

**MINUTES OF MEETING  
THE DELAWARE RIVER AND BAY AUTHORITY  
Tuesday, June 18, 2013  
James Julian Boardroom  
Delaware Memorial Bridge Plaza  
New Castle, Delaware 19720**

The meeting convened at 11:00 a.m. with Chairperson Hogan presiding.

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

Chairperson Hogan called on the Authority Assistant Secretary to read the meeting notice and take roll.

The Assistant 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 New Jersey

Commissioners from Delaware

PRESENT

James N. Hogan, Chairperson  
Edward Dorn  
Richard S. Mroz  
Ceil Smith  
Shirley R. Wilson

William E. Lowe, Vice-Chairperson  
Richard W. Downes  
Fernando N. Guajardo  
Samuel E. Lathem  
Terri C. Murphy  
Gary F. Traynor

ABSENT

Douglas Van Sant

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Chairperson Hogan called for the acceptance of the Agenda.

Commissioner Downes motioned to accept the Agenda, seconded by Commissioner Guajardo, and the motion carried by a voice vote of 11-0.

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10676.        APPROVAL OF THE MAY 21, 2013 MINUTES

Commissioner Lowe motioned to approve the May 21, 2013 meeting minutes, seconded by Commissioner Downes, and unanimously approved by a voice vote of 11-0.

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10677.        DELAWARE RIVER AND BAY AUTHORITY – TRAFFIC AND REVENUE SUMMARY.

The Chief Financial Officer (CFO) presented a chart 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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10678. DELAWARE RIVER AND BAY AUTHORITY – STATEMENT OF INCOME AND EXPENSE.

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

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

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10679. DELAWARE RIVER AND BAY AUTHORITY – OPERATING EXPENSE BY DIVISION.

The CFO presented a chart for May 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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10680. DELAWARE RIVER AND BAY AUTHORITY – CAPITAL IMPROVEMENT PROGRAM.

The CFO presented a chart for the month of May showing the capital budget for crossing and economic development projects and dollars committed to date for the projects. The chart also included 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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10681. DELAWARE RIVER AND BAY AUTHORITY – CASH POSITION (MARKET VALUE) AS OF MAY, 2013.

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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10682. AUTHORITY CUSTOMER TRENDS (ACT) REPORT

The CFO stated that the Authority Customer Trends (ACT) Report included in the financials allows management to view on a month-to-date basis trends in areas such as traffic, customer service, aircraft landings, and workplace incidents. Copies are distributed daily to employees via email and posted on bulletin boards for those without computers.

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10683. PUBLIC COMMENT ON ACTION ITEMS

Chairperson Hogan noted that there are two (2) Contract Awards, three (3) Contract Close-outs, and two (2) Resolutions to be considered today. All action items have been reviewed and recommended for consideration during today’s Committee meetings. He then called for public comments.

There were no public comments.

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10684. MISCELLANEOUS STEEL REPAIRS, FIRST & SECOND STRUCTURES, DMB; CONTRACT #DMB-13-02

The COO noted that a public bid opening was held on May 29, 2013 in which five (5) bids were received. He noted that all five (5) bids were significantly over the engineers cost estimate. The COO and the Projects committee recommended rejecting all bids and to rebidding the contract.

A motion to reject Contract #DMB-13-02 was made by Commissioner Downes, seconded by Commissioner Dorn. With Commissioners Traynor and Hogan abstaining, the motion carried by a voice vote of 9 in favor, 0 objections, and 2 abstentions.

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10685. AWARD OF DECK RESURFACING 2013-2014 DECK REPAIRS; CONTRACT #DMB-13-03

The COO noted that a public bid opening was held on May 17, 2013 in which four (4) bids were received. The deck repairs are being made with epoxy material new to the Authority and it was recommended that the Base Bid only be awarded at this time to test the effects of the epoxy on the DMB. The COO and the Projects committee recommend awarding the Base Bid to the lowest responsive bidder, Mumford & Miller Concrete, Inc., of Middletown, DE, in the amount of \$326,600.00.

