

**MINUTES OF MEETING
THE DELAWARE RIVER AND BAY AUTHORITY
James Julian Board Room
New Castle, Delaware
Wednesday, February 20, 2019**

Prior to the start of the meeting, Commissioner Lowe was given the Oath of Allegiance as the Chairperson of the Board of the Commissioners by Executive Director Thomas Cook.

Prior to the start of the meeting, Commissioner Hogan was given the Oath of Allegiance as the Vice-Chairperson of the Board of the Commissioners by Executive Director Thomas Cook.

The meeting convened at 10:00 a.m. with Chairperson Lowe presiding.

Chairperson Lowe called upon Commissioner Lathem to give the opening prayer.
The opening prayer was given by Commissioner Lathem, followed by the Pledge of Allegiance.

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.

Commissioners from Delaware

William E. Lowe, Chairperson
Crystal L. Carey – telephone
Henry J. Decker – telephone
James L. Ford III – absent
Samuel E. Lathem
Michael Ratchford

Commissioners from New Jersey

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

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Chairperson Lowe called for the acceptance of the Agenda

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

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11472. APPROVAL OF THE JANUARY 15, 2019 MINUTES

Commissioner Lathem made a motion to approve the January 2019 meeting minutes, seconded by Commissioner Ratchford and approved by a voice vote of 11-0.

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11473. 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 January 2019.

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

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11474. 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 January 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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11475. DELAWARE RIVER AND BAY AUTHORITY – OPERATING EXPENSE BY DIVISION.

The CFO presented a chart for January 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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11476. DELAWARE RIVER AND BAY AUTHORITY – CAPITAL IMPROVEMENT PROGRAM.

The CFO presented a chart for the month of January 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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11477. DELAWARE RIVER AND BAY AUTHORITY – CASH POSITION (MARKET VALUE) AS OF JANUARY 31, 2019.

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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11478. PUBLIC COMMENT ON ACTION ITEMS

Chairperson Lowe noted that there are No Contract Awards, No Contract Close-Out, and (7) 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.

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RESOLUTION 19-01 - ADOPTS A REVISED TOLL SCHEDULE FOR THE DELAWARE MEMORIAL BRIDGE

WHEREAS, The Delaware River and Bay Authority (the "Authority") has evaluated scenarios, alternatives and projections of future revenues and toll requirements of the Authority for the period 2019 through 2023; and

WHEREAS, future revenues based upon present toll schedules will be insufficient to fulfill Authority obligations to maintain, upgrade, and expand its facilities to provide safe and efficient transportation in and between the states of Delaware and New Jersey; and

WHEREAS, the toll schedule attached hereto as Attachment A has been proposed for the Delaware Memorial Bridge (the “DMB”); and

WHEREAS, the Authority has concluded that the revised toll schedule attached hereto is necessary to meet the financial needs of the Authority and specifically to generate revenue sufficient to support debt related activities and cash to finance future capital improvements; and

WHEREAS, the Authority has not increased the toll rates at the DMB since 2011, and having evaluated comparable rates offered along the I-95 Northeast Corridor has concluded that it is reasonable and appropriate to adjust the commercial, non-commercial and discount rates currently offered at the DMB; and

WHEREAS, the Authority has concluded that electronic tolling saves customer’s time, reduces auto emissions, and enhances vehicular fuel efficiency, and therefore desires to establish policy which promote E-ZPass market share in a fiscally responsible manner; and

WHEREAS, the Authority has further concluded that the revised toll schedules are fair to bridge users and are in the public interest; and

WHEREAS, based on the foregoing, the Authority has concluded that the revised toll schedules are reasonable and just, and are necessary, proper, and desirable.

NOW, THEREFORE, BE IT RESOLVED, that the revised toll schedule attached hereto, be approved and placed into operation effective May 1, 2019, with respect to DMB tolls; and

**DELAWARE RIVER AND BAY AUTHORITY
DELAWARE MEMORIAL BRIDGE
TOLL RATE SCHEDULE**

	N0. OF AXLES	UNIT COST
PASSENGER CARS (ALL TYPES)	2	\$5.00
Including:		
All Four Tire and less Types (excludes Oversize Tires):		
SUV, Vans, Pickups & Motorcycles		
PASSENGER CARS (E-ZPASS¹)	2	\$4.75
Including:		
All Four Tire and less Types (excludes Oversize Tires):		
SUV, Vans, Pickups & Motorcycles		
COMMUTATION DISCOUNT	2	\$1.25
\$27.50 for 22 trips, valid for 30 days		
Issued only to Passenger Cars (All Types)		
FREQUENT TRAVELER DISCOUNT	2	\$1.75

¹ Available to NJ E-ZPass and Delaware E-ZPass service center account holders only.

