

MINUTES OF MEETING
THE DELAWARE RIVER AND BAY AUTHORITY
Tuesday, May 16, 2017
James Julian Boardroom
Delaware Memorial Bridge Plaza
New Castle, Delaware 19720

The meeting convened at 9:00 a.m. with Chairperson Hogan presiding.

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.

Vice-Chairperson Lowe administered the Oath of Office to Henry J. Decker of Dover, Delaware. Commissioner Decker is the new Kent County representative to the Board of Commissioners.

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

* * * * *

Commissioners from Delaware

Commissioners from New Jersey

PRESENT

William E. Lowe, Vice-Chairperson
*Crystal L. Carey- arrived at 9:15a.m.
James L. Ford, III
Samuel E. Lathem
Terry C. Murphy- **via phone**
Henry J. Decker

James N. Hogan, Chairperson
James Bennett- **absent**
Douglas Van Sant
Shirley R. Wilson
Ceil Smith
VACANT

Chairperson Hogan announced that Commissioner Decker would be serving on the Audit & Governance, Budget& Finance and Economic Development Committees effective immediately.

Chairperson Hogan called for the acceptance of the Committee Assignments.

Vice-Chairperson Lowe called for a motion to accept the committee assignment, seconded by Commissioner Ford and the motion carried by a voice vote of 9-0.

Vice-Chairperson Lowe called for a motion to recess the meeting to conduct Committee Meetings, seconded by Commissioner Ford and the motion carried by a voice vote of 9-0.

The meeting was recessed at 9:05 a.m.

* * * * *

Vice-Chairperson Lowe called for a motion to reconvene Board Meeting, seconded by Commissioner Smith. The motion carried by a voice vote of 10-0 and the Board Meeting reconvened at 12:25 p.m.

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 for the acceptance of the Agenda.

Commissioner Lathem called for a motion to accept the Agenda, seconded by Commissioner Smith, and the motion carried by a voice vote of 10-0.

* * * * *

11251. APPROVAL OF THE APRIL 18, 2017 MINUTES

Commissioner Wilson called for a motion to approve the April 18, 2017 meeting minutes, seconded by Commissioner Smith, and unanimously approved by a voice vote of 10-0.

* * * * *

11252. 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 2017.

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

* * * * *

11253. DELAWARE RIVER AND BAY AUTHORITY – STATEMENT OF INCOME AND EXPENSE.

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

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

* * * * *

11254. 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.

* * * * *

11255. 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.

* * * * *

11256. DELAWARE RIVER AND BAY AUTHORITY – CASH POSITION (MARKET VALUE) AS OF April 30, 2017.

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.

* * * * *

11257. 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.

* * * * *

11258. PUBLIC COMMENT ON ACTION ITEMS

Chairperson Hogan noted that there is one (1) Contract Close-out, and there are three (3) Resolutions for consideration.

All action items have been reviewed and recommended for consideration during today’s Committee meetings. Chairperson Hogan called for public comment.

There were no public comments.

* * * * *

11259. CLOSE-OUT CONTRACT #CMLF-15-04, ANNUAL MAINTENANCE DREDGING IN CAPE MAY

On January 13, 2017 Contract No. CMLF-15-04, ANNUAL MAINTENANCE DREDGING IN CAPE MAY, was awarded to Barnegat Bay Dredging Company of Harvey Cedars, New Jersey for the bid price of \$793,612.50.

It is recommended that the Authority accept the project and make final payment to the contractor. The final cost of this project is \$802,902.36.

A motion to close-out Contract CMLF-15-04 was made by Vice-Chairperson Lowe, seconded by Commissioner Van Sant, and approved by a voice vote of 10-0.

* * * * *

11260. CHAIRPERSON’S CALL FOR RESOLUTIONS BEFORE THE BOARD

RESOLUTION 17-26 - AUTHORIZING AUTHORITY EXPENDITURES PURSUANT TO RESOLUTION 01-84 FOR THE PERIOD, JANUARY 1, 2017 THROUGH DECEMBER 31, 2017

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 1/1/17 THROUGH 12/31/17

VENDOR	PURCHASE DESCRIPTION	CLASSIFICATION	ESTIMATED \$
County Environmental Company	Asbestos Abatement at DMB Administration Building	Quotes	\$29,000

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 17-26 was made by Commissioner Van Sant, seconded by Commissioner Smith, and approved by a roll call vote of 10-0.

