

MINUTES OF MEETING
THE DELAWARE RIVER AND BAY AUTHORITY
Tuesday, July 19, 2011
James Julian Boardroom
Delaware Memorial Bridge Plaza
New Castle, Delaware 19720

The meeting convened at 11:20 a.m. with Chairperson Lowe presiding.

The opening prayer was given by Commissioner Dorn, followed by the Pledge of Allegiance led by the Executive Director.

The Secretary announced that a notice of the meeting had been distributed to the offices of the Governor of New Jersey and the Governor of Delaware, to appropriate staff members and consultants, to the press in both States and to any other individuals who had indicated an interest in receiving a copy of the meeting notice.

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Commissioners from Delaware

Commissioners from New Jersey

PRESENT

William E. Lowe, Chairperson
Richard W. Downes
Scott A. Green
Samuel E. Lathem
Terry C. Murphy
Gary F. Traynor

James N. Hogan, Vice-Chairperson
Edward W. Dorn
Niels S. Favre
Ceil Smith
Douglas Van Sant

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Chairperson Lowe called for the acceptance of the Agenda.

Commissioner Downes motioned to accept the Agenda, seconded by Commissioner Murphy, and approved by a voice vote of 11-0.

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10410. APPROVAL OF THE JUNE 21, 2011 MINUTES

Commissioner Green motioned for approval of the June 21, 2011 minutes, seconded by Commissioner Favre, and approved by a voice vote of 11-0.

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10411. EXECUTIVE DIRECTOR'S REPORT

The Executive Director presented his report for the month of June, 2011.

Delaware Memorial Bridge

In June, total traffic decreased 1.7%, non-commercial traffic decreased 2.0%, and commercial traffic decreased 0.06%, compared to June 2010. When compared to the 3-year average, total June traffic decreased 0.3%. Year-to-date total traffic decreased 0.1%, non-commercial traffic decreased 0.4%, and commercial traffic increased 1.5%, compared to the previous year. When compared to the 3-year average, year-to-date total traffic decreased 1.7%.

E-ZPass traffic for June represented 61.7% of the total overall traffic as compared to 60.2% for the previous year. Year-to-date total electronic traffic represented 63.5%, an increase of 2.0% from 2010.

The migration effort of transferring the DRBA Customer Service Center (CSC) E-ZPass to the New Jersey Turnpike Authority E-ZPass was completed at the end of the month. Much has been accomplished during this period including: all E-ZPass agencies were notified of the DRBA's migration; an outreach letter was sent to DRBA customers informing them of the migration; new violation notices were designed and approved; training on financial reporting and daily reconciliation was completed; and CSC training on New Jersey business rules was conducted. Thank you to Gerry DiNicola Owens for leading this effort.

The Delaware Memorial Bridge Toll increase was successfully implemented on July 1st. Thank you to Gerry DiNicola Owens for leading the multi-disciplinary team (representatives from tolls, maintenance, electronics, police, communications, and MIS) through the process that began months ago and concluded in the early hours of July 1st. Countless hours were spent testing lane equipment, software, and planning the necessary logistics to effect this change.

Cape May Lewes Ferry

In June, vehicle traffic decreased 4.1%, passenger traffic decreased 0.6%, and fare revenues decreased 4.1%, compared to June 2010. Year-to-date vehicle traffic decreased 4.4%, passenger traffic decreased 3.9%, and fare revenues decreased 3.5%, compared to the same period in 2010. Compared to the 3-year average, year-to-date revenue vehicle traffic decreased 9.2%, passenger traffic decreased 8.9%, and fare revenues decreased 4.9%.

In June, CMLF food and beverage revenues increased 5.5% and retail revenues increased 0.4% compared to June 2010. Year-to-date food and beverage revenues decreased 4.0% and retail revenues decreased 14.3% compared to the same period in 2010. When compared to the 3-year average, year-to-date food and retail revenues decreased 11.2%.

The MV Twin Capes was host to a hazmat drill with multiple emergency responder agencies. The purpose of the drill was to familiarize these emergency responders with CMLF vessels in a scenario where hazardous materials were spilled onboard. Also during this month, we employed a successful chute deployment drill aboard the MV Twin Capes - all equipment and the crew performed according to standards while US Coast Guard inspectors stood watch.