\$35.00 for 20 trips, valid for 90 days
 Issued only to Passenger Cars (All Types)

PASSENGER CAR WITH ONE AXLE TRAILER

(excludes Dual & Oversize tires in tandem).....3 \$7.50

PASSENGER CAR WITH TWO AXLE TRAILER

(excludes Dual & Oversize tires in tandem).....4 10.00

PASSENGER CAR WITH THREE AXLE TRAILER

(Excludes Dual & Oversize tires in tandem).....5 \$12.50

TWO AXLE TRUCKS.....2

\$12.00

Including:
 All Six and Oversize Tire Types,
 Buses & Tractors

**THREE AXLES TRUCKS OR
 COMBINATION**

3

\$21.00

Including:
 Tractors of Combination Tractor & Trailer
 Buses (All Three Axle Types)

**FOUR AXLE TRUCKS OR
 COMBINATION**

4

\$28.00

Including:
 Tractor or Combination Tractor & Trailer

**FIVE AXLE TRUCKS OR
 COMBINATION**

5

\$35.00

Any combination of axles amounting
 to five axles

SIX AXLE TRUCKS OR COMBINATION

6

\$42.00

Any combination of axles amounting to
 six axles

SPECIAL PERMIT

N/A

\$85.00

Any over width vehicle

SPECIALS.....per axle

\$7.00

Any combination of axles over
 six axles

NOW, THEREFORE BE IT FURTHER RESOLVED, that the revised Frequent Traveler Discount shall be adjusted to \$2.25 per unit cost and placed into operation effective January 1, 2021:

FREQUENT TRAVELER DISCOUNT

2

\$2.25

Effective January 1, 2021

\$45.00 for 20 trips, valid for 90 days
 Issued to Passenger Cars (All Types)

A motion to approve Resolution 19-01 was made by Commissioner Ransome, seconded by Commissioner Ratchford.

Chairperson Lowe called for any comments, regarding Resolution 19-01. Commissioner Bennett expressed his concern that the toll increase is moving forward but the funds are being micro-managed at the expense of Cape May Lewes Ferry. The Cape May Lewes Ferry is a strong economic engine for Cape May County and supplies hundreds of jobs. Commissioner McCann shared Commissioner Bennett's concerns but will be voting yes. Commissioner Ransome recognizes issues for Cape May Lewes Ferry, but the best decision for the DRBA is to move forward. Commissioner Smith supports the Cape May Commissioners and shares concerns about the Ferry, but for safety reasons will proceed with a yes vote. Commissioner Wilson also shares Commissioner Bennett's concerns and will be voting No. Commissioner Decker noted that he shared Commissioner Bennett's concerns and he reluctantly will be voting yes.

A roll call vote was taken and Resolution 19-01 was approved by a vote of 9-2. There were 5 Yes votes from the Delaware Commissioners (Chairperson Lowe, Commissioner Carey, Commissioner Decker, Commissioner Ratchford, Commissioner Lathem) and 4 Yes votes from the New Jersey Commissioners (Vice-Chairperson Hogan, Commissioner Smith, Commissioner Ransome and Commissioner McCann) and 2 No votes from New Jersey Commissioners (Commissioner Bennett and Commissioner Wilson).

Resolution 19-01 Executive Summary Sheet

Resolution: Resolution 19-01 adopts a revised toll schedule for the Delaware Memorial Bridge

Committee Date: February 20, 2019

Board Date: February 20, 2019

Purpose of Resolution:

Establishes revised tolling rates at the DMB in anticipation of generating sufficient revenues, debt service coverages and cash to finance capital improvements from 2019-2023.

Background for Resolution:

The DRBA last adjusted toll rates at the DMB on July 1, 2011. The Authority in consideration of its public purposes, including but not limited to, the need to finance the ongoing maintenance, repair and replacement of its facilities and assets for the continued safe and efficient needs of the traveling public, evaluated rates charged by other similar facilities on the travel corridor, considered the feedback offered during public hearings and comment, contemplated scenarios, alternatives and forecasted in establishing rates and practices determined to be reasonable and in the best interest of the traveling public and the regions served by the Authority.

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RESOLUTION 19-02 - AUTHORIZING AUTHORITY EXPENDITURES PURSUANT TO RESOLUTION 01-84 FOR THE PERIOD, JANUARY 1, 2019 THROUGH DECEMBER 31, 2019

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 1/1/19 THROUGH 12/31/19

VENDOR	PURCHASE DESCRIPTION	CLASSIFICATION	ESTIMATED \$
Steimling & Son, Inc.	Reconditioning of M/V Cape Henlopen Main Shafts, Rudders, Bearings and Sleeves	Sole Source	\$37,000
UniFirst Corporation	New and Replacement Uniforms	Quotes	\$49,000
US Foods, Inc.	Food and Food Service Equipment for CMLF	Committee Waiver	\$69,000

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 19-02 was made by Commissioner Ratchford, seconded by Commissioner McCann, and approved by a roll call vote of 11-0.

Resolution 19-02 Executive Summary Sheet

Resolution: Authorizing Authority Expenditures Pursuant to Resolution 01-84 for the period January 1, 2019 through December 31, 2019.