A motion to award Contract #DMB-13-03 to the aforementioned firm in the amount of \$326,600.00 was made by Commissioner Dorn, seconded by Commissioner Murphy. With Commissioner Traynor abstaining, the motion carried by a voice vote of 10 in favor, 0 objections, and 1 abstention.

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10686. CONTRACT CLOSE-OUT: REHABILITATE AND EXTEND TAXIWAY "H" AT NEW CASTLE AIRPORT; CONTRACT # NCA-08-02

On May 31, 2011 Contract No. NCA-08-02, Rehabilitate and Extend Taxiway "H", was awarded to Greggo and Ferrara, Inc. of New Castle, Delaware for the bid price of \$2,418,162.25.

During the contract period Change Order No's. 1-15 were approved for the project.  
Add: \$115,859.09.

It was recommended that the Authority accept the project and make final payment to the contractor. The total price for this project is \$2,534,021.34.

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10687. CONTRACT CLOSE-OUT: OBSTRUCTION REMOVAL ON AND OFF AIRPORT AT CAPE MAY AIRPORT; CONTRACT #CMA-06-01

On May 31, 2011 Contract No. CMA-06-01, Obstruction Removal On and Off Airport, was awarded to Downes Tree Service, Inc. of Hawthorne, New Jersey for the bid price of \$443,350.00.

During the contract period Change Order No's. 1-3 were approved for the project.  
Subtract: (\$17,881.50)

It was recommended that the Authority accept the project and make final payment to the contractor. The total price for this project is \$425,468.50.

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10688. CONTRACT CLOSE-OUT: DRYDOCKING & REPAIRS M/V NEW JERSEY AT THE CAPE MAY LEWES FERRY; CONTRACT #CMLF-12-05

On December 12, 2012 Contract No. CMLF-12-05, Drydocking & Repairs M/V New Jersey, was awarded to Caddell Dry Dock & Repair Co., Inc. of Staten Island, New York for the bid price of \$1,831,515.00.

During the contract period Change Order No's. 1-3 were approved for the project.  
Subtract: (\$542,070.00)

It was recommended that the Authority accept the project and make final payment to the contractor. The total price for this project is \$1,289,445.00.

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A motion to close-out Contracts #NCA-08-02, #CMA-06-01, and #CMLF-12-05 was made by Commissioner Lowe, seconded by Commissioner Murphy and approved by a voice vote of 11-0.

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10689. CHAIRPERSON'S CALL FOR RESOLUTIONS BEFORE THE BOARD

**RESOLUTION 13-22 - AUTHORIZING AUTHORITY EXPENDITURES PURSUANT TO RESOLUTION 01-84 FOR THE PERIOD, JANUARY 1, 2013 THROUGH DECEMBER 31, 2013**

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 1/1/13 THROUGH 12/31/13

VENDOR	SERVICE DESCRIPTION	DETERMINATION	APPROX. ESTIMATED \$
Comcast	Wide area network data circuit for the new Business Continuity Site at the Cape May Terminal	Sole Source	\$32,000
SHI International Corp.	Upgrade of the SevOne network monitoring system	State Contract	\$75,000
Tri-State Roofers	Roof improvements for Building 3, DMB warehouse	Quotes	\$35,000
United States Postal Service	Direct mail piece for the CMLF	Sole Source	\$40,000
University of Delaware	Project Management Certificate Program	Quotes	\$47,000

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

A motion to approve Resolution 13-22 was made by Commissioner Traynor, seconded by Commissioner Murphy, and approved by a roll call vote of 11-0.

## **Resolution 13-22 Executive Summary Sheet**

**Resolution:** Authorizing Authority Expenditures Pursuant to Resolution 01-84 for the period, January 1, 2013 through December 31, 2013.