Airports

Steve Williams and his staff met with emergency response agencies to collect final response data for the completion of the Dover Civil Airport and New Castle Airport Emergency Plans. These plans were submitted to the Federal Aviation Administration (FAA) and were revised to meet the Federally-mandated NIMS/ICS response framework and for compliance with FAA FAR Part 139 regulations.

Finance

The 2010 DRBA Annual Report and Comprehensive Financial Annual Report (CAFR) were completed. These two reports are publically available on the Authorities website drba.net.

Employee Happenings

Luke Visconti, President and CEO of Diversity, Inc. shared his thoughts and experiences with Authority Senior Leadership, Senior Managers, and Human Resource professionals concerning diversity initiatives in government, as well as the private sector. Approximately 30 senior level employees were in attendance for this two hour session that included a presentation and question and answer period. Thanks to Charlotte Crowell and Gregory Chambers for organizing this informative presentation.

For the third consecutive year, the Authority participated in the Teacher Externship Program sponsored by the Delaware Department of Education, the Delaware State Chamber of Commerce, and the Delaware Business, Industry, Education (BIE) Alliance. The objective of this program is to research how well Delaware academic standards and classroom lessons reflect the needs of employers. Delaware businesses are asked to host one or more educators for an 18 hour externship in order to research the connection between school skills and workplace skills. This year, the Authority hosted Herschel Fred Thomas II, Library Media Specialist, from William B. Keene Elementary School, who has worked in education for 42 years. Mr. Thomas visited the following DRBA departments: Tolls, EZ Pass, Education & Training, Maintenance, Police, and Airports.

Permanent Full-time staffing levels at the end June:

Authorized Positions	418
Positions Filled	374
Positions Filled (on LTD)	4
Total Positions that are Vacant	40
Vacant Positions in Process to fill	4

Without objection, the report was ordered filed with the permanent records of the Authority.

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10412. DELAWARE RIVER AND BAY AUTHORITY – TRAFFIC AND REVENUE SUMMARY.

The Chief Financial Officer (CFO) presented charts showing Actual versus Projected Revenues for the Delaware Memorial Bridge, the Cape May-Lewes Ferry, Airports, Three Forts Ferry Crossing, and Food Services for the month of May.

Without objection, the chart was ordered filed with the permanent records of the Authority.

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10413. DELAWARE RIVER AND BAY AUTHORITY – STATEMENT OF INCOME AND EXPENSE.

The CFO presented charts showing statements of income and expenses for the month of May with comparisons to the same periods last year.

Without objection, the chart was ordered filed with the permanent records of the Authority.

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10414. DELAWARE RIVER AND BAY AUTHORITY – OPERATING EXPENSE BY DIVISION.

The CFO presented charts for June showing expenses by division for the quarter to date vs. the projected quarter and for year to date vs. total budget.

Without objection, the chart was ordered filed with the permanent records of the Authority.

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10415. DELAWARE RIVER AND BAY AUTHORITY – CAPITAL IMPROVEMENT PROGRAM.

The CFO presented a chart for the month of June showing the capital budget for crossing and economic development projects and dollars committed to date for the projects. The chart also includes cash expenditures spent to date for the committed projects.

Without objection, the chart was ordered filed with the permanent records of the Authority.

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10416. DELAWARE RIVER AND BAY AUTHORITY – CASH POSITION (MARKET VALUE) AS OF JUNE 30, 2011.

The CFO presented a chart indicating the cash fund balances for the entire Authority.

Without objection, the chart was ordered filed with the permanent records of the Authority.

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10417. PUBLIC COMMENT ON ACTION ITEMS.

Chairperson Lowe presented the following action items that were being considered and asked for public comment.

- Contract DMB-10-06 Inspection of Main Cables & Suspender Ropes, 1 & 2 Structures-DMB
- Resolution 11-29 Authorizing Authority Expenditures in Excess of \$25,000
- Resolution 11-30 Authorizing the Authority to Enter into Purchase Agreements for the Supply of Authority-wide Food Service Products
- Resolution 11-31 Authorizing the Authority to Enter into an Agreement with Brown & Connery for Professional “On-Call” Labor and Employment Legal Services in NJ
- Resolution 11-32 Authorizing the; Authority to Enter into an Agreement with Young Conaway Stargatt & Taylor for Professional “On-Call” Labor and Employment Legal Services in DE
- Resolution 11-33 Memorandum of Agreement with Fraternal Order of Police, Lodge #14
- Resolution 11-34 Adoption of the Authority’s 2011 Airports CIP

Christopher Field, DRBA Police department and Local #14 Representative spoke. He stated that he is pleased that Resolution 11-33 is being presented to the Board today for approval. He then thanked the Deputy Executive Director and Chief Human Resource Officer for their fairness during the negotiations.

