

**MINUTES OF MEETING
THE DELAWARE RIVER AND BAY AUTHORITY
VIDEO/TELECONFERENCE CONDUCTED FROM
Delaware Memorial Bridge Complex
Wednesday, January 19, 2022**

The meeting convened via Zoom at 10:03 a.m. with Vice-Chairperson Lathem presiding.

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

Vice-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.

The Assistant Secretary announced to adhere to applicable guidelines, until further notice, the public will not be permitted physical attendance to DRBA Committee and Board meetings. Therefore, until further notice, meetings are held electronically via Zoom.

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

Commissioners from New Jersey

James N. Hogan, Chairperson*
Shirley R. Wilson*
Ceil Smith **
Sheila McCann*
M. Earl Ransome, Jr.*
Heather Baldini - absent

Commissioners from Delaware

Samuel Lathem, Vice-Chairperson**
Crystal L. Carey*+
Henry J. Decker*
Michael Ratchford*
Veronica O. Faust*
Theodore Becker - absent

*Attended via telephone/Zoom

** Physically present in James Julian Boardroom

+ Arrived at 10:18 a.m.

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Vice-Chairperson Lathem called for the acceptance of the Agenda.

Commissioner Smith made a motion to accept the Agenda, seconded by Commissioner Wilson, and the motion carried by a voice vote of 9-0.

Chief Operations Officer Vince Meconi introduced and congratulated Wayne McFadden on his promotion to serve as the new Deputy Police Administrator, with the rank of Lt. Colonel. Prior to his promotion, Wayne was the Department's Chief of Staff, with the rank of Captain. Lt. Colonel McFadden, who has

more than twenty-five years of law enforcement experience, officially began his duties on January 3, 2022. Wayne joined the DRBA Police Department in November 2014 as a Patrol Officer. He quickly rose through the ranks to serve as both a Sergeant and Lieutenant – with stints managing both the Delaware Memorial Bridge and Cape May Troop Operations. In October 2020, Wayne was again promoted to the rank of Captain and supported Col. Arroyo as his Chief of Staff.

Vice-Chairperson Lathem called for a motion to move to Executive Session. Commissioner Wilson made a motion, seconded by Commissioner McCann, and the motion carried by voice of 9-0.

Members of the public attending via Zoom were placed into the waiting room during the Executive Session.

The Executive Session started at 10:10 a.m. and ended at 10:52 a.m.

At the conclusion of the Executive Session, Vice-Chairperson Lathem reopened the meeting to the public, and recessed the Board meeting for the purpose of conducting Committee Meetings.

The Committee meetings started at 10:53 a.m. and ended at 11:57 a.m. During that time, the following committee meetings were held:

Budget & Finance
Governance and Audit
Projects

At the conclusion of the Committee meetings, there was a brief recess and Vice-Chairperson Lathem called the meeting back to order at 12:04 p.m.

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11878. APPROVAL OF THE DECEMBER 21, 2021 MINUTES

Commissioner Wilson made a motion to approve meeting minutes for December 21, 2021, seconded by Commissioner Ransome, and approved by a voice vote of 10-0.

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11879. 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 Service for December charts were ordered filed with the permanent records of the Authority.

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11880. DELAWARE RIVER AND BAY AUTHORITY – STATEMENT OF INCOME AND EXPENSE.

The CFO presented charts showing statements of income and expense for December 2021 with comparisons to the same periods last year

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

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11881. DELAWARE RIVER AND BAY AUTHORITY – OPERATING EXPENSE BY DIVISION.

The CFO presented charts for December 2021 showing expenses by division for the quarter to date vs. the projected quarter and for year to date vs. total budget.

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

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11882. DELAWARE RIVER AND BAY AUTHORITY – CAPITAL IMPROVEMENT PROGRAM.

The CFO presented charts for December 2021 showing the capital budget for crossing and economic development projects and dollars committed to date for the projects. The chart also included cash expenditures spent to date for the committed projects.

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

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11883. DELAWARE RIVER AND BAY AUTHORITY – CASH POSITION (MARKET VALUE) FOR DECEMBER 31, 2021.

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

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

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11884. PUBLIC COMMENT ON ACTION ITEMS

Vice-Chairperson Lathem noted that (2) Contract Awards, (4) Contract Close-Out, and (2) Resolutions were being considered at today's meeting.

