

**SOUTH JERSEY TRANSPORTATION AUTHORITY
BOARD OF COMMISSIONERS MEETING
OCTOBER 21, 2020**

This Board of Commissioners Monthly Meeting of the South Jersey Transportation Authority was held on October 21, 2020, via teleconference commencing at 9:02 a.m.

After calling the meeting to order Chair Gutierrez-Scaccetti stated Vice Chairman Milam would be signing the approved resolutions on her behalf.

Present

Chair Diane Gutierrez-Scaccetti
 Commissioner Jeffery A. April, Esq.
 Commissioner Bryan J. Bush
 Commissioner Maurice B. Hill, Jr., DMD
 Commissioner James J. McCullough
 Vice Chairman Christopher M. Milam
 Commissioner Joseph Ripa
 Rudy Rodas, Esq., Governor’s Authorities Unit
 Stephen F. Dougherty, Executive Director
 Robert Damming, Deputy Executive Director
 Nicholas Sullivan, Esq. General Counsel
 Cynthia Blasberg, Board Secretary
 Debra Murphy, Alternate Board Secretary

Absent

Commissioner C. Robert McDevitt
 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, the Newark Star Ledger 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 Gutierrez-Scaccetti called for a moment of silence for those who continue to be impacted by the coronavirus pandemic.

Roll Call

Commissioner	Present	Absent
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 Gutierrez-Scaccetti called for a motion to approve the October 21, 2020 agenda. Whereupon, a motion was made by Vice Chairman Milam and seconded by Commissioner April 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 September 16, 2020 meeting minutes. Whereupon, a motion was made by Commissioner Bush and seconded by Commissioner April approving the said minutes. No questions were asked. All Commissioners in attendance voted, approving and adopting the minutes. Commission Hill abstained from the vote.

Executive Session

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

Mr. Dougherty presented Resolution 2020-132 to the Chair and Commissioners for the exclusion of the public to discuss personnel matters.

Whereupon, the motion was made by Commissioner April and seconded by Commissioner Bush approving Resolution 2020-132. A unanimous vote was taken approving the resolution, adjourning the open portion of the meeting at 9:07 a.m.

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

The Operator addressed the public stating to stand by while the executive session is initiated.

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 April and seconded by Commissioner Bush. The open portion of the meeting reconvened at 9:12 a.m.

Chair Gutierrez-Scaccetti then requested the Secretary call the roll.

Roll Call

Commissioner	Present	Absent
Chair Diane Gutierrez-Scaccetti	X	
Commissioner 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
Vice Chairman 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. Dougherty presented the October 21, 2020 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. Dougherty to present the Committee Reports. Mr. Dougherty reported all Committees met on October 8, 2020. During these meetings, Commissioners were briefed on the resolutions being presented this morning as well as an update on 2020 Bonds and Hertz Rental Car Company.

Public Response to Agenda Items

Chair Gutierrez-Scaccetti asked the public for comments on any of the agenda items.

The Operator instructed the public if anyone to enter the queue for public comments related to the agenda. No comments were made.

Approval of Bills

Chair 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 Gutierrez-Scaccetti called for a motion to approve the bill list. Whereupon the motion was made by Vice Chairman Milam and seconded by Commissioner Bush, 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

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

Resolutions and Motions:

Chair Gutierrez-Scaccetti asked Mr. Dougherty to present the resolutions. Mr. Dougherty advised the Chair and Commissioners he would be presenting a total of eight (8) resolutions for their consideration. Mr. Dougherty presented Resolutions 2020-123 and 2020-125 through 2020-131. Chair Gutierrez-Scaccetti called for a motion to approve said resolutions. The motion as presented, was moved by Vice Chair Milam and seconded by Commissioner Bush approving said resolutions.

Roll Call

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

Copies of Resolutions 2020-123 and 2020-125 through 2020-131 are attached hereto and made a permanent part of these official Authority minutes.