Deputy Executive Director Minor stated that it was a pleasure working with you and your team and appreciated Officer Field’s professionalism.

CHRO Cromwell stated that both sides had a mutual interest and that Officer Field and members of Local #14 were professional during the negotiating process.

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10418. SUMMARY OF AUTHORIZED CONTRACT PAYMENTS.

The COO presented the contract payments for the month.

Contract No.	Contractor	Current Amount
DMB-10-01	Allied Painting, Inc.	30,600.00
DMB-10-02	Allied Painting, Inc	180,230.00
DMB-09-02	Mumford and Miller	133,208.61
DMB-05-01R	Cornell & Company Elevator Replacement/ Misc. Steelwork	410,091.30
CMLF-10-02	Thames Shipyard & Repair CO., Inc. Drydocking and Repairs M/V Cape May	221,602.50
NCA-08-02	Greggo & Ferrara, Inc. Runway I Safety Area Improvements	96,856.06
NCA-08-01	Diamond Materials, LLC Runway I Safety Area Improvements	3,672.45
MVA-05-01	Giberson Plumbing & Excavating	116,668.29
CMA-04-04R2	South State, Inc. Rehabilitation Building 96	25,485.23

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10419. APPROVAL OF INSPECTION OF MAIN CABLES AND SUSPENDER ROPES 1ST & 2ND STRUCTURES-DMB, CONTRACT #DMB-10-06

The COO noted that a public Bid Opening was held on May 25, 2011 in which four (4) bids were

submitted. The COO described the work included in the project and recommended award of the Bid to the lowest responsible bidder, Piasecki Steel Construction Corp of Castleton, New York, in the amount of \$5,464,900.00. The COO and the Projects Committee recommend approval.

A motion to award Contract #DMB-10-06 to the aforementioned firm in the amount of \$5,464,900.00 was made by Commissioner Favre, seconded by Commissioner Green, and unanimously approved by a voice vote of 11-0.

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10420. CHAIRPERSON'S CALL FOR ACTION ON THE RESOLUTIONS BEFORE THE BOARD

RESOLUTION 11-29 - AUTHORIZING AUTHORITY EXPENDITURES PURSUANT TO RESOLUTION 01-84 FOR THE PERIOD, JANUARY 1, 2011 THROUGH DECEMBER 31, 2011

WHEREAS, The Delaware River and Bay Authority (the "Authority") adopted Resolution 01-84 requiring Commissioner review and approval of all Authority expenditures in excess of \$25,000; and

WHEREAS, the Authority anticipates expenditures at or over the \$25,000 amount to the following vendors:

DELAWARE RIVER & BAY AUTHORITY
PROJECTED VENDORS TO BE PAID OVER \$25,000
OPERATION EXPENDITURES
FOR THE PERIOD 1/1/11 THROUGH 12/31/11

VENDOR	SERVICE DESCRIPTION	DETERMINATION	APPROX. ESTIMATES
Delmarva Roofing & Coating, Inc.	Roof repairs for the XO-Jet Hangar at New Castle Airport	Quotes	\$40,000
Get Smart Power Washing & Painting, A Division of Hughes Arvidson, Inc.	Interior Renovations to the Hercules Hangar at New Castle Airport	Quotes	\$30,000
Great American Trolley	Emergency Trolley Services at CMLF	Critical Need	\$25,000

NOW, THEREFORE, BE IT RESOLVED, that the Authority authorizes expenditures to the above listed vendor(s) for the described purposes and authorizes payment.

A motion to approve Resolution 11-29 as amended to include Great American Trolley for emergency shuttle service in Cape May was approved by Commissioner Dorn, seconded by Commissioner Murphy, and approved by a roll call vote of 11-0.

Resolution 11-29 Executive Summary Sheet

Resolution: Authorizing Authority Expenditures Pursuant to Resolution 01-84 for the period January 1, 2011 through December 31, 2011.

Committee: Budget & Finance

Committee/Commission Date:

July 19, 2011

Purpose of Resolution:

Authorizes the expenditure of \$25,000 or greater with the identified vendors for the calendar year.

Background for Resolution:

The proposed Resolution meets the requirements of Resolution 01-84, whereby the Authority shall not enter into any contract committing the Authority to spend or make any other expenditures relating to services, material and supplies in the amount of \$25,000 or more unless it has first been approved by a vote of Commissioners.