**Committee:** Budget & Finance

**Committee and Board Date:** June 18, 2013

### **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 the specific purchases:**

#### Wide area network data circuit for the new Business Continuity Site at the Cape May Terminal

The Authority has determined that establishing and maintaining a business continuity (BC) site for the Authority's critical data is essential. The Authority has selected the server room at the Cape May Terminal as the new BC site. To support the requirements of the new BC site, the Authority must enhance its existing data network capabilities by installing an additional wide area network data circuit. Comcast is the only provider that can provide the additional wide area network data circuit at the Cape May Terminal. The Authority currently purchases internet access from Comcast at the Cape May Terminal and plans to have Comcast install the additional wide area network data circuit at a cost of \$17,800 which will cause the Authority's expenditures with Comcast to exceed \$25,000 in 2013.

#### Upgrade of the SevOne network monitoring system

The DRBA purchased the SevOne Performance Appliance Solution eight years ago to monitor, troubleshoot, and provide performance management capabilities for its networking and computer environment. As the DRBA technology infrastructure has grown substantially during this period, the current system has reached its maximum capacity. In order to monitor and report on new programs and processes as they are added, the DRBA needs to upgrade the SevOne appliance and add additional capacity. The cost to upgrade the appliance and purchase the additional capacity from SHI International Corp. is \$75,000 pursuant to a State Contract (DE).

#### Roof improvements for Building 3, DMB warehouse

The DRBA needs to make repairs and improvements to Building 3 at the DMB warehouse. The DRBA solicited and received three (3) quotes from TriState Roofers ("TriState") (\$35,000), Farrell Roofing, Inc. (\$35,700) and H.K. Griffith (\$38,400). TriState was the lowest bidder and the DRBA plans to have TriState perform the necessary work.

#### Direct mail piece for the CMLF

The DRBA sends all of its regular mail via the United States Postal Service

(“USPS”). The DRBA plans to do a direct mail campaign for the CMLF estimated to cost \$23,000 which will cause the DRBA’s annual expenditures with the USPS to exceed \$25,000 in 2013.

Project Management Certificate Program

DRBA’s operating and capital budgets are highly influenced by the projects and programs that the DRBA identifies and implements. For successful completion of these projects and programs, the DRBA has identified the project management skill set as a core competency in which we do not have the breadth and depth within our existing workforce. To cultivate the breadth and depth within our organization, our plans are to attain this knowledge and experience through development of our existing employees and by hiring new employees who have demonstrated experience in project management. In DRBA’s recent management recruitment processes (Engineering Manager, Chief Engineer, Sr. Maintenance Manager, Asst. Director of Maintenance, Director of Maintenance, etc.), project management skills were one of the major competencies we were seeking.

HR (Education and Development) has solicited information and quotes from three (3) organizations that provide instructor-led training (University of Delaware, Delaware State University and the American Management Association) and determined that the University of Delaware offers the most suitable project management curriculum to assist the DRBA in developing this core competency with our current employees. For 2013, we have identified a Project Manager/Leader curriculum and a Project Sponsor curriculum. Plans are to identify twenty-four (24) employees who regularly manage/lead projects to participate in the Project Manager/Leader Development Program (12 per session – one session held March-May and the second session to be held in Sept-Nov). In June, we plan to have the Sr. Leadership and Division Managers participate in the Project Sponsor Executive Development Program. The next project management skill set development opportunity will be for employees who are on project teams as team members.

**Background for Determination category:**

**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...”

**Sole Source:** Sole source items are goods and services that the Authority requires that cannot be provided by another source. Resolution 98-31 (paragraph 2, subsection f) provides that “ [a] contract may be awarded without competition if the General Manager or Director of Operations of an Authority facility, or Police Administrator, prior to procurement, determines in writing that there is only 1 source for the required contract”.

**State Contracts:** Resolution 98-31, as amended by Resolution 11-36 (paragraph 2, subsection a) provides that “[t]his [competitive bidding] provision shall not apply to purchases by the Authority from suppliers in cases where the Authority is purchasing at prices pursuant to contracts awarded by the States of Delaware or New Jersey for state agencies.