Committee: Budget & Finance

Committee: February 20, 2019

Board Date: February 20, 2019

Purpose of Resolution:

Authorizes expenditures of \$25,000 or greater with the identified vendors during the 2019 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:

Steimling & Son, Inc.: Reconditioning of M/V Cape Henlopen Main Shafts, Rudders, Bearings and Sleeves

Steimling & Son is the only machine shop in the local area with the experience to work on propeller shafts of the size and vintage of M/V Cape Henlopen. The Authority intends to have the items serviced in advance to ensure they are ready during the shipyard visit.

UniFirst Corporation: New and Replacement Uniforms

The Authority purchases quality embroidered and logo-imprinted work uniforms on behalf of Maintenance and Engineering Department personnel. The Authority solicited quotes from four (4) uniform vendors, including a certified WBE. UniFirst submitted the lowest quote for the variety of clothing items that the Authority will purchase throughout the year.

US Foods, Inc.: Food and Food Service Equipment for CMLF

The Authority purchases quality food products from US Foods, Inc. to prepare and resell to the public at the Cape May-Lewes Ferry terminals and vessels. US Foods, Inc. is no longer party to a state contract, thus in order to continue uninterrupted Ferry food service operations in 2019, the Authority formally requests a waiver of the purchasing threshold of Resolution 98-31 while it subsequently works toward achieving a new contract with a food distributor.

Purchase Classification Definitions:

Committee Waiver. *“The Budget and Finance Committee, in consideration of the overall procurement process, operational needs and issues, the need for uniformity and continuity in materiel and services required by the Authority, the unique and special needs of the Authority....may increase or waive the thresholds established in paragraphs 1 and 2 [of Resolution 98-31]”. (DRBA Resolution 98-31 Part 3).*

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).

Sole Source. A purchase made without a competitive process, based on the justification that only one known source exists or that only one single supplier can fulfill the requirements of the Authority. Sole source procurement is appropriate when the goods or services being acquired: are uniquely qualified to meet the objectives of the Authority; must be compatible with existing equipment; are available within a limited geographic boundary (e.g., distributor with exclusive rights or sales area); are required for use in conjunction with a grant or contract, etc. *“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 one source for the required contract and no other reasonable alternative sources exist that will satisfy the requirements of the Authority”.* (DRBA Resolution 98-31 Part 2.f.)

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RESOLUTION 19-03 - ADOPTION OF A REVISED FARE SCHEDULE FOR THE CAPE MAY-LEWES FERRY TO INCREASE VEHICLE FARES, DECREASE PASSENGER FARES, AND TO INTRODUCE OTHER FARES SUCH AS: A “BLUE & RED” DISCOUNT FARE FOR FIRST RESPONDERS

WHEREAS, The Delaware River and Bay Authority (the “Authority”), is a bi-state agency created by Compact for the purpose of operating crossing facilities between the States of Delaware and New Jersey; and

WHEREAS, the Authority owns and operates the Cape May-Lewes Ferry, which connects Cape May, New Jersey, and Lewes, Delaware; and

WHEREAS, the Authority wishes to be responsive to customer requests from the first responders as a segment of its passenger ridership; and

WHEREAS, revisions to the fare schedule include raising the vehicle fares by \$1 in-season; and also decreasing passenger fares by eliminating the fares for children ages 6 to 13 off-season; and

WHEREAS, further revisions to the fare schedule will shift June fares to the “High Season” portion of the fare card in response to customer demand, two-wheel motorcycle fares will be held constant, and a three-wheel motorcycle fare will be established at an additional \$1 over the two-wheel motorcycle fare; and

WHEREAS the new fare schedule will introduce for a trial period of one year a \$2 “Blue & Red” discount for passengers who identify themselves as first responders. After one-year this will be evaluated for possible permanent implementation; and

WHEREAS, the revised fare schedule does not include any increases to the current passenger and shuttle fares; and

WHEREAS, the potential reduced revenue from the proposed discounted fares will be more than offset by the projected increased revenue from modest increase in vehicle and driver fares; and

WHEREAS, the Authority has concluded that the revised fare schedule is responsive to the public’s concerns, and yet acts to meet the financial requirements of the Authority; and

WHEREAS, based on the foregoing, the Authority has concluded that the revised fare schedule is just and reasonable, necessary, proper and desirable; and

WHEREAS, the Authority desires to amend the fare schedule with an effective date of April 1, 2019.

NOW, THEREFORE, BE IT RESOLVED, that the revised fare schedule for the Cape May-Lewes Ferry, attached hereto, is hereby adopted with an effective date of April 1, 2019.