Background for Determination categories:

Quotes: Quotes items are purchases that are anticipated to be between \$25,000 and \$49,999 for the year for which the Authority has solicited written quotes. Resolution 98-31 (paragraph 4) provides that purchases “more than \$25,000 but less than \$50,000 in the aggregate require the solicitation of three written quotes or all available sources, whichever is less...”

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RESOLUTION 11-30 – AUTHORIZES PURCHASE AGREEMENTS FOR AUTHORITY-WIDE FOOD SERVICE PRODUCTS FOR THE DELAWARE RIVER AND BAY AUTHORITY

WHEREAS, The Delaware River and Bay Authority (the “Authority”) is a bi-state Authority created by Compact for the purpose of owning, operating and controlling both Crossing and Non-Crossing facilities; and

WHEREAS, the Authority desires to obtain reliable delivery of quality food service products while seeking competitive pricing; and

WHEREAS, the Authority publicly advertised and issued a Request for Proposal (RFP) for the required food service products in compliance with Resolution 98-31 which governs the procedure for the procurement of such products; and

WHEREAS, the Authority received and evaluated a total of six proposals based on best overall price, delivery, reliability and other specifications as outlined in the RFP pursuant to the aforementioned requirements and regulations; and

WHEREAS, the estimated combined budget for all food service products is \$1,000,000 annually with a not to exceed limit of \$3,000,000 for the initial three (3) year period and a not to exceed limit of \$1,000,000 for the one (1) year optional renewal period; and

WHEREAS, the Budget and Finance Committee reviewed the recommendation and concurs with the evaluation.

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of Service Agreements with an initial term of three years with two optional one-year renewals, with the following vendors to provide such food service products and to have such agreement, upon review and advice of counsel, executed by the Chairperson, Vice-Chairperson and Executive Director.

<u>Vendor(s)</u>	<u>Description</u>
U.S. Foodservice, Inc.	Food Service Products
Jack & Jill Ice Cream Co.	Specialty Ice Cream Products
Lehigh Valley Dairy	Fresh Milk Products
Panache Cuisine, LLC.	Specialty Fresh Deli Sandwiches and Salads
South Jersey Paper Products	Cleaning and Paper Products
Sysco Eastern Maryland, LLC	Candy and Gum Products

A motion to approve Resolution 11-30 was made by Commissioner Green, seconded by Commissioner Traynor, and approved by a roll call vote of 11-0.

Resolution 11-30 Executive Summary Sheet

Resolution: Authorizing the Authority to enter into purchase agreements for the supply of authority-wide food service products.

Committee: Budget & Finance

Committee/Board Date:

July 19, 2011

Purpose of Resolution:

To authorize purchase agreements with the selected vendors to provide authority-wide food service products.

Background for Resolution:

The proposed Resolution meets the requirements of Resolution 98-31, as amended by Resolution 09-52, to procure materiel and supplies.

The Authority received and evaluated bid submissions from six suppliers. The Authority plans to award a contract to each of the bidders for the food service categories for which they were the lowest responsive bidders as follows:

U.S. Foodservice, Inc.	Food Service Products
Jack & Jill Ice Cream Co.	Specialty Ice Cream Products
Lehigh Valley Dairy	Fresh Milk Products
Panache Cuisine, LLC.	Specialty Fresh Deli Sandwiches and Salads
South Jersey Paper Products	Cleaning and Paper Products
Sysco Eastern Maryland, LLC	Candy and Gum Products

The combined not to exceed limit on these Agreements for the initial three (3) year term is \$3,000,000. The combined not to exceed limit for the optional one (1) year renewal for these Agreements is \$1,000,000. Payments to the awarded suppliers will be made according to the bids submitted.

