

MINUTES OF MEETING
THE DELAWARE RIVER AND BAY AUTHORITY
Delaware River and Bay Authority
Delaware Memorial Bridge Complex
Wednesday, January 22, 2020

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

The opening prayer was given by Chairperson Lathem, followed by the Pledge of Allegiance.

Chairperson Lathem 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 Lathem called for the acceptance of the Agenda

Chairperson Ford made a motion to accept the Agenda, seconded by Commissioner Smith and the motion carried by a voice vote of 8-0.

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

Commissioners from Delaware

Samuel Lathem, Chairperson
Crystal L. Carey
Henry J. Decker - absent
James L. Ford III
Michael Ratchford - absent
Veronica O. Faust

Commissioners from New Jersey

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

* * * * *

11596. APPROVAL OF THE MEETING MINUTES

Commissioner Ransome made a motion to approve meeting minutes for December 19, 2019, seconded by Commissioner Carey and approved by a voice vote of 8-0.

* * * * *

11597. 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 December 2019.

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

* * * * *

11598. DELAWARE RIVER AND BAY AUTHORITY – STATEMENT OF INCOME AND EXPENSE.

The CFO presented charts showing statements of income and expense for December with comparisons to the same period last year.

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

* * * * *

11599. DELAWARE RIVER AND BAY AUTHORITY – OPERATING EXPENSE BY DIVISION.

The CFO presented chart for December 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.

* * * * *

11600. DELAWARE RIVER AND BAY AUTHORITY – CAPITAL IMPROVEMENT PROGRAM.

The CFO presented a chart for the month of December 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.

* * * * *

11601. DELAWARE RIVER AND BAY AUTHORITY – CASH POSITION (MARKET VALUE) FOR DECEMBER 31, 2019.

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.

* * * * *

11602. PUBLIC COMMENT ON ACTION ITEMS

Chairperson Lathem noted (3) Contract Awards, (1) Contract Close-Outs, and (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 comment.

There were no public comments.

* * * * *

11603. AWARD OF CONTRACT #DMB-20-01 – FIRST STRUCTURE – COATING REMOVAL & REPLACEMENT EAST TRUSS SPANS

The Chief Operations Officer (COO) noted that a public bid opening was held on December 31, 2019. The COO and Projects Committee recommended awarding the contract to the lowest responsible bidder, Allied Painting, Inc., of Cherry Hill, New Jersey in the amount of \$10,434,000.00.

A motion to award CONTRACT #DMB-20-01 to the aforementioned firm was made by Commissioner Ransome, seconded by Commissioner McCann, and approved by a voice vote of 8-0.

* * * * *

11604. AWARD OF CONTRACT #DMB-19-06 - JULIA BUILDING SERVER ROOM HVAC IMPROVEMENTS

The Chief Operations Officer (COO) noted that a public bid opening was held on December 5, 2019. The COO and Projects Committee recommended awarding the contract to the lowest responsible bidder, Gaudelli Bros., Inc., of Millville, New Jersey in the amount of \$147,200.00.

A motion to award CONTRACT #DMB-19-06 to the aforementioned firm was made by Commissioner Faust, seconded by Commissioner Carey, and approved by a voice vote of 8-0.

* * * * *

11605. AWARD OF CONTRACT #PA-19-02 – FABRICATION OF REPLACEMENT CAPSTAN

The Chief Operations Officer (COO) noted that a public bid opening was held on January 3, 2020. The COO and Projects Committee recommended awarding the contract to the lowest responsible bidder, BDI of Newark, Delaware in the amount of \$127,573.71.

A motion to award CONTRACT #PA-19-02 to the aforementioned firm was made by Commissioner McCann, seconded by Commissioner Ransome, and approved by a voice vote of 8-0.

* * * * *

11606. CLOSE-OUT CONTRACT #DMB-13-04 – DECK REPAIRS

Contract #DMB-13-04 – DECK REPAIRS was awarded to Mumford & Miller Concrete, Inc. of Middletown, Delaware.

It is recommended that the Authority accept this project and make the final payment to the contractor. The final cost of this project is \$3,239,979.96.

A motion to Close-Out Contract #DMB-13-04 was made by Commissioner Ransome, seconded by Commissioner Smith and approved by a voice vote of 8-0.