Cape May-Lewes Ferry Fares				
(All Fares are One-Way Unless Noted)	Effective April 1, 2019			
			HIGH SEASON	
	<u>NOV-MAR</u>	<u>APR-OCT</u>	<u>JUN – AUG</u>	<u>PEAK*</u>
<u>VEHICLE (Including Driver)</u>			(Mon. – Thu.)	
Car, SUV, Van, Pick-up Truck (vehicles less than 20’ length)	\$28.00	\$40.00	\$45.00	\$48.00
Return-Trip Value Fare	\$23.00	\$33.00	\$38.00	
Motorcycle or Motorbike	\$24.00	\$34.00	\$39.00	\$39.00
3-Wheel Motorbike	\$25.00	\$35.00	\$40.00	\$40.00
Return-trip Value Fare	\$19.00	\$28.00	\$33.00	
Discount Book of Six (6) Tickets (all vehicles less than 20’ length)	\$153	\$153	\$153	\$153
Discount Book of Six (6) Tickets (Commercial vehicles)		15% off scheduled fare		
Discount Book of Twelve (12) Tickets (all vehicles less than 20’ length)	\$288	\$288	\$288	\$288
(Memorial Day to Labor Day: not valid Sat, Sun, or Holidays between 9 a.m. and 5 p.m.)				
<u>VEHICLE & FOOT PASSENGERS</u>				

Under 6 years of age	FREE	FREE	FREE	FREE
Children, age 6-13	FREE	\$5.00	\$5.00	\$5.00
Return-Trip Value Fare		\$4.00	\$4.00	\$4.00
Adults (14 – 61 years)	\$8.00	\$10.00	\$10.00	\$10.00
Return-Trip Value Fare	\$6.00	\$8.00	\$8.00	\$8.00
Discount Book of Six (6) Adult Tickets	\$45.00	\$45.00	\$45.00	\$45.00
Season Pass for Passengers	\$150.00	\$150.00	\$150.00	\$150.00
Seniors (62+ years)	\$6.00	\$8.00	\$8.00	\$8.00
Return-Trip Value Fare	\$5.00	\$6.00	\$6.00	\$6.00
Military	\$6.00	\$8.00	\$8.00	\$8.00
Return-Trip Value Fare	\$5.00	\$6.00	\$6.00	\$6.00
Blue & Red (First Responders) 1 YEAR TRIAL	\$6.00	\$8.00	\$8.00	\$8.00
Return-Trip Value Fare	\$5.00	\$6.00	\$6.00	\$6.00
*NOTE: Return-Trip Value Fares must be purchased with initial Sailing				
<u>BUS PASSENGERS</u>				
Under 6 years of age	FREE	FREE	FREE	FREE
Children, age 6-13	\$2.00	\$3.00	\$3.00	\$3.00
14 Years of age and older	\$3.00	\$5.00	\$5.00	\$5.00
<u>FERRY TERMINAL SHUTTLE FARES</u>				
Under 6 years of age	FREE	FREE	FREE	FREE
6 Years of age and older	\$4.00	\$4.00	\$4.00	\$4.00
<u>OTHER DISCOUNTS & FEES</u>				
Non-Refundable Reservation Cancellation Fee	\$5.00	\$5.00	\$5.00	\$5.00
<u>OTHER VEHICLES & DRIVER</u>				
20' to under 25'	\$32.00	\$44.00	\$50.00	\$53.00
Return-Trip Value Fare	\$28.00	\$40.00	\$46.00	
25' to under 35'	\$41.00	\$53.00	\$58.00	\$64.00
Return-Trip Value Fare	\$38.00	\$49.00	\$54.00	

35' to under 45'	\$48.00	\$60.00	\$65.00	\$72.00
Return-Trip Value Fare	\$44.00	\$56.00	\$61.00	
45' to under 60'	\$60.00	\$73.00	\$78.00	\$88.00
Return-Trip Value Fare	\$56.00	\$69.00	\$74.00	
More than 60'	\$83.00	\$96.00	\$101.00	\$116.00
Return-Trip Value Fare	\$79.00	\$92.00	\$97.00	

***PEAK FARES:** Memorial Day to Labor Day – Fri, Sat, Sun, & Holidays

TICKET EXPIRATION: Tickets expire two years after purchase date except for Season Passes, which expire December 31st of the year purchased.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the form of ticket used to notify customers of the terms of passage, including disclaimers, limitation periods and venue provision, as authorized by Resolution 09-05 and attached as Exhibit A are hereby affirmed and continued.

EXHIBIT A



1. No suit, action or proceeding against DRBA or its parent, subsidiaries affiliates or contractors, or against the vessels, agents, crew or employees of any of the foregoing entities shall be maintainable for loss of life or bodily injury to any passenger unless (a) written notice of claim shall be delivered to the DRBA within six months from the day when the loss of life or bodily injury occurred, and (b) such notice having been given, the suit, action or proceeding is commenced within one year from the day when the loss of life or bodily injury occurred.
2. (a) It is agreed by and between the passenger(s) and DRBA that any and all disputes and matters whatsoever, which arises under, in connection with or incident to this ticket or the voyage shall be litigated, if at all, in and before a court of competent jurisdiction located in New Jersey to the exclusion of the courts of any other (city, county) state or county. (b) The terms and conditions of this ticket applies to claims, suits and litigation of any kind whether against DRBA “in personam” or the vessel “in rem” or otherwise.

