

MINUTES OF MEETING
THE DELAWARE RIVER AND BAY AUTHORITY
Tuesday, June 21, 2016
James Julian Boardroom
Delaware Memorial Bridge Plaza
New Castle, Delaware 19720

The meeting convened at 12:02 p.m. with Chairperson Lowe presiding.

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

Chairperson Lowe called on the Authority Assistant Secretary to read the meeting notice. 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.

Chairperson Lowe called on the Assistant Secretary to take the roll.

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Commissioners from Delaware

Commissioners from New Jersey

PRESENT

William E. Lowe, Chairperson
Crystal L. Carey
Richard W. Downes
Samuel E. Lathem
Terry C. Murphy

James N. Hogan, Vice-Chairperson
Edward W. Dorn
Ceil Smith
Shirley R. Wilson

ABSENT

James L. Ford, III

James Bennett
Douglas Van Sant

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Chairperson Lowe called for the acceptance of the Agenda as amended to handle action items first due to the time constraints of Commissioner Smith.

Commissioner Downes motioned to accept the Agenda, seconded by Commissioner Carey, and the motion carried by a voice vote of 9-0.

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11113. APPROVAL OF THE MAY 17, 2016 MINUTES

Commissioner Downes motioned to approve the May 17, 2016 meeting minutes, seconded by Commissioner Smith, and unanimously approved by a voice vote of 9-0.

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11114. PUBLIC COMMENT ON ACTION ITEMS

Chairperson Lowe noted that there are two (2) Contract Awards, (1) Contract Close-Out and (3) 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 comment.

There were no public comments.

11115. AWARD OF CONTRACT # DMB-15-06 – SPOT REPAIR AND OVERCOAT WEST TRUSS SPANS, FIRST STRUCTURE

The Chief Operations Officer (COO) noted that a public bid opening was held on May 25, 2016 and six (6) bids were received. The COO and the Projects committee recommended awarding the contract to the lowest responsible bidder, Atlas Painting and Sheeting Corp., of Amherst, NY, in the amount of \$3,470,000.00.

A motion to award Contract #DMB-15-06 to the aforementioned firm was made by Commissioner Smith, seconded by Commissioner Wilson, and unanimously approved by a voice vote of 9-0.

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11116. AWARD OF CONTRACT #WWD-16-01 – RUNWAY 1-19 & PARALLEL TAXIWAY “H”

The Chief Operations Officer (COO) noted that a public bid opening was held on June 3, 2016 and four (4) bids were received. The COO and the Projects committee recommended that the Base Bid and Add Alternate #1 be awarded to the lowest responsible bidder, South State, Inc., of Bridgeton, NJ, in the total amount of \$2,899,002.50 (\$2,298,662.50 Base Bid; \$600,340.00 Add Alternate #1).

A motion to award Contract #WWD-16-01 to the aforementioned was made by Commissioner Smith, seconded by Commissioner Downes, and unanimously approved by a voice vote of 9-0.

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11117. CLOSE-OUT CONTRACT #CMLF-15-01 – DRYDOCKING, REPAIRS AND MARINE ENGINE RE-POWER M/V DELAWARE, CAPE MAY-LEWES FERRY

On September 9, 2015 Contract No. CMLF-15-01, Drydocking, Repairs and Marine Engine Re-power M/V Delaware, was awarded to Caddell Dry Dock and Repair Company, Inc. of Staten Island, New York for the bid price of \$3,545,420.00.

During the contract period Change Order No’s. 1-6 were approved for the project.
Add: \$52,869.61

It is recommended that the Authority accept the project and make final payment to the contractor. The total price for this project is \$3,598,289.61.

A motion to close-out Contract CMLF-15-01 was made by Commissioner Wilson, seconded by Commissioner Smith, and approved by a voice vote of 9-0.

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11118. CHAIRPERSON’S CALL FOR RESOLUTIONS BEFORE THE BOARD

**RESOLUTION 16-22 - AUTHORIZING AUTHORITY EXPENDITURES
PURSUANT TO RESOLUTION 01-84 FOR THE PERIOD, JANUARY 1, 2016
THROUGH DECEMBER 31, 2016**

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 1/1/16 THROUGH 12/31/16

VENDOR	PURCHASE DESCRIPTION	CLASSIFICATION	ESTIMATED \$
Delaware Millwork, Ltd.	DMB Admin Building Reception and Foyer Area Renovation	Quotes	\$33,000
Franklin Electric, Inc.	Lighting and Supplies for DMB Admin Building Renovation	Quotes	\$25,000
Oceanwide	Temporary Marine Staffing for CMLF	Quotes	\$30,000

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

A motion to approve Resolution 16-22 was made by Commissioner Lathem, seconded by Commissioner Wilson, and approved by a roll call vote of 9-0.