RESOLUTION 2020-123 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING THE ONE-YEAR EXTENSION OF THE CONTRACT TO FANEUIL, INC., OF HAMPTON, VIRGINIA, TO PROVIDE ATLANTIC CITY EXPRESSWAY TOLL COLLECTION SERVICES TO THE AUTHORITY FROM JANUARY 1, 2021 TO DECEMBER 31, 2021

Pursuant to Section 8(a) of the Act, the Authority is required to publicly advertise for all contracts and agreements made pursuant to the Act to be awarded by the Authority only after public advertising. On July 9, 2019 and July 10, 2019, the Authority publicly advertised for bids for the Atlantic City Expressway Toll Services, which includes Toll Plaza Supervisors, Count Room Supervisors, Toll Attendants, Count Room staff as well as Toll Clerical functions on the Expressway (“Contract”), for a one-year contract with the option to extend the contract for a second year; and the Authority having received only one bid, which was materially defective, re-bid the contract. On August 20, 2019 and August 21, 2019, the Authority publicly re-advertised for bids for the Contract, and Faneuil, Inc.

submitted the only bid. Faneuil, Inc. submitted a bid in an amount not to exceed \$3,930,267.40 for Year One of the Contract and in an amount not to exceed \$4,020,734.25 for Year Two of the Contract. Pursuant to Resolution 2019-101, the Authority authorized the award of the Contract to Faneuil, Inc. for a term of one (1) year for the period of January 1, 2020 through December 31, 2020 for an amount not to exceed \$3,930,267.40, with the one-year option to renew for the calendar year 2021 at the Authority's sole discretion. The Authority, having been satisfied with the performance of Faneuil, Inc., is desirous of extending the existing Contract with Faneuil, Inc. for the second one-year period from January 1, 2021 through December 31, 2021 for an amount not to exceed \$4,020,734.25.

RESOLUTION 2020-125 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING CHANGE ORDER #2 TO THE CONTRACT AWOC (A WOMEN OWNED CONTRACTOR, INC.) OF PHILADELPHIA, PENNSYLVANIA FOR THE 2019 ATLANTIC CITY INTERNATIONAL AIRPORT TERMINAL ROOF AND HVAC REHABILITATION PROJECT

The Engineering Department is overseeing engineering and construction projects in furtherance of the Authority's purposes. On October 16, 2019 the Authority, via Resolution 2019-102 entered into an agreement with AWOC (A Women Owned Contractor, Inc.) of Philadelphia, Pennsylvania for the Atlantic City International Airport 2019 Terminal Roof and HVAC Rehabilitation Project, Base Bid. The original agreement with AWOC (A Women Owned Contractor, Inc.) of Philadelphia, Pennsylvania for the Atlantic City International Airport 2019 Terminal Roof and HVAC Rehabilitation Project, Base Bid was in an amount of not to exceed \$864,000.00. During construction of the base bid, Roof Areas E and F became delaminated, due to high winds and, therefore, the original bid, Add Alternate #2 for the project became priority and was accepted via Change Order Number 1, dated March 20, 2020 in the amount of \$86,000.00 which is within the 10% contingency for this project. Change Order Number 2 has been requested in the amount \$49,700.00 for additional repairs requested by the Airport in the Administration Area and 2nd Floor Gate Hold. The Director of Engineering/Chief Engineer believes it to be in the best interest of the Authority and recommends approval of Change Order Number 2 to the contract with AWOC (A Women Owned Contractor) of Philadelphia, Pennsylvania in the amount of \$49,700.00.

RESOLUTION 2020-126 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING A SECOND AMENDMENT TO THE AGREEMENT TO ENTER INTO A LEASE WITH JB AIR, LLC (CONFIRMING)

Pursuant to Resolution 2017-113 the Authority approved the proposed project of JB Air, LLC ("JB Air"), (formerly "JBA" Air, LLC), a limited liability company of the State of New Jersey for the development of temporary and long term hangar and aircraft fueling facilities and associated support facilities on property owned by the Authority at the Airport that is developable property (the "Project"). Pursuant to Resolution 2019-120 the Authority authorized the execution of an agreement to enter into a lease and a ground lease with JB Air for the project. The Agreement with JB Air, dated January 14, 2020 ("Original Agreement), provided JB Air with a one hundred and twenty (120) day due diligence period ("Due Diligence Period") to determine whether JB Air would proceed with its project under the Original Agreement. JB Air was unable to complete its due diligence activities due to disruptions caused by the novel coronavirus (COVID-19) and by First Amendment to Agreement to Enter Into Lease for New Hangar Facility ("First Amendment) the Due Diligence Period was extended until September 13, 2020 which action was confirmed by Authority Resolution 2020-54. In September 2020 JB Air requested a further ninety (90) day extension of the Due Diligence Period until December 12, 2020. Due to issues of time Authority staff have agreed to the requested extension subject to the following conditions, all of which have been agreed to by JB Air: (i) there shall be no further extensions of the due Diligence Period; (ii) JB Air shall pay a non-refundable extension payment of \$15,000.00 which can be applied to rent if JB Air proceeds with the project; (iii) the additional 90 day extension is subject to ratification by the SJTA Board of Commissioners, and if not ratified, the Due Diligence Period would only be extended until five business days after notice of the decision not to ratify. This resolution serves to confirm the ratification of the proposed extension (by way of Second Amendment to Agreement) by the Board of Commissioners of the Authority.