A motion to approve Resolution 19-03 was made by Commissioner Bennett, seconded by Commissioner Ratchford. Commissioner Lathem asked about the discount confirming the final decision, regarding the military discount. Mr. Heath Gehrke confirmed anyone with an identification card that identifies them as military or Veteran is currently receiving the military discount and that practice will continue. Resolution 19-03 was approved by a roll call vote of 11-0.

Resolution 19-03 Executive Summary Sheet

Resolution: Adoption of a revised fare schedule for the Cape May-Lewes Ferry to increase vehicle fares, reduce passenger fares, and to introduce other fares such as: a “Blue and Red” discount fare for first responders, and a 3-wheel motorbike fare.

Committee: Budget & Finance Committee

Committee Date: February 20, 2019

Board Date: February 20, 2019

Purpose of Resolution:

To authorize a revised fare schedule for the Cape May-Lewes Ferry effective April 1, 2019

Background for Resolution:

A revised fare schedule is proposed to increase vehicle fares by \$1 in season, eliminate fares for children ages 6 – 13 in the off-season, and shift June fares to the “high season” portion of the fare card. The resolution also implements a fare for 3-wheel motorbikes that is \$1 higher than the fare for the 2-wheel motorbikes, and a “Blue & Red” discount fare for first responders for a one-year trial period. After this trial period, the Blue & Red discount fare will be evaluated for permanent implementation.

The proposed fare schedule changes include:

- A \$1 increase to in-season vehicle fares.
- Elimination of fares for children ages 6 – 13 in the off-season.
- Shifting of June fares to the “high season” portion of the fare card.
- Implementation of a 3-wheel motorbike fare that is \$1 more than the 2-wheel motorbike fare.
- No increases will be applied to any passenger and shuttle fares.
- This proposed fare schedule is projected to generate approximately \$135,000 with no traffic growth or decline, and is intended to be partially offset by anticipated promotional discounts.
- Above changes will be effective on April 1, 2019.

The Board last reviewed terms of passage in 2009. Those terms of passage have been recently reviewed and are hereby affirmed without modifications.

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RESOLUTION 19-04 - AMEND THE GROUND LEASE BETWEEN THE COUNTY OF NEW CASTLE AND THE DELAWARE RIVER & BAY AUTHORITY RELATING TO THE NEW CASTLE AIRPORT

WHEREAS, The Delaware River and Bay Authority (the "Authority") is the operator of the New Castle Airport ("Airport") pursuant to that certain Ground Lease, dated June 30, 1995, between the County of New Castle (the "County") and the Authority, a Memorandum of which was recorded in the Office of the Recorder of Deeds in and for New Castle County to give notice of the existence of the Lease (the "Ground Lease"); and

WHEREAS, Parcel 6 in Exhibit A of the Ground Lease with the County contains a stormwater pond and is approximately .77 acres; and

WHEREAS, Parcel 6 is located between the two county operated buildings in corporate commons and utilized by County employees daily; and

WHEREAS, the stormwater pond serves no purpose or benefit to the airport; and

WHEREAS, the County would like to retain the responsibility for the pond and make repairs and improvements to the pond; and

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of the Amendment to the Ground Lease and, with the advice and consent of counsel, to have such amendment executed by the Chairperson, Vice Chairperson, and the Executive Director.

A motion to approve Resolution 19-04 was made by Commissioner Ratchford, seconded by Commissioner Ransome, and approved by a roll call vote of 11-0.

Resolution 19-04 Executive Summary Sheet

Resolution: Authorizing the Executive Director to execute a Lease Amendment to the Ground Lease with the New Castle County

Committee: Economic Development

Committee Date: February 20, 2019

Board Date: February 20, 2019

Purpose and Background for Resolution:

The DRBA entered into a ground lease agreement with New Castle County in June of 1995. A portion of the property included in the ground lease with the County contains a stormwater pond and a small strip of land that is located between the

County's two office buildings located in corporate commons. Over the years the parcel has been utilized by county employees as a short cut between the two buildings. The County would like to retain control of the parcel to make improvements and repairs to the pond and the pathway. The property serves no purpose or benefit to the airport.

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RESOLUTION 19-05 – ADOPTS REVISIONS TO THE DELAWARE RIVER AND BAY POLICE DEPARTMENT'S RULES AND REGULATIONS MANUAL.