* * * * *

11607. CHAIRPERSON’S CALL FOR RESOLUTIONS BEFORE THE BOARD

RESOLUTION 20-01 - AUTHORIZING AUTHORITY EXPENDITURES PURSUANT TO RESOLUTION 01-84 FOR THE PERIOD, JANUARY 1, 2020 THROUGH DECEMBER 31, 2020

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 1/1/20 THROUGH 12/31/20

VENDOR	PURCHASE DESCRIPTION	CLASSIFICATION	ESTIMATED \$
UniFirst Corporation	New and Replacement Employee Uniforms	Cooperative Contract	\$45,000

A motion to approve Resolution 20-01 was made by Commissioner Ford, seconded by Commissioner Smith and approved by a roll call vote of 8-0.

Resolution 20-01 Executive Summary Sheet

Resolution: Authorizing Authority Expenditures Pursuant to Resolution 01-84 for the period January 1, 2020 through December 31, 2020.

Committee: Budget & Finance

Committee and Board Date: January 22, 2020

Purpose of Resolution:

Authorizes expenditures of \$25,000 or greater with the identified vendors during the 2020 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:

UniFirst Corporation: New and Replacement Employee Uniforms

The Authority purchases quality embroidered and logo-imprinted work uniforms for use by Maintenance, Electronics and Engineering Department personnel. The variety of uniforms that the Authority requires throughout the year will be purchased via UniFirst's competitively-bid cooperative contract (*Sourcewell #062415-UFC: Uniforms and Uniform-Related Products and Services*).

Classification Definitions:

Cooperative 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 publicly-bid contract price for state and governmental entities. In accordance with Resolution 11-36, this purchase classification includes those "...purchases from cooperatives and/or the piggy-backing of existing

publicly-bid contracts for state and governmental entities which State of Delaware or New Jersey may or may not individually publicly advertise”.

* * * * *

RESOLUTION 20-02 – AUTHORIZING AMENDMENT TO THE PERSONNEL MANUAL- OVERTIME PROVISION TO INCLUDE HOLIDAY HOURS AS HOURS WORKED TOWARD OVERTIME

WHEREAS, the Delaware River and Bay Authority (the “Authority”) Personnel Manual (the “Manual”), amended and adopted in March 1994, with numerous revisions since 1994, sets forth policies, procedures and benefits associated with Authority employment; and

WHEREAS, as stated in the Manual in Section VII. Overtime Compensation, provides for “All employees in positions paid on an hourly basis and employees classified under the Fair Labor Standards Act as “non-exempt” salaried employees are paid one and one-half (1½) times the employee’s regular hourly rate for hours worked in excess of forty (40) hours per workweek or are granted one and one-half hours off for each one (1) hour worked after forty (40) hours per workweek. For purposes of computing overtime pay, the “regular rate” paid to non-exempt salaried employees is their weekly salary divided by the number of hours in the standard workweek.”

“For the purposes of computing overtime pay, HOURS WORKED shall exclude the following types of paid leave (non-working time): sick leave, personal leave, holidays, compensatory time, or any other paid leave. Pre-approved annual leave shall be included in the calculation of hours worked;” and

WHEREAS, for represented non-exempt, permanent full-time employees, the Collective Bargaining Agreements contain language that allows for holiday hours to be included as hours worked for the purpose of computing overtime if the employee does not work on the holiday; and

WHEREAS, for non-represented non-exempt, permanent full-time employees, the Executive Director is revising the “HOURS WORKED” provision to allow holiday hours to be included as hours worked for the purpose of computing overtime pay if the employee does not work the holiday to bring parity between represented and non-represented employees; and

WHEREAS, effective February 1, 2020, and forward, HOURS WORKED for the purpose of computing overtime pay for all permanent, full-time non-exempt employees shall include the following paid leave (non-working) time: pre-approved annual leave and holiday hours; and

WHEREAS, the Personnel Committee of the Authority’s Board of Commissioners has reviewed the proposed changes and recommends approval thereof to the Commissioners; and

WHEREAS, Section VII., of the Personnel Manual will be revised in its entirety to read as follows:

Overtime Compensation; All employees in positions paid on an hourly basis and employees classified under the Fair Labor Standards Act as “non-exempt” salaried employees are paid one and one-half (1½) times the employee's regular hourly rate for hours worked in excess of forty (40) hours per workweek or are granted one and one-half (1½) hours off for each one (1) hour worked after forty (40) hours per workweek. For purposes of computing overtime pay, the “regular rate” paid to non-exempt salaried employees is their weekly salary divided by the number of hours in the standard workweek.