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RESOLUTION 11-31 – AUTHORIZES A CONTRACT BETWEEN THE AUTHORITY AND BROWN & CONNERY, LLP TO PROVIDE PROFESSIONAL “ON-CALL” LABOR AND EMPLOYMENT LEGAL SERVICES REPRESENTING THE AUTHORITY’S INTERESTS IN THE STATE OF NEW JERSEY

WHEREAS, The Delaware River and Bay Authority (the “Authority”) is a bi-state Authority of the State of Delaware and the State of New Jersey created by Compact that owns, operates and controls the Delaware Memorial Bridge, Cape May-Lewes Ferry and five (5) regional airports; and

WHEREAS, the Authority desires to procure professional “on-call” labor and employment legal services representing the Authority’s interests in the State of New Jersey (“Services”) with an initial term of three (3) years with one (1) optional one-year renewal, such renewal to be authorized by the originating committee with the consent of the Chairperson and Vice Chairperson of the Board of Commissioners; and

WHEREAS, the Authority publicly advertised and issued a Request for Proposal (“RFP”) for the required Services in compliance with Resolution 98-31, as amended by Resolution 09-52, which governs the procedure for the procurement of professional services; and

WHEREAS, the Authority received and evaluated five (5) proposals pursuant to the aforementioned requirements; and

WHEREAS, the Authority short-listed two (2) firms and conducted oral interviews; and

WHEREAS, Brown & Connery, LLP was designated first on the preference list; and

WHEREAS, the Authority, having set the rate for professional legal services at \$225 per hour, reviewed Brown & Connery’s cost proposal and determined that the rates proposed for paraprofessional services and miscellaneous charges were fair and reasonable; and

WHEREAS, the Authority desires to award services at compensation not-to-exceed \$125,000 annually for each of the initial three (3) year period and a not to exceed limit of \$125,000 for the one (1) year optional renewal period; and

WHEREAS, the Personnel Committee reviewed the recommendation and concurs with the evaluation.

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of a Services Agreement with Brown & Connery, LLP to provide such Services for the Authority and to have such Agreement, with the advice and consent of Counsel, executed by the Chairperson, Vice-Chairperson and Executive Director.

A motion to approve Resolution 11-31 was made by Commissioner Green, seconded by Commissioner Traynor, and approved by a roll call vote of 11-0.

Resolution 11-31 Executive Summary Sheet

Resolution: Authorizing the Authority to enter into an agreement with Brown & Connery, LLP for professional “on-call” labor and employment legal services representing the Authority’s interests in the State of New Jersey.

Committee: Personnel

Committee/Board Date:

July 19, 2011

Purpose of Resolution:

To authorize an agreement with Brown & Connery, LLP to provide professional “on-call” labor and employment legal services representing the Authority’s interests in the State of New Jersey.

Background for Resolution:

The proposed Resolution meets the requirements of Resolution 98-31, as amended by Resolution 09-52, to procure and award professional services.

The Authority received and evaluated five written proposals and conducted oral interviews with two (2) firms (indicated by the * below):

Brown & Connery, LLP*
Eric M. Bernstein & Associates, LLP
Ferreira & Herbert Law Group, LLP
Long Marmero & Associates, LLP
Lum, Drasco & Positan, LLC*

The Authority, having set the hourly rate for professional legal services at \$225 per hour, reviewed Brown & Connery's cost proposal for paraprofessional and miscellaneous charges and determined that it was fair and reasonable.

The not-to-exceed for such "on call" services is \$125,000 annual limit for the initial three (3) year period and a not to exceed limit of \$125,000 for the one (1) year optional renewal period. Payments to Brown & Connery, LLP will be made according to the rate schedules submitted.

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RESOLUTION 11-32 – AUTHORIZES A CONTRACT BETWEEN THE AUTHORITY AND YOUNG CONAWAY STARGATT & TAYLOR, LLP TO PROVIDE PROFESSIONAL “ON-CALL” LABOR AND EMPLOYMENT LEGAL SERVICES REPRESENTING THE AUTHORITY’S INTERESTS IN THE STATE OF DELAWARE

WHEREAS, The Delaware River and Bay Authority (the "Authority") is a bi-state Authority of the State of Delaware and the State of New Jersey created by Compact that owns, operates and controls the Delaware Memorial Bridge, Cape May-Lewes Ferry and five (5) regional airports; and

WHEREAS, the Authority desires to procure professional "on-call" labor and employment legal services representing the Authority's interests in the State of Delaware ("Services") with an initial term of three (3) years with one (1) optional one-year renewal, such renewal to be authorized by the originating committee with the consent of the Chairperson and Vice Chairperson of the Board of Commissioners; and

WHEREAS, the Authority publicly advertised and issued a Request for Proposal ("RFP") for the required Services in compliance with Resolution 98-31, as amended by Resolution 09-52, which governs the procedure for the procurement of professional services; and

WHEREAS, the Authority received and evaluated one proposal pursuant to the aforementioned requirements; and