WHEREAS, the Delaware River and Bay Authority Police Department operates as a quasi-military organization; and

WHEREAS, sworn police officers are held to high professional standards; and

WHEREAS, sworn police officers serve as highly visible representatives of government and are subject to close public scrutiny; and

WHEREAS, certain professional standards and procedures exist within the police profession with respect to investigating and disciplining police officers accused of misconduct; and

WHEREAS, the Police Department is governed by a Rules and Regulations Manual adopted by the Commissioners of the Delaware River and Bay Authority on December 20, 1994 and adopted Resolution #99-2 that revised the Manual on January 19, 1999 to meet professional standards for investigating and disciplining officers accused of misconduct; and

WHEREAS, a recent review of the Police Department's Rules and Regulations Manual through the CALEA recertification process identified the need to revise the Manual to include all updated procedures consistent with the administration of the Police Department; and

WHEREAS, the Chief Human Resources Officer has presented the Police Department's Rules and Regulations Manual's significant changes (Exhibit A) to the Personnel Committee of the Authority's Board of Commissioners for review; and

WHEREAS, the Personnel Committee of the Authority's Board of Commissioners recommends the acceptance of these revisions to the Police Department's Rules and Regulations Manual in its entirety; and

WHEREAS, the Personnel Committee of the Authority's Board of Commissioners and the full Board of Commissioners do not feel it necessary to approve by resolution any future revisions to the Authority's Police Department's Rules and Regulations Manual as previously required and in place since 1994; and

NOW, THEREFORE, BE IT RESOLVED that the Delaware River and Bay Authority hereby amends the Police Department's Rules and Regulations Manual as approved by the Personnel Committee and incorporates without limitations the provisions as set forth in Exhibit A and be replaced in its entirety with the revised formatted version and hereby authorizes the Executive Director of the Authority to have this distributed within the Authority's Police Department.

AND BE IT FURTHER RESOLVED that it is the recommendation of the Personnel Committee of the Authority's Board of Commissioners that any future revisions to the Authority Police Department's Rules and Regulations Manual, subsequent to the passage of this resolution, shall be presented by the Chief Human Resources Officer to the Personnel Committee of the Authority's Board of Commissioners for their approval, and will not require the approval of the full Board of Commissioners by a resolution.

A motion to approve Resolution 19-05 was made by Commissioner Ransome, seconded by Commissioner Bennett, and approved by a roll call vote of 11-0.

Vice-chairperson Hogan asked Colonel Arroyo if this takes in law enforcement bill of rights act in Delaware. Colonel Arroyo responded yes.

Resolution 19-05 Executive Summary Sheet

Resolution: Adopts Revisions to the Delaware River and Bay Authority Police Department's Rules and Regulations Manual.

Committee: Personnel Committee

Committee Date: February 20, 2019

Board Date: February 20, 2019

Purpose of Resolution: To adopt recommended revisions to the Delaware River and Bay Authority Police Department's Rules and Regulations Manual (significant revisions summary attached) as presented by the Chief Human Resources Officer.

Background for Resolution: The Police Department is governed by a Rules and Regulations Manual adopted by the Commissioners of the Delaware River and Bay Authority on December 20, 1994.

Resolution #99-2 was adopted on January 19, 1999 that revised the original Manual to meet professional standards for investigating and disciplining officers accused of misconduct.

The Rules and Regulations Manual has been updated to incorporate all current and active administrative procedures in compliance with the Policeman's Bill of Rights and the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA), the Gold Standard in Public Safety Accreditation.

The DRBA Police Department was first accredited by CALEA in 1996, and has since maintained its accredited status. The last seven (7) accreditations were met with a 100% compliance rating. All agencies participating in the CALEA process are required to submit an annual report to CALEA and were inspected once every three (3) years to ensure compliance with CALEA standards. The new standard requires an on-site assessment every four (4) years, with comprehensive additional reports submitted annually. The new formatted version of the Authority's Police Department's Rules and Regulations Manual brings the Authority in compliance with the CALEA standards and the Authority's police operations.

The revised Manual also incorporates the revisions to the Authority's anti-harassment policy.

This resolution grants future revisions of the Authority Police Department's Rules and Regulations Manual to be reviewed and approved by the Personnel Committee
Thus eliminating the need for such revisions to be passed by resolution.

Exhibit A



Delaware River and Bay Authority

Significant Revisions to the DRBA Police Department Rules and Regulations Manual

The following are the significant revisions made to the Authority's Police Department Rules and Regulations Manual:

- **RULES & REGULATIONS INTRODUCTION (Replaced Section I) (New)**

These Rules and Regulations are intended for the guidance of members of the Delaware River and Bay Authority Police Department so they may be informed on the operations of their Department, their responsibilities, and Code of Ethics they are expected to observe.

- **GENDER STATEMENT (New)**

Elaborates on words denoting the masculine gender may and, where necessary, shall be construed as denoting the feminine gender unless the context requires otherwise.

- **CALEA CODE OF ETHICS (CALEA) (New)**

Elaborates on fundamental duties of an officer.

- **DELAWARE RIVER AND BAY AUTHORITY POLICE ANTI-HARASSMENT POLICY (Revised)**

Elaborates on the need for appropriate discipline based on the seriousness of the infraction when a member's or employee's conduct and/or job performance is inconsistent with the goals of the Authority.