Resolution 17-26 Executive Summary Sheet

Resolution: Authorizing Authority Expenditures Pursuant to Resolution 01-84 for the period January 1, 2017 through December 31, 2017.

Committee: Budget & Finance

Committee and Board Date: May 16, 2017

Purpose of Resolution:

Authorizes expenditures of \$25,000 or greater with the identified vendors during the 2017 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:

County Environmental Company: Asbestos Abatement at DMB Administration Building

The DRBA Maintenance Department has scheduled office renovations at the DMB Administration Building to occur during the summer of 2017. Before this work may

occur, the Authority is obligated to remove any asbestos-containing materials which could be disturbed during renovations. Bids were solicited from the two local (2) licensed asbestos abatement contractors. County Environmental Company was the low bidder and has been hired to perform the work.

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).

* * * * *

RESOLUTION 17-27 – AUTHORIZES A CONTRACT BETWEEN THE AUTHORITY AND BOOMERSHINE CONSULTING GROUP, LLC TO PROVIDE ACTUARIAL VALUATIONS AND CONSULTING SERVICES ASSOCIATED WITH DRBA PENSION FUNDS AND OTHER POST-EMPLOYMENT BENEFITS (“OPEB”).

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 that owns, operates and controls the Delaware Memorial Bridge, Cape May-Lewes Ferry, Forts Ferry Crossing and five (5) regional airports; and

WHEREAS, the Authority desires to engage a professional to provide actuarial valuations and consulting services associated with DRBA pension funds and OPEB, (hereinafter, the “Services”); and

WHEREAS, the Authority desires to enter into a Services Agreement (“Agreement”) with the selected provider of the Services; and

WHEREAS, the base term of the Agreement will begin upon full execution of a contract and continue through the next three (3) full calendar years, with the Authority to have the option to extend the agreement for two (2) additional consecutive full calendar years, such option years 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 and issued a Request for Proposal (“RFP”) for the required 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 four (4) proposals pursuant to the aforementioned RFP; and

WHEREAS, the Authority short-listed two (2) firms and conducted oral interviews with those firms; and

WHEREAS, Boomershine Consulting Group, LLC (“Boomershine”) was designated as the highest-ranking firm following final evaluation by the selection committee; and

WHEREAS, the Authority negotiated for services at compensation determined to be fair and reasonable with Boomershine, and in making such determination, conducted an analysis of the cost of the services in addition to considering the scope and complexity; and

WHEREAS, the Budget & Finance Committee reviewed the recommendation and concurs with the evaluation; and

THEREFORE BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of the Agreement with Boomershine Consulting Group, LLC to provide the Services to the Authority and to have the Agreement, with the advice and consent of Counsel, executed by the Chairperson, Vice-Chairperson and Executive Director.

A motion to approve Resolution 17-27 was made by Commissioner Carey, seconded by Commissioner Smith, and approved by a roll call vote of 10-0.

Resolution 17-27 Executive Summary Sheet

Resolution: Authorizing the Authority to enter into an agreement with Boomershine Consulting Group, LLC to provide actuarial valuations and consulting services associated with DRBA pension funds and other post-employment benefits (“OPEB”).

Committee: Budget & Finance

Committee/

Board Date: May 16, 2017

Purpose of Resolution:

To authorize an agreement with Boomershine Consulting Group, LLC to provide actuarial valuations and consulting services associated with DRBA pension funds and other post-employment benefits (“OPEB”).

Background for Resolution:

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

The Authority received and evaluated proposals submitted by the following four (4) firms, and short-listed* two (2) of those firms:

AON
Bolton Partners*
Boomershine Consulting Group, LLC*
Nyhart

The Authority conducted interviews with each short-listed firms and utilized final evaluation criteria to establish a ranked list, with Boomershine Consulting Group being identified as the top-ranked firm following the interview. The Authority requested and received the cost proposal, conducted an analysis of the market to analyze the costs for the Services and negotiated with Boomershine Consulting Group, LLC to provide such Services at compensation determined to be fair and reasonable.