RESOLUTION 2020-127 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING AN AGREEMENT WITH NEW JERSEY DEPARTMENT OF TRANSPORTATION REGARDING THE COMPLETION OF MAINTENANCE SERVICES ON ROUTE 30 (MILE POST 0.92 TO MILE POST 4.20) AND INTERSTATE 676 (MILE POST 0.00 TO 3.50)

Pursuant to Section 7(p) of the Act, the Authority has the power to acquire, construct, maintain or operate any public highway connecting with any one or more projects which in the opinion of the Authority will increase the use of a project or projects, to take over for construction, maintenance or operation any existing public highway as a feeder road and to realign any existing public highway and build additional sections of road over new alignment in connection with that existing public highway. The New Jersey Department of Transportation (“NJDOT”), under the powers vested in the law, N.J.S.A. 27:1A-5 and N.J.S.A. 27:7-21, and the Authority, pursuant to its powers under the Act, have mutual interest in entering into an agreement for the initiation and completion of maintenance services (the “Agreement”) on Route 30 (“Rt. 30”) (Mile Post 0.92 to 4.20) and Interstate 676 (“I-676”) (Mile Post 0.00 to 3.50). Pursuant to the Agreement, NJDOT will continue to perform certain maintenance activities on Rt. 30 and I-676, but the Authority will begin to perform maintenance services on Rt. 30 and I-676. The Director of Operations believes it to be in the best interest of the Authority and recommends entering into a contract with NJDOT for the Authority to initiate and complete maintenance services on Rt. 30 and I-676.

RESOLUTION 2020-128 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING THE AWARD OF A CONTRACT TO WINNER FORD OF CHERRY HILL, NEW JERSEY FOR THE PURCHASE AND DELIVERY OF 2020 OR CURRENT PRODUCTION YEAR EMERGENCY SERVICE PATROL VEHICLE WITH UTILITY BODY AND MESSAGE BOARD

Pursuant to Section 8(a) of the Act, the Authority is required to publicly advertise for all contracts and agreements made pursuant to the Act to be awarded by the Authority only after public advertising. On March 18th and March 19th, 2020, the Authority publicly advertised for bids for the Purchase and Delivery 2020 or Current Production Year Emergency Service Patrol Vehicle with Utility Body and Message Board. On April 16, 2020, one (1) bid was received, opened and tabulated. Winner Ford, of Cherry Hill, New Jersey was deemed the sole responsive, responsible bidder in an amount not to exceed \$86,061.00 per unit. The number of units to be purchased is contingent upon the availability of funds. Pursuant to Resolution 2020-56, the Authority awarded a contract to Winner Ford of Cherry Hill, New Jersey for the Purchase and Delivery of two (2) 2020 or Current Production Year Emergency Service Patrol Vehicles with Utility Body and Message Board in an amount not to exceed \$172,122.00. Said resolution stipulated in the event the need arises, and funding is available, the Authority reserves the right to order additional units as specified herein. The Bidder agreed to hold their unit prices until March 31, 2021. The Authority, based on the recommendation of the Director of Operations, desires to enter into a second contract with Winner Ford of Cherry Hill, New Jersey for the Purchase and Delivery of four (4) 2020 or Current Production Year Emergency Service Patrol Vehicle with Utility Body and Message Board in an amount not to exceed \$344,244.00.