- **RULES AND REGULATIONS (CALEA) (New)**

Elaborates on members obeying State and Federal Laws, municipal ordinances, Rules, Regulations, Job Performance Standards, Orders, the requirements of the Complaint and Disciplinary Procedures of the Department, rules of the Training Academy while in attendance there, and the Standard Operating Procedures of the Department.

- **SUMMARY DISCIPLINE FOR LESS SERIOUS TRANSGRESSIONS (New)**

Elaborates on instances and incidents that require supervisory attention to necessitate the participation of various ranks of the Department in the disciplinary process.

- **COMPLAINT AND DISCIPLINARY PROCEDURES AND MATRIX (New)**

These guidelines are established to ensure fair and uniform application of discipline. Extenuating circumstances may allow for exceptions to the matrix.

- **DEPARTMENTAL CRASH MATRIX (New)** Elaborates on guidelines listed that are established to ensure fair and uniform application of discipline for all crashes involving Department vehicles where a member is found at fault.

- **PROFESSIONAL STANDARDS PROCEDURES (New)**

This is the procedure when conducting a Professional Standards investigation. It is imperative that these investigations be conducted in accordance with the Policeman's Bill of Rights and the Complaint and Disciplinary Procedures for the Delaware River and Bay Authority Police Department.

- **POLICIES & FORMS INDEX (New)**

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RESOLUTION 19-06 – AUTHORIZES AN AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND S.T. HUDSON ENGINEERS, INC. TO PROVIDE GENERAL ENGINEERING CONSULTING SERVICES FOR CAPE MAY - LEWES FERRY AND FORTS FERRY CROSSING

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 that operates and maintains the Cape May-Lewes Ferry and Forts Ferry Crossing and adjoining terminals, facilities and infrastructure at each of those aforementioned sites; and

WHEREAS, the Authority seeks to engage a qualified consultant who will provide professional “on-call” general engineering consulting (“GEC”) services for Cape May-Lewes and Forts Ferry Crossing facilities; and

WHEREAS, the Authority wishes to enter into a Services Agreement (“Agreement”) with the selected consultant; and

WHEREAS, the Agreement to provide professional “on-call” GEC services for Cape May-Lewes and Delaware City-Salem Ferry facilities shall have a base term of four (4) consecutive years with the Authority granted the option to extend the Agreement for an additional period of one (1) year after the expiration of the base term, such extension period 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 a Request for Proposals (“RFP”) for the required GEC services in compliance with Resolution 98-31, as amended, which governs the procedure for the procurement of professional services; and

WHEREAS, the Authority received and evaluated two (2) proposals pursuant to the aforementioned public advertisement; and

WHEREAS, S.T. Hudson Engineers, Inc. (“S.T. Hudson”) was designated as the highest-ranking firm following evaluation of all proposals; and

WHEREAS, the Authority conducted an analysis of the scope, complexity and cost of the services proposed by S.T. Hudson and negotiated with S.T. Hudson to provide such services at compensation determined to be fair and reasonable; and

WHEREAS, the Projects Committee has reviewed this recommendation and concurs; and

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

A motion to approve Resolution 19-06 was made by Commissioner Bennett, seconded by Commissioner Ransome, and approved by a roll call vote of 11-0.

Resolution 19-06 Executive Summary Sheet

Resolution: Authorizes an agreement between the Authority and S.T. Hudson Engineers, Inc. (“S.T. Hudson”) to provide professional general engineering consulting (“GEC”) services for Cape May - Lewes Ferry and Forts Ferry Crossing.

Committee: Projects

Committee Date: February 20, 2019

Board Date: February 20, 2019

Purpose of Resolution:

To authorize an agreement with S.T. Hudson Engineers, Inc. (“S.T. Hudson”) to provide professional “on-call” general engineering consulting (“GEC”) services for Cape May - Lewes Ferry and Forts Ferry Crossing.

Background for Resolution:

The proposed Resolution meets the requirements of Resolution 98-31, as amended, which governs the procedure for the procurement of professional services.

The Authority received and evaluated proposals submitted by the following two (2) firms:

Brinkerhoff Environmental Services, Inc.
S.T. Hudson Engineers, Inc.

The Authority designated a Selection Committee to evaluate Proposals and recommend the Proposer who best met the described needs of the Authority. The Authority conducted an analysis of the proposed costs for the services and negotiated for the services to be provided at rates determined to be fair and reasonable.