For the purposes of computing overtime pay, HOURS WORKED shall exclude the following types of paid leave (non-working time): sick leave, personal leave, compensatory time, or any other paid leave. Preapproved annual leave and holiday hours shall be included in the calculation of hours worked. When the employee works on a holiday, the hours worked on the holiday are included as hours worked and the holiday hours do not. Where the Authority offers the employees the option of receiving one and one-half (1½) hours off for each one (1) hour worked after forty (40) hours per workweek, in lieu of overtime pay, it is at the employee’s option.

NOW, THEREFORE, BE IT RESOLVED that the Delaware River and Bay Authority hereby authorizes the addition of holiday hours to be included in the calculation of hours worked for the purposes of computing overtime.

A motion to approve Resolution 20-02 was made by Commissioner Ransome, seconded by Commissioner Smith and approved by a roll call vote of 8-0.

Resolution 20-02 – Executive Summary Sheet

Resolution: AUTHORIZING AMENDMENT TO THE PERSONNEL MANUAL- OVERTIME PROVISION TO INCLUDE HOLIDAY HOURS AS HOURS WORKED TOWARD OVERTIME

Committee: Personnel Committee

Committee Date: January 21, 2020

Board Date: January 21, 2020

Purpose of Resolution: To amend the definition of hours worked for the purposes of computing overtime to include holiday hours for non-represented, non-exempt, permanent full-time employees

Background for Resolution:

Currently, for full-time non-bargaining unit, non-exempt employees, for the purposes of computing overtime, hours worked does not include holiday hours.

Extra hours worked during a holiday week would be paid as straight time as the holiday hours the employee received during the week are not included as time worked toward overtime.

All three (3) Collective Bargaining Agreements have language that allow for holiday hours to count as hours worked if the employee does not work on the holiday. If the employee works on the holiday, the hours worked count and the holiday hours do not count.

An inequity exists between bargaining unit and non-bargaining unit employees in this area and this creates a disincentive to work extra hours during a holiday week. Previously, the Authority has demonstrated its intent to maintain equity among bargaining unit and non-bargaining unit employees.

* * * * *

11608. EXECUTIVE DIRECTOR’S COMMENTS

The Executive Director reported on events in and around the Authority as follows:

The Executive Director reported on Commissioner Faust and Commissioner Ford’s participation and recognition of Warren Golde at the dedication of the Gateway Garden.

The Executive Director reported on Commissioner Ford, Commissioner Decker and Commissioner Ratchford’s visit to the shipyard. It is an experience seeing the vessel out of the water and the work being done. The vessel went to the yard around November 13, 2019 and hope to have the vessel back the end of March. Contractors work on the vessel, but our employees monitor the work and they do an excellent job. Very lucky to have the employees we have to monitor this process.

The Executive Director thanked the senior management. Credit to Craig and authorities units in Delaware and New Jersey in helping with the toll increase. Noting that it is the departments behind the scenes and their leadership make things happen.

2019 Facts

- (56) – Traffic Days of 60,000+ vehicles
- (31) – Traffic Days of 65,000+ vehicles
- (8) – Traffic Days of 70,000+ vehicles

Upcoming Events:

- Commission Meeting, Wednesday, February 19, 2020 - 9:00 am James Julian Board Room

* * * * *

11609. COMMISSIONERS PUBLIC FORUM

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

Commissioner Ford discussed employees at the shipyard really take ownership and their dedication is amazing. The employees asked for continued support and opportunities for tours at the shipyard are always welcome.

Commissioner Ransome thanked the Board and the Executive Director for the Resolution honoring Reverend Doran. The Resolution with be executed at the Calvary Community Development Event on February 22, 2020.

Chairperson Lathem thanked Mr. Gehrke and his staff for making food service profitable.

There were no public comments.

There being no further business, Chairperson Lathem adjourned the meeting at 11:25 a.m.

Respectfully submitted,

THE DELAWARE RIVER AND BAY AUTHORITY

Stephen D. Williams
Assistant Secretary