RESOLUTION 2020-129 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING A PERMIT POLICY AND PROCESS FOR POSTING OF AMERICAN FLAGS ON THE ATLANTIC CITY EXPRESSWAY

Pursuant to N.J.S.A. 27:25A-7(q), the Authority is empowered to establish rules and regulations in furtherance of its affairs and the use, maintenance and operation of the transportation system. N.J.A.C. 19:2-5.3 invests the Authority with broad discretion to prohibit the unauthorized placement of advertising matter, posters, placards, signs or items of any kind on the Expressway, or Authority property except as otherwise authorized by the Authority. Other State and federal laws recognize the right to prohibit or otherwise regulate items along public roadways or within the right-of-way limits to protect the public safety, health or welfare (see, e.g., N.J.S.A. 27:5-9 and 23 C.F.R. §710.403, respectively). The Authority has been informed that the New Jersey Legislature is considering

legislation to permit private individuals and entities to display the American Flag on the Expressway, and other roadways in New Jersey. The Authority intends to develop a method to permit the display of the American Flag on the Expressway in a manner that ensures the Authority exercises its fiduciary obligation to the citizens of the State to affirmatively act in a manner that preserves the safety and welfare of the traveling public. The Authority believes that a policy, setting reasonable safety standards, should be adopted by regulation to provide stability in implementation of American Flags on the Expressway. Pending completion of the rulemaking process, the Authority shall implement a permitting policy so that a mechanism to allow display of the American Flag will be available to the public in the interim, while a regulation is in the process of being adopted. The Authority desires to authorize the Executive Director to initiate the rulemaking process and, in the interim, develop and implement a policy to allow, by permit of the Authority, installation of the American Flag at bridges and overpasses along the Expressway.

RESOLUTION 2020-130 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING CERTAIN PERSONNEL ACTIONS

Pursuant to the Authority By-Laws, the Personnel Committee shall advise the Board on issues related to organization structure, equal employment opportunity, labor negotiations, employment practices and personnel actions affecting an individual's employment status or compensation. This resolution seeks Board approval for personnel actions as specified in the "Schedule A" attached to this resolution.

RESOLUTION 2020-131 OF THE SOUTH JERSEY TRANSPORTATION AUTHORITY AUTHORIZING SETTLEMENT OF LITIGATION

On November 7, 2018, the Authority was named as a defendant in the litigation filed by plaintiff Tracy Zisa ("Plaintiff"), captioned as Tracy Zisa v. Hollis L. Bridgers, et al., Docket No. ATL-L-2703-18, filed in the Superior Court of New Jersey, Law Division, Atlantic County (the "Litigation"). The Authority, other named defendants, and Plaintiff have determined that it is in their mutual interest to resolve all issues between them in the Litigation amicably and have negotiated terms of settlement set forth in a document entitled "Release." Pursuant to the Release, Plaintiff has agreed to dismiss her claims against the Authority and has further agreed to release the Authority from any and all claims she has or may have against them. The terms of the Release provide that the Authority will make a payment to the Plaintiff in the amount of \$55,500.00, in exchange for, inter alia, the aforementioned dismissal of the Litigation and release of all claims as set forth above. The settlement of the Litigation is not an admission of liability in any manner by the Authority. Through consultation with its legal counsel, the Authority's Board of Commissioners has determined it is in the best interests of the Authority to settle the Litigation in a manner consistent with the terms set forth in the Release.

Petitions or Communications, Unfinished Business and New Business

Chair Gutierrez-Scaccetti asked if there were any petitions or communications, unfinished or new business. Mr. Dougherty responded we have no new business; however, under unfinished business the Authority recommends the public release of Executive Session Minutes that have been approved by the Commissioners, reviewed by the Authority and general counsel and are deemed appropriate for release with portions redacted where the need for confidentiality still exists. The Executive Session Meeting Minutes being presented for release this morning are as follows: June 17, 2020, July 15, 2020 and, August 19, 2020. These minutes were recommended for approval for public release.

Chair Gutierrez-Scaccetti called for a motion to approve the release of the Executive Session Minutes. Whereupon, the motion was moved by Commissioner McCullough and seconded by Commissioner April, approving the release of minutes.

General Comment

Chair 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.

The Operator introduced Bill Ritzler who asked for the status of the Camden/Glassboro and Atlantic City Rail Lines as passed by the Authority along with the bonding earlier this year. Chair Gutierrez-Scaccetti

stated a staff member will directly respond to his question in detail. She further noted both projects are currently in discussions with the DRPA and New Jersey Transit.

Adjournment

Chair Gutierrez-Scaccetti announced the next meeting will be held on November 18, 2020 via teleconference at 9:00 a.m.

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 Bush to adjourn the meeting. A unanimous voice vote was taken adjourning the meeting at 9:24 a.m.

Submitted by:

Cynthia A. Blasberg, Board Secretary

Note: An Executive Session was held during this meeting.