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RESOLUTION 19-07 – REPEALING RESOLUTION 18-52 AND MODIFYING THE DELAWARE RIVER AND BAY AUTHORITY’S 2019 CAPITAL IMPROVEMENT PROGRAM (CIP)

WHEREAS, The Delaware River and Bay Authority (the “Authority”) has developed a 2019 Capital Improvement Program (CIP) for capital improvement projects Authority-wide, in the amount of \$84,810,000.00 in Authority funds and \$19,265,000.00 in external funds, for a total of

\$104,075,000.00; and

WHEREAS, the 2019 CIP as adopted by Resolution 18-52 requires modification in order to properly align the 5-year spending plan with the Authority's projected revenues; and

WHEREAS, the Projects Committee has conducted a publicly advertised meeting on the revised 2019 CIP; and

WHEREAS, the Authority's Projects Committee has reviewed and approved the revised 2019 CIP and recommends its adoption by the Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED, that the Authority hereby repeals Resolution 18-52 and adopts a revised 2019 CIP investment proposal of \$104,075,000.00.

A motion to approve Resolution 19-07 was made by Commissioner Ratchford, seconded by Commissioner Smith.

Vice Chairperson Hogan noted that he did not like doing away with a CIP that was already voted on and approved. He expressed concerns about the specific cuts that were made and the precedent it may set. While fair to the airports, it is extremely unfair to the Cape May Lewes Ferry. While he will support it, it's painful and done reluctantly in the best global interest of the Authority.

Resolution 19-07 was approved by a roll call vote of 11-0.

Resolution 19-07 Executive Summary Sheet

Resolution: Repealing Resolution 18-52 and Modifying the Delaware River and Bay Authority's 2019 Capital Improvement Program (CIP)

Committee: Projects Committee

Committee Date: February 20, 2019

Board Date: February 20, 2019

Purpose of Resolution: To repeal Resolution 18-52 and authorize adoption of a modified Delaware River and Bay Authority 2019 Capital Improvement Program (CIP) investment proposal, in the amount of \$84,810,000.00 in Authority funds and \$19,265,000.00 in external funds, for a total of \$104,075,000.00.

Background for Resolution: The Delaware River and Bay Authority has developed a 2019 Capital Improvement Program (CIP) for capital improvement projects at the Delaware

Memorial Bridge, the Cape May-Lewes Ferry, the Forts Ferry, the New Castle Airport, the Millville Airport, the Cape May Airport, the Delaware Airpark, and the Civil Air Terminal in the amount of \$84,810,000.00 in Authority funds and \$19,265,000.00 in external funds, for a total of \$104,075,000.00.

The implementation of this 2019 Capital Improvement Program (CIP) will provide for the proper maintenance and improvement of the Authority's facilities and assure that the public continues to enjoy safe and efficient transportation services.

The 2019 CIP is accompanied by a Five-Year (2019-2023) Strategic Plan showing projections for four additional years of capital spending. Reexamination of the available Authority funding over the four additional years requires a decrease of \$23.4 Million to the Strategic Plan to properly align revenue and spending. Accordingly, Resolution 18-52 is being repealed and replaced with a revised Capital Improvement Program.

The Projects Committee has conducted a publicly advertised meeting on the revised 2019 CIP, approved the revised 2019 CIP, and recommends its adoption to the Board of Commissioners.

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11479. EXECUTIVE DIRECTOR'S COMMENTS

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

The Executive Director thanked DRBA employees for their generous donations to a food and supply drive for Coast Guard members impacted by the Federal government shut down. Two pick-up truck loads were collected and it was a very moving experience. The Executive Director reported on the success of the dinner prepared and hosted at the Cape May Lewes Ferry terminal to show our appreciation for the Coast Guard families. Over 300 people attended with two seatings where approximately 150 people were served at each seating. He noted that the event was very impressive and thanked Senator Andrzejczak for coming up with the concept and working with us on this event.

The Executive Director reported to the Board on the latest recruit class for the police department. Three new officers, Officer Walker, Officer Hader and Officer Craft were welcomed to the force by Colonel Arroyo and members of his command staff. Officer Hader received awards for academic excellence and physical fitness while at the Academy.

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

Friday, February 22, 2019 – Commissioner Smith is being recognized by Salem County Vo-Tech Foundation Leadership Dinner 5:30 p.m. Davidow Hall at Salem County Community College, Carney's Point, New Jersey.

Commission Meeting – Tuesday, March 19, 2019 – James Julian Board Room.

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11480. COMMISSIONERS PUBLIC FORUM

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

There were no public comments.

Vice Chairperson Hogan recognized Brian Wilton, Director of the NJ Governor's Authorities Unit and Jonathan Atwood, Chief of Staff to Senator Bob Andrzejczak and thanked them for coming to the meeting. Both Mr. Wilton and Mr. Atwood thanked the Board and DRBA Executive Staff for working with them on issues over the past several months and noted they looked forward to continuing the good working relationship.

Commissioner Lathem extended an invitation to the New Jersey representatives, inviting them to the Memorial Day and Veterans Day services held at Veterans Memorial Park each year.

There being no further business, Chairperson Lowe adjourned the meeting at 10:30 a.m.

Respectfully submitted,

THE DELAWARE RIVER AND BAY AUTHORITY

Stephen D. Williams
Assistant Secretary