle Dump Truck with Central Hydraulic System Spreaders and Plow or Equal in an amount not to exceed \$546,999.00 for three units. The Director of Operations recommends award of this contract.

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

Chair Gutierrez-Scaccetti asked if there were any petitions or communications, unfinished or new business. Mr. Damminger responded all petitions and communications were mailed prior to the meeting or are at the Commissioners' place. Further, he has no new business to discuss this morning; however, under unfinished business the Authority recommends the release of the following Executive Session Meeting Minutes: February 20, 2019 and March 20, 2019 with minor redactions where the need for confidentiality still exists. Mr. Damminger stated in accordance with State law, the Authority and 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. Chair Gutierrez-Scaccetti called for a motion to approve the release of the Executive Session Minutes. Whereupon, the motion was moved by Commissioner Hill and seconded by Commissioner Milam, approving the release of minutes. Chair Gutierrez-Scaccetti 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**

Chair Gutierrez-Scaccetti asked the public for any general comments. No comments were made by the public.

Chair Diane Scaccetti stated she has one item of unfinished business noting it was recently brought to her attention that the General Counsel that serves the Authority is going through legal proceedings including a current trial. She stated she has consulted with counsel and believes it is appropriate to ask the General Counsel to step aside so that Conflicts Counsel may continue their work at the South Jersey Transportation Authority. She then stated this is no reflection on Lauren Staiger who has been a phenomenal attorney for the Authority and this does not reflect on her personally or professionally but to the firm by whom she is employed and whether it is appropriate for them to represent a public agency. Chair Diane Scaccetti then stated it is her job to protect the reputation of the Agencies, the work that they do and never to call into question either by perception of reality or anything that could reflect negatively upon the Authority or any Authority on which she sits.

Chair Diane Gutierrez-Scaccetti then stepped out of her role as Chair and made a motion to set aside the contract with General Counsel and allow for the Authority's Conflict Counsel, Brown and Connery, to continue to serve the Authority. The Authority will then issue a request for proposal to solicit for General Council Services. If the legal matters with Gilmore and Monahan resolves itself, they may submit a proposal for said services. Vice Chair April seconded the motion and reiterated the Chair's remarks. Commissioner McCullough asked if Council was previously asked to step aside. The Chair noted that general counsel was not asked to step aside and that this matter has been going on several months and it was not disclosed to the Chair with them having ample time to notify her of this matter. Chair Diane Gutierrez-Scaccetti asked the Secretary to call the roll for the motion. All Board members voted. The motion did not pass.

## **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		X				
Vice Chairman Jeffery A. April, Esq.		X	X				
Commissioner Bryan J. Bush				X			
Commissioner Maurice B. Hill, Jr., DMD*					X		
Commissioner James J. McCullough				X			
Commissioner C. Robert McDevitt							X
Commissioner Christopher M. Milam				X			
Commissioner Joseph Ripa				X			

\*Commissioner Hill recused himself, however, noted after close of the meeting he is requesting his vote be changed to abstain.

## **Adjournment**

There being no further business, Chair Gutierrez-Scaccetti called for a motion to adjourn the meeting. Whereupon, the motion was made by Commissioner McCullough and seconded by Commissioner Milam to adjourn the meeting. A unanimous voice vote was taken adjourning the meeting at 10:00 a.m.

Submitted by:

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Cynthia A. Blasberg, Board Secretary

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