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**RESOLUTION 13-23 - EASEMENT AGREEMENTS WITH THE STATE OF DELAWARE DEPARTMENT OF TRANSPORTATION**

WHEREAS, The Delaware River and Bay Authority (the “Authority”) owns several parcels of land located in Sussex County, Delaware within an area referred to as the Theodore C. Freeman Highway Right-of-Way (“Freeman Highway ROW”); and

WHEREAS, the Delaware Department of Transportation (“DELDOT”) desires to install a bike and pedestrian path along the Freeman Highway ROW; and

WHEREAS, the Authority desires to enter into easement agreements with DELDOT to formalize the parties rights and obligations with respect to the easements along the Freeman Highway ROW; and

WHEREAS, DELDOT has requested two permanent easements of 0.9033 and 2.5112 acres respectively and three temporary construction easements of .7211, .2683 and .5681 acres respectively on the eastern side of the Freeman Highway ROW to be used in connection with State Project No. T201230008.

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of the Easement Agreements with DELDOT, with the advice and consent of counsel, to have the Easement Agreements executed by the Chairperson, Vice Chairperson and the Executive Director.

A motion to approve Resolution 13-23 was made by Commissioner Dorn, seconded by Commissioner Lathem, and approved by a roll call vote of 11-0.

**Resolution 13-23 Executive Summary**

**Resolution:** Authorizes the Easement Agreements with the Delaware Department of Transportation (DELDOT) along the Theodore C. Freeman Highway Right of Way.

**Committee:** Projects

**Committee Date:** June 18, 2013

**Board Date:** June 18, 2013

**Background for Resolution:**

DELDOT is currently undertaking State Project T201230008 which will create a bike and pedestrian path in Sussex County, Delaware called the Junction Breakwater Pathway. A portion of this planned trail is designated to run adjacent to Freeman Highway in the existing Right of Way. DELDOT is looking for permanent easements totaling 3.4145 acres and temporary construction easements totaling 1.5575 acres.

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10690. EXECUTIVE DIRECTOR’S COMMENTS

The Executive Director briefed the Board on the activities in and around the Authority including FlightLevel FBO ribbon cutting ceremony at the Cape May Airport; Memorial Day services at Veterans Park, DMB; DRBA employee Project Management graduating class; Escape the Cape Triathlon; 2013 NAS World War Aviation Museum/Cape May Airport 5k race; free summer concerts at the CMLF in conjunction with Lower Township.

The Executive Director noted upcoming events: June 26<sup>th</sup> at 10:00am at the New Castle Airport will be the opening event of Frontier Airlines; July 1, installation of the new Police Administrator; July 3<sup>rd</sup> Fireworks in Cape May and the Fireworks cruise in Lewes; September 17 and 18 will be the regular Commissioner meeting followed by the Commissioners retreat.

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10691. COMMISSIONERS PUBLIC FORUM

Chairperson Hogan asked if anyone from the public would like to speak.

Frank Bankard, Local 542 representative, spoke. He said that he spoke before the Board last month, that no action had been taken toward approving a contract by the Board and that it takes too long for decisions to be made by the Board. He requested the Commissioners move forward and approve an agreement.

Chairperson Hogan thanked Mr. Bankard for his comments.

Vincent Ascione, Local 542 representative, spoke. He said that the members are upset and that the offer previously made by the union may not be approved by the members if the Authority waits too long to act. He requested the Authority take action and approve a contract with its employees.

Chairperson Hogan thanked Mr. Ascione for his comments.

Commissioner Lathem thanked Chairperson Hogan for attending DRBA functions and that it shows his dedication to the Authority.

Chairperson Hogan thanked the Executive Director and the Deputy Executive Director for working constructively to improve the Authority's relationship with the Mayor of Lower Township and the Cape May County Freeholders. He commented that with the opening of the FBO at the Cape May Airport, he is encouraged about the potential of the Airport.

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

The meeting was adjourned at 11:35am.

Respectfully submitted,

THE DELAWARE RIVER AND BAY AUTHORITY

Frank W. Minor  
Assistant Secretary