

MINUTES OF MEETING
THE DELAWARE RIVER AND BAY AUTHORITY
Tuesday, May 15, 2018
James Julian Boardroom
Delaware Memorial Bridge Plaza
New Castle, Delaware 19720

The meeting convened at 11:36 a.m. with Chairperson Hogan presiding.

Chairperson Hogan called upon Commissioner Lathem to give the opening prayer.

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

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

Commissioners from Delaware

William E. Lowe, Vice-Chairperson
Crystal L. Carey
Henry J. Decker
James L. Ford III
Samuel E. Lathem
Michael Ratchford

Commissioners from New Jersey

James N. Hogan, Chairperson
James Bennett - ABSENT
Sheila McCann
Shirley R. Wilson
Ceil Smith
M. Earl Ransome, Jr.

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Chairperson Hogan called for the acceptance of the Agenda.

Commissioner Lathem made a motion to accept the Agenda, seconded by Commissioner Wilson, and the motion carried by a voice vote of 11-0.

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11380. APPROVAL OF THE APRIL 17, 2018 MINUTES

Commissioner Lathem made a motion to approve the April 17, 2018 meeting minutes, seconded by Commissioner Smith and unanimously approved by a voice vote of 11-0.

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11381. 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, Delaware City-Salem Ferry Crossing, and Food Services for the month of April 2018.

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

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11382. DELAWARE RIVER AND BAY AUTHORITY – STATEMENT OF INCOME AND EXPENSES.

The CFO presented a chart showing statements of income and expenses for the month of April 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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11383. DELAWARE RIVER AND BAY AUTHORITY – OPERATING EXPENSE BY DIVISION.

The CFO presented a chart for April 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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11384. DELAWARE RIVER AND BAY AUTHORITY – CAPITAL IMPROVEMENT PROGRAM.

The CFO presented a chart for the month of April 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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11385. DELAWARE RIVER AND BAY AUTHORITY – CASH POSITION (MARKET VALUE) AS OF APRIL 30, 2018.

The CFO presented charts 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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11386. PUBLIC COMMENT ON ACTION ITEMS

Chairperson Hogan noted that there are no Contract Awards, (1) Contract Close-out, and (1) Resolution for consideration.

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.

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11387. CLOSE-OUT CONTRACT #CMLF-16-06 FENDERS REPLACEMENT – CAPE MAY TERMINAL

On April 27, 2018 Contract No. CMLF-16-06, FENDER REPAIRS - CAPE MAY TERMINAL, was awarded to Agate Construction Company of Clermont, New Jersey for the bid price of \$579,032.87.

It is recommended that the Authority accept the project and make final payment to the contractor. The final cost of this project is \$1,064,603.43

A motion to close-out Contract CMLF-16-06 was made by Vice-Chairperson Lowe, seconded by Commissioner Ransome, and approved by a voice vote of 11-0.

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11388. CHAIRPERSON’S CALL FOR RESOLUTIONS BEFORE THE BOARD

RESOLUTION 18-18 - AUTHORIZING AUTHORITY EXPENDITURES PURSUANT TO RESOLUTION 01-84 FOR THE PERIOD, JANUARY 1, 2018 THROUGH DECEMBER 31, 2018

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 1/1/18 THROUGH 12/31/18

VENDOR	PURCHASE DESCRIPTION	CLASSIFICATION	ESTIMATED \$
Delaware Department of Transportation (DelDOT)	Removal of Railway Crossing at Freeman Highway	State Contract	\$84,000
Laurel Lawnmower, Inc.	Two Replacement Mowers	State Contract	\$31,000
Prime Source Investigations	Investigative Services	Professional Services	\$58,000
UniFirst Corporation	Uniforms for Maintenance Department Employees	Quotes	\$36,000

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 18-18 was made by Commissioner Decker, seconded by Commissioner Smith, and approved by a roll call vote of 11-0.

Resolution 18-18 Executive Summary Sheet

Resolution: Authorizing Authority Expenditures Pursuant to Resolution 01-84 for the period January 1, 2018 through December 31, 2018.

Committee: Budget & Finance

Committee and Board Date: May 15, 2018

Purpose of Resolution:

Authorizes expenditures of \$25,000 or greater with the identified vendors during the 2018 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 Department of Transportation (DelDOT): Removal of Railway Crossing at Freeman Highway

DelDOT has hired a contractor to remove the abandoned railway which crosses Freeman Highway in Lewes, Delaware. The Authority plans to enter into an agreement with DelDOT to authorize the contractor remove the portion of rail on Authority property and repair the crossing. The Authority will reimburse DelDOT at their contracted unit prices.