* * * * *

**RESOLUTION 17-28 – AUTHORIZING THE PURCHASE OF LAND AT
DELAWARE AIRPARK, CHESWOLD, DE.**

WHEREAS, the Delaware River and Bay Authority (the “Authority”), is the operator of the Delaware Airpark (“Airport”), Cheswold, Delaware; and

WHEREAS, the Authority’s Federal Aviation Administration (FAA) approved Airport Layout Plan recognizes the importance of safety improvements/enhancements to the continued health and economic development of the Airport; and

WHEREAS, in recognition of this fact, the Authority under the guidance of FAA has agreed to acquire property owned by William Mosley which currently contain multiple obstructions to the approach to the Airport; and

WHEREAS, William Mosley desires to sell and the Authority desires to purchase approximately 6.5 acres of land located adjacent to the Airport and the airfields taxiways and runways; and

WHEREAS, the Authority and William Mosley have negotiated an arm’s length transaction in good faith to purchase the land for the appraised Fair Market Value not to exceed Four Hundred Thousand Dollars (\$400,000.00); and

WHEREAS, pursuant to discussions with the FAA, the Authority will acquire the parcel as soon as possible whereby funding 100% of the cost, and shall seek reimbursement of 90% of such acquisition cost, in accordance with FAA guidelines during the 2018 FAA Grant Submission and Award Process; and

WHEREAS, once the property is acquired ownership will be transferred to the State of Delaware as the owner of the Airport and the Authority’s lease agreement with the State will be modified to reflect the changes to the Airport Property Description; and

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of the Purchase Agreement with William Mosley and, with the advice and consent of counsel, to have such Purchase Agreement executed by the Chairperson, Vice Chairperson, and the Executive Director.

A motion to approve Resolution 17-28 was made by Commissioner Ford, seconded by Commissioner Wilson, and approved by a roll call vote of 10-0.

Resolution 17-28 Executive Summary Sheet

Resolution: Authorizing the Executive Director to execute a Purchase Agreement with William Mosley

Committee: Economic Development

Committee Date: May 16, 2017

Board Date: May 16, 2017

Purpose and Background for Resolution:

William Mosley owns approximately 6.5 acres directly adjacent to the Delaware Airpark. A new runway has been constructed at the Airpark and in a recent assessment of the approaches to the new runway it was determined that there were obstructions to the approach on Mr. Mosley’s property. Mr. Mosley was only interested in granting access to remove the

obstructions if we agreed to begin the process to acquire the property. The FAA has determined that the property will be required for future growth of the airport and as such believe the acquisition price to reimbursable by FAA Grant. In order to ensure no impacts to the approaches of the Airpark, the airport is acquiring the property.

* * * * *

11261. EXECUTIVE DIRECTOR’S COMMENTS

Executive Director Cook noted that today was his 100th as Executive Director. He then reported on events around the Authority. He noted that the New Castle County Parking Lot upgrade will be completed in June and the Apron expansion will be completed in August. He showed photos of Chairperson Hogan, Commissioner Wilson and Commissioner Smith attending NASW Feasting on History. Executive Director Cook reported on the success of the Authority’s Take your Child to Work Day and the Forts Ferry Crossing 2017 Maiden Voyage. He then showed a video of Chairperson Hogan getting ready for Gloucester County’s Dancing with the Stars Charitable Fundraiser. He will be raising money for Veterans Helping Veterans.

* * * * *

11262. COMMISSIONERS PUBLIC FORUM

Chairperson Hogan opened the public forum.

Chairperson Hogan called for any comments from the public.

Delaware Counsel Mike Houghton informed the Board that former Commissioner Gary Traynor has been nominated by Governor Carney to serve on the Delaware Supreme Court.

* * * * *

There being no further business, a motion to adjourn was made by Vice-Chairperson Lowe, seconded by Commissioner Lathem, and unanimously carried by a voice vote of 10-0.

The meeting was adjourned at 12:47 p.m.

Respectfully submitted,

THE DELAWARE RIVER AND BAY AUTHORITY
Frank W. Minor
Assistant Secretary