WHEREAS, the Authority short-listed the one (1) firm and conducted an oral interview; and

WHEREAS, Young Conaway Stargatt & Taylor, LLP was designated qualified and acceptable to provide the services; and

WHEREAS, the Authority, having set the rate for professional legal services at \$225 per hour, reviewed Young Conaway's cost proposal and determined that the rates proposed for paraprofessional services and miscellaneous charges were fair and reasonable; and

WHEREAS, the Authority desires to award services at compensation not-to-exceed \$225,000 annually for the initial three (3) year period and a not to exceed limit of \$225,000 for the one (1) year optional renewal period; and

WHEREAS, the Personnel Committee reviewed the recommendation and concurs with the evaluation.

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of a Services Agreement with Young Conaway Stargatt & Taylor, LLP to provide such Services for the Authority and to have such Agreement, with the advice and consent of Counsel, executed by the Chairperson, Vice-Chairperson and Executive Director.

A motion to approve Resolution 11-32 was made by Commissioner Green, seconded by Commissioner Murphy, and approved by a roll call vote of 11-0.

Resolution 11-32 Executive Summary Sheet

Resolution: Authorizing the Authority to enter into an agreement with Young Conaway Stargatt & Taylor, LLP for professional “on-call” labor and employment legal services representing the Authority’s interests in the State of Delaware.

Committee: Personnel

Committee/Board Date:

July 19, 2011

Purpose of Resolution:

To authorize an agreement with Young Conaway Stargatt & Taylor, LLP to provide professional “on-call” labor and employment legal services representing the Authority’s interests in the State of Delaware.

Background for Resolution:

The proposed Resolution meets the requirements of Resolution 98-31, as amended by Resolution 09-52, to procure and award professional services.

The Authority received and evaluated one written proposal and conducted an oral interview with one (1) firm:

Young Conaway Stargatt & Taylor, LLP

The Authority, having set the hourly rate for professional legal services at \$225 per hour, reviewed their cost proposal for paraprofessional and miscellaneous charges and determined that it was fair and reasonable.

The not-to-exceed for such “on call” services is \$225,000 annually for the initial three (3) year period and a not to exceed limit of \$225,000 for the one (1) year optional renewal period. Payments to Young Conaway Stargatt & Taylor, LLP will be made according to the rate schedules submitted.

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RESOLUTION 11-33 - COLLECTIVE BARGAINING AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND FRATERNAL ORDER OF POLICE LODGE NO. 14, FOR SWORN NON-SUPERVISORY EMPLOYEE POLICE OFFICERS

WHEREAS, the Delaware River and Bay Authority (the “DRBA” or “Authority”) operates the Delaware Memorial Bridge, Cape May-Lewes Ferry, Three-Forts Ferry, and five (5) airport facilities; and

WHEREAS, sworn non-supervisory employee police officers to include Patrol Officer, Patrol Officer First Class, Corporal, Senior Corporal and Master Corporal voluntarily designated the Fraternal Order of Police, Lodge No. 14 (“Union”), to represent them in an election on February 19, 2010; and

WHEREAS, the Authority and the Union have negotiated the first Collective Bargaining Agreement (the “Agreement”) and desire to execute such Agreement; and

WHEREAS, it is the purpose of the Agreement to promote and maintain a harmonious relationship between the Authority and its employees covered by this Agreement; and

WHEREAS, the wages for members of the bargaining unit for the three-year contract caps at an average of 2% over the life of the three-year contract; and

WHEREAS, the agreement makes clear that the Authority is not subject to bargaining impasse resolution methods such as mediation or binding interest arbitration; and

WHEREAS, the Personnel Committee of the Authority's Board of Commissioners has reviewed the terms as stated in the Agreement and has recommended approval thereof by the Commissioners; and

WHEREAS, the provisions of this Agreement shall be retroactive to January 1, 2010, and expire on December 31, 2012; and

WHEREAS, the Authority desires to approve the Agreement.

NOW, THEREFORE, BE IT RESOLVED, that with the advice of Counsel, the Chairperson, Vice Chairperson, and Executive Director are hereby authorized and directed to execute such Agreement.

A motion to approve Resolution 11-33 was made by Commissioner Downes, seconded by Commissioner Favre, and approved by a roll call vote of 11-0.