Laurel Lawnmower, Inc.: Two Replacement Mowers

The Authority is replacing two mowers that have exceeded their useful life and meet the Authority's equipment replacement criteria. The Authority has already purchased one of the mowers for use at the Cape May Terminal, however the second mower purchase will exceed the Authority's allowed annual spending threshold with the vendor. The second mower purchase will be made via an authorized equipment dealer (Laurel Lawnmower, Inc.) at their NJPA competitively-bid cooperative contract price (#062117-EXM Grounds Maintenance Equipment, Attachments, Accessories, and Related Services).

Prime Source Investigations: Investigative Services

The Authority has hired a professional field surveillance firm for the purposes of case management and to provide a comprehensive and objective understanding of an employment matter. The estimated expenditure amount represents the aggregate cost of two tasks assigned to the vendor, with the cost of each task being less than the expenditure threshold for professional services.

UniFirst Corporation: Uniforms for Maintenance Department Employees

The Authority supplies quality embroidered and logo-imprinted work uniforms to its Maintenance personnel. The Authority solicited prices from four (4) vendors, two of which submitted quotes. UniFirst submitted the lowest quote for the variety of clothing items that the Authority will purchase throughout the year.

Classification Definitions:

Professional Service. A purchase of services valued less than \$50,000 that are provided by a professional acting in a capacity that requires specialized education, knowledge, judgment, and skill, and is predominantly mental or intellectual (as opposed to physical or manual) in nature, also including any clerical or administrative support that is required for the proper delivery of the professional service. Professional services may also be classified as those types of services that are original and creative in character and in a recognized field of artistic endeavor.

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).

State Contract. A purchase of equipment, supplies or non-professional services which, under normal circumstances, would require competitive bidding, however the vendor has agreed to provide the goods or services to the Authority at fees less than or equal to that vendor’s respective contract as awarded by the State of Delaware or New Jersey. *“Any contract for the purchase of materiel and supplies and non-professional services....which contract individually exceeds \$50,000, or in the combination with other contracts, exceeds \$50,000 in any one calendar year shall be pursuant to a contract entered into by the Authority after competitive bidding. This 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.”* (DRBA Resolution 11-36 Part 2.a.).

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11389. EXECUTIVE DIRECTOR’S COMMENTS

The Executive Director reported on events in and around the Authority.

First, Executive Director Cook expressed his gratitude to the employees at the Cape May Lewes Ferry who recently worked through the night to make repairs to the vessel. It was all hands on deck and the vessel was back up and running the next morning. He praised their dedication to making sure the operation runs efficiently.

Executive Director Cook reported to the Board commendations received from a traveler whose car broke down right before the tolls. The car started overheating and members of Local 542 led by Ed Bell helped her get the vehicle safely to a repair station. She was impressed that the employees went above and beyond to make sure she was safe. The Executive Director reminded the board that our employees continue to exceed expectations day in and day out.

Executive Director Cook reported that this year’s Take Your Children to Work program was once again a success. He thanked CHRO Charlotte Crowell and her team for doing a great job.

Executive Director Cook described the Forts Ferry season opening crossing where we hosted 7th and 8th grade students from Gunning Bedford in the Colonial School District along with Shawn Garvin, DNREC Secretary, Senator Carper and Senator Coons.

The Executive Director shared a recent video of a hump back whale swimming alongside the Ferry. This was a special treat for the passengers.

The Executive Director reminded the Commissioners of the following upcoming events:

- 5/30 – Memorial Day Services being held in Veterans’ Memorial Park at 10:30 am.
- 6/10 – Escape Cape Triathlon – Cape May Terminal – 7:00 am Registration.
- 6/19 – Commissioners Board Meeting.

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11390. COMMISSIONERS PUBLIC FORUM

Chairperson Hogan opened the public forum.

Chairperson Hogan called for any comments from the public. There were no public comments.

Chairperson Hogan called for any comments from Commissioners.

Commissioner Lathem asked if there was a date for the reefing of the Twin Capes. Executive Director Cook referred the question to Director of Ferry Operations, Heath Gehrke. Mr. Gehrke advised that while the vessel passed the EPA inspection, it has not yet passed the Coast Guard inspection so a date cannot be set. He anticipates that we will know the date approximately three days prior to the reefing and will provide updates accordingly.

Chairperson Hogan noted that Resolution 18-19, approving a Collective Bargaining Agreement with Local 542 as discussed during Executive Session, was removed from today's agenda at the request of the New Jersey Governor's Authorities Unit. However, Chairperson Hogan wanted it noted that the Commissioners are unanimous in their support of the terms and conditions of the Collective Bargaining Agreement as presented.

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There being no further business, Chairperson Hogan adjourned the meeting at 11:56 p.m.

Respectfully Submitted,

THE DELAWARE RIVER AND BAY AUTHORITY

Stephen D. Williams
Assistant Secretary