Resolution 16-22 Executive Summary Sheet

Resolution: Authorizing Authority Expenditures Pursuant to Resolution 01-84 for the period January 1, 2016 through December 31, 2016.

Committee: Budget & Finance

Committee and Board Date: June 21, 2016

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:

Delaware Millwork, Ltd.: DMB Admin Building Reception and Foyer Area Renovation

The Authority will be hiring a contractor to fabricate and install custom casework, wall panels and baseboard for the Reception and Foyer Area Renovation Project at the DMB Administration Building. Quotes were solicited and from three (3) firms, with Delaware Millwork quoting the lowest cost to complete the work as specified.

Franklin Electric, Inc.: Lighting and Supplies for DMB Admin Building Renovation:

In addition to expenditures on electrical supplies already purchased from the vendor during 2016 for Authority-wide use, Authority crews will be purchasing and installing lighting and electrical equipment for the Reception and Foyer Area Renovation Project at the DMB Administration Building. Quotes for the project materials were solicited from three (3) electrical supply firms, with Franklin Electric, Inc. quoting the lowest cost.

Oceanwide: Temporary Marine Staffing for CMLF

The Authority will be hiring a contractor to supply temporary provide marine staffing at the Cape May-Lewes Ferry. Due to both unforeseen circumstances and planned retirements, several critical positions are or will be vacant during the season. Temporary marine staffing is often used to bridge the gap during these times, however, unlike previous years, it is estimated that costs will exceed the threshold in 2016. The Authority assembled a list of labor classes for which a need exists or is anticipated and solicited quotes from four (4) maritime industry labor providers, with two (2) firms submitting quotes. Oceanwide submitted the lowest set of costs to supply the labor.

Classification Definitions:

Quotes. A purchase of equipment, supplies or non-professional services or a contract for construction or construction management that is anticipated to cost between \$25,000 and \$49,999 during a calendar year and for which the Authority has solicited written quotes. *“Contracts for materiel and supplies and non-professional services, awarded to any [vendor for an amount of] 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... Construction management contracts or construction contracts...which are less than \$50,000 do not require formal solicitation of competitive prices and, if more than \$25,000 but less than \$50,000 require the solicitation of three written quotes or all available sources, whichever is less...”* (DRBA Resolution 98-31 Part 4).

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RESOLUTION NO. 16-23 A RESOLUTION BY THE DELAWARE RIVER AND BAY AUTHORITY TO REVISE THE AUTHORITY-WIDE ALCOHOL AND DRUG POLICY AND THE EMPLOYEE CLASSIFICATIONS SECTIONS OF THE PERSONNEL MANUAL

WHEREAS, the Delaware River and Bay Authority (the “Authority”) Personnel Manual (the “manual”) was established in 1965 and last revised in March 2000, sets forth certain terms and conditions of employment and provides general descriptions and guidelines concerning the Authority’s personnel policies and practices; and

WHEREAS, a draft of the manual proposing significant revisions to the Authority’s Drug and Alcohol Policy to include pre-employment drug testing for all prospective employees and to include post-accident/incident testing and reasonable suspicion testing for all employees was presented to the Personnel Committee of the Authority’s Board of Commissioners on May 17, 2016, by the Executive Director and

Chief Human Resources Officer, is intended to replace in its entirety the current **Section XVII Drug and Alcohol Policy** with the attached **Exhibit A**; and

WHEREAS, the Personnel Committee of the Authority's Board of Commissioners recommends the acceptance of these revisions to **Section XVII Drug and Alcohol Policy** of the Personnel Manual; and

NOW, THEREFORE, BE IT RESOLVED that the Delaware River and Bay Authority hereby amends the Personnel Manual as approved by the Personnel Committee and incorporates without limitations the provisions as set forth below:

SECTION XVII: Alcohol and Drug Policy revisions to include:

- Changing policy title to Drug-free Workplace Policy;
- Add pre-employment drug testing for all prospective employees;
- Add post-accident/incident drug testing for all employees;
- Add reasonable suspicion drug testing for all employees; and
- Update language throughout policy to incorporate best practices in this field.

A motion to table Resolution 16-23 was made by Commissioner Murphy, seconded by Commissioner Carey, and approved by a roll call vote of 9-0.

Resolution 16-23 Executive Summary Sheet

Resolution: Revise the Authority-wide Alcohol and Drug Policy and the Employee Classifications Sections of the Personnel Manual

Committee: Personnel Committee

Committee Date: June 21, 2016

Board Date: June 21, 2016

Purpose of Resolution:

To approve recommended revisions to the Personnel Manual (significant revisions summary attached) as presented by the Executive Director and Chief Human Resources Officer.

Background for Resolution:

The Authority's Personnel Manual has been in existence since 1965; this manual was last revised in March 2000.