Resolution 11-33 Executive Summary Sheet

Resolution: Execute a Memorandum of Agreement Between the Delaware River and Bay Authority and the Fraternal Order of Police, Lodge No. 14

Committee: Personnel Committee

Committee/Board Date:

July 19, 2011

Purpose of Resolution:

To approve the first three-year collective bargaining agreement between Delaware River and Bay Authority (the "Authority") and the Fraternal Order of Police Lodge No. 14 ("Union").

Background for Resolution:

This process began on May 9, 2009 with the Union's request to serve as the exclusive bargaining agent for certain employees. The sworn non-supervisory employee police officers to include Patrol Officer, Patrol Officer First Class, Corporal, Senior Corporal and Master Corporal voluntarily designated the Fraternal Order of Police, Lodge No. 14 ("Union"), to represent them in an election on February 19, 2010. This Union currently consists of 33 members.

The Authority and Union began negotiating this contract on July 27, 2010 and ended negotiations on April 11, 2011 with a tentative agreement.

This collective bargaining agreement includes the following:

1. Multi-year (3-year) contract;
2. 2010-2012 contract salary increase totaling \$117,818 (average of 2.0% over life of three-year contract):
 - a. 2010 increase - \$68,211 (3.6% increase); includes one time-in-job step increase for those eligible or 2.0% general increase
 - b. 2011 increase - \$0 (0.0% increase); no time-in-job step increases or general increases

- c. 2012 increase - \$49,507 (2.5% increase); includes no time-in-job step increases; includes 2.5% general increase for all members
- 3. Bargaining impasse resolution methods do not include mediation or binding interest arbitration; and
- 4. All Police Directives shall remain in force.

The Union’s membership is scheduled to ratify the Agreement prior to Board action on July 19, 2011.

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RESOLUTION 11-34 - ADOPTION OF THE DELAWARE RIVER AND BAY AUTHORITY’S 2011 AIRPORTS CAPITAL IMPROVEMENT PROGRAM (CIP)

WHEREAS, The Delaware River and Bay Authority (the “Authority”) has developed a 2011 Airports Capital Improvement Program (CIP) for capital improvement projects at the New Castle Airport, Millville Airport, Cape May Airport, Delaware Airpark and Civil Air Terminal in the estimated amount of \$3,695,000; and

WHEREAS, the Projects Committee has conducted a publicly advertised meeting on the proposed 2011 Airports CIP; and

WHEREAS, the Authority’s Projects Committee has reviewed and approved the proposed 2011 Airports CIP and recommends its adoption by the Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED, that the Authority hereby adopts a 2011 Airports CIP in the amount of \$3,695,000.

A motion to approve Resolution 11-34 was made by Commissioner Green, seconded by Commissioner Favre, and approved by a roll call vote of 11-0.

Resolution 11-34 Executive Summary Sheet

Resolution: Authorizing the adoption of The Delaware River and Bay Authority’s 2011 Airports Capital Improvement Program (CIP)

Committee: Projects

Committee Date: July 19, 2011

Board Date: July 19, 2011

Purpose of Resolution:
 To authorize adoption of the Delaware River and Bay Authority’s 2011 Airports Capital Improvement Program (CIP) in the estimated amount of \$3,695,000.

Background for Resolution:
 The Delaware River and Bay Authority has developed a 2011 Airports Capital Improvement Program (CIP) for capital improvement projects at New Castle Airport, Millville Airport, Cape May Airport, Delaware Airpark, and Civil Air Terminal in the estimated amount of \$3,695,000.

The implementation of this 2011 Airports Capital Improvement Program (CIP) will properly maintain the Authority’s airport facilities and assure that the public continues to enjoy quality transportation services in a safe and efficient manner.

The Projects Committee has conducted a publicly advertised meeting on the proposed 2011 Airports CIP, approved the proposed 2011 Airports CIP and recommends its adoption to the Board of Commissioners.

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10421. COMMISSIONERS PUBLIC FORUM

Vice-Chairperson Hogan thanked FOP Local #14 Representative Christopher Field and Local #14 members for being considerate and professional during these difficult negotiating times.

Commissioner Lathem thanked CIO DiNicola-Owens and staff for making the transition of the toll increase seamless.

Chairperson Lowe noted that there will not be an August meeting. The next Board meeting will be September 20, 2011.

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There being no further business, a motion to adjourn was made by Commissioner Favre, seconded by Commissioner Murphy, and unanimously carried.

The meeting was adjourned 11:43 a.m.

Respectfully submitted,

THE DELAWARE RIVER AND BAY AUTHORITY

Thomas A. Pankok
Secretary