The Personnel Manual provides general descriptions and guidelines concerning the Authority's personnel policies and practices. The provisions in the Personnel Manual are subject to change by the Authority at any time.

The Delaware River and Bay Authority has a vital interest in establishing and maintaining a safe, healthy work environment for its employees and the public it serves. It is the goal of the Authority to establish and maintain safety at all of our facilities, reduce the number of safety incidents to persons and property, as well as comply with applicable Federal and state laws and regulations

governing drug and alcohol abuse programs. The Authority is recommending significant revisions to the current Alcohol and Drug Policy to implement best practices in the workplace.

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RESOLUTION 16-24 – INFORMATION SHARING AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND THE NEW JERSEY STATE POLICE

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 for the purpose of owning, operating and controlling both Crossing and Non-Crossing facilities; and

WHEREAS, sharing of information between law-enforcement agencies is critical to the maintenance of public safety.

WHEREAS, the Authority and the New Jersey State Police desire to cooperate and share information.

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of an information sharing agreement with the New Jersey State Police and upon review and advice of counsel, to have such Agreement executed by the Chairperson, Vice-Chairperson and Executive Director.

A motion to approve Resolution 16-24 was made by Commissioner Downes, seconded by Commissioner Dorn, and approved by a roll call vote of 9-0.

Resolution 16-24 Executive Summary Sheet

Resolution: Authorizing the Authority to enter into an information sharing agreement with the New Jersey State Police

Committee: Projects Committee

Committee Date: June 21, 2016

Board Date: June 21, 2016

Purpose of Resolution The Authority wishes to enter into an information sharing Agreement with the NJSP

Background for Resolution: The Authority’s police department works cooperatively with various law-enforcement agencies at federal, state and local levels. As part of these ongoing cooperative efforts to protect public safety, it is necessary to share information. The Authority wishes to enter into an information sharing Agreement with the New Jersey State Police with respect to information that is contained in various databases. It is necessary to have an Agreement about how this information will be shared and utilized.

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Commissioner Smith left at 12:12 p.m. after the conclusion of voting on all action items.

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11119. 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, Delaware City-Salem Ferry Crossing, and Food Services for the month of May.

Without objection, the charts were ordered filed with the permanent records of the Authority.

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11120. 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 period last year.

Without objection, the charts were ordered filed with the permanent records of the Authority.

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11121. 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 charts were ordered filed with the permanent records of the Authority.

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11122. 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 charts were ordered filed with the permanent records of the Authority.

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11123. DELAWARE RIVER AND BAY AUTHORITY – CASH POSITION (MARKET VALUE) AS OF MAY 17, 2016.

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

Without objection, the charts were ordered filed with the permanent records of the Authority.

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11124. AUTHORITY CUSTOMER TRENDS (ACT) REPORT

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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11125. EXECUTIVE DIRECTOR'S COMMENTS

The Executive Director started his remarks by congratulating several staff members and Commissioners for some personal good news including Commissioner Hogan receiving the St. Florian medal for distinguished service, graduations and the birth of a first grandchild. He then congratulated the CIO for the successful opening of the E-Z Pass lane utilizing the new toll system and the staff at the DMB for another excellent Memorial Day service at the War Memorial. He also reported that the Director of Airports would have a detailed briefing for the Commissioners at the July meeting on several topics including FAA compliance audits and new regulation on hangar usage at airports for non-aeronautical uses.

The Executive Director gave an update on upcoming events around the Authority including the upcoming "Drones in Disasters Do-Tank on June 22 and 23 and the kick off concerts for the summer concert series at both ferry terminals, July 13 Mike Hines in Lewes and July 14-Soul Cruisers in Cape May.

Finally, the Executive Director reported on events around the authority since the last meeting including confirmation of a 1987 visit to KWWD by Muhammed Ali; the June 4 Beebe Beach Bash-bigger and better than last year and attended by Commissioners Carey and Downes and former Commissioner Traynor; the June 8 groundbreaking for the new light industrial commercial building at KWWD; the June 10 Delaware Special Olympics Torch Run, the June 12 Escape the Cape Triathlon with 1700 participants; the June 13 visit to the ferry by ESPN's the Fish Mavericks and the June 17 opening of the tasting room of Jersey Shore East Coast Distillery at MIV.

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11126. COMMISSIONERS PUBLIC FORUM

Chairperson Lowe called for comments from the public and the Commissioners.

There were no public comments.

Commissioner Lathem inquired about our E-Z Pass usage rates. The CIO advised that we are at 70% usage with rush hour usage well over 80%.

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There being no further business, a motion to adjourn was made by Commissioner Lathem, seconded by Commissioner Wilson, and unanimously carried by a voice vote of 8-0.

The meeting was adjourned at 12:25 p.m.

Respectfully submitted,

THE DELAWARE RIVER AND BAY AUTHORITY

Frank W. Minor
Assistant Secretary