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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11885. AWARD OF CONTRACT #CMLF-C22-02 – MAINTENANCE DREDGING AT CAPE MAY TERMINAL

The Chief Operations Officer (COO) noted that a public opening bid was held on December 29, 2021. The COO and Projects Committee recommended awarding the contract to the lowest responsible bidder Barnegat Bay Dredging Company, Inc. of Harvey Cedars, New Jersey, in the amount of \$488,492.35.

A motion to award CONTRACT #CMLF-C22-02 to the aforementioned firm was made by Commissioner Faust, seconded by Commissioner Wilson, and approved by a voice vote of 10-0.

11886. AWARD OF CONTRACT #DMB-22-02 - UHPC DECK REHABILITATION STRUCTURE 1

The Chief Operations Officer (COO) noted that a public opening bid was held on December 29, 2021. The COO and Projects Committee recommended awarding the contract to the lowest responsible bidder UHPC Solutions North America LLC of Orange, New Jersey, in the amount of \$70,999,162.90.

A motion to award CONTRACT #DMB-22-02 to the aforementioned firm was made by Commissioner Wilson, seconded by Commissioner Ransome, and approved by a voice vote of 10-0.

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11887. CLOSE-OUT CONTRACT #CMLF-19-07 - REPLACE TRANSFER BRIDGES

CONTRACT #CMLF-19-07 – REPLACE TRANSFER BRIDGES was awarded to Corman Kokosing Construction Company of Annapolis Junction, Maryland.

It is recommended that the Authority accept this project and make the final payment to the contractor. The final cost of this project is \$8,339,451.34.

A motion to Close-Out Contract #CMLF-19-07 was made by Commissioner Wilson, seconded by Commissioner Ratchford, and approved by a voice vote of 10-0.

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11888. CLOSE-OUT CONTRACT #DMB-20-02 – SALT STORAGE BUILDING & FUEL ISLAND CANOPY REPAIRS

CONTRACT #DMB-20-02 – SALT STORAGE BUILDING & FUEL ISLAND CANOPY REPAIRS was awarded to Quinn Construction Company Inc. of Essington, Pennsylvania.

It is recommended that the Authority accept this project and make the final payment to the contractor. The final cost of this project is \$419,902.44.

A motion to Close-Out Contract #DMB-20-02 was made by Commissioner McCann, seconded by Commissioner Ransome, and approved by a voice vote of 10-0.

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11889. CLOSE-OUT CONTRACT #DMB-21-02 – FIRST STRUCTURE COATING REMOVAL AND REPLACEMENT SIDESPANS

CONTRACT #DMB-21-02 – FIRST STRUCTURE COATING REMOVAL AND REPLACEMENT SIDESPANS was awarded to Blastech Enterprises Inc. of Baltimore, Maryland.

It is recommended that the Authority accept this project and make the final payment to the contractor. The final cost of this project is \$7,607,800.00.

A motion to Close-Out Contract #DMB-21-02 was made by Commissioner Wilson, seconded by Commissioner Ratchford, and approved by a voice vote of 10-0.

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11890. CLOSE-OUT CONTRACT #CAT-20-03 – APRON THROAT RECONSTRUCTION

CONTRACT #CAT-20-03 – APRON THROAT RECONSTRUCTION was awarded to George & Lynch Inc. of Dover, 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 \$123,527.84.

A motion to Close-Out Contract #CAT-20-03 was made by Commissioner Ratchford, seconded by Commissioner Decker, and approved by a voice vote of 10-0.

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11891. CHAIRPERSON’S CALL FOR RESOLUTIONS BEFORE THE

BOARD

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RESOLUTION 22-01 - ADOPTION OF A REVISED FARE SCHEDULE FOR THE CAPE MAY-LEWES FERRY TO INCREASE VEHICLE FARES, DECREASE PASSENGER FARES, AND TO MAKE PERMANENT AND ENHANCE OTHER FARES SUCH AS: A “BLUE & RED” DISCOUNT FARE.

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 various segments of its passenger ridership, and yet meet the financial needs of the Authority; and

WHEREAS, proposed revisions to the fare schedule include raising the vehicle fares by \$2 in-season and \$1 off-season, and decreasing passenger fares by reducing the fares for children ages 6 to 13 in-season; and

WHEREAS, further revisions to the fare schedule include implementation of a scooter fare that is approximately one-half that of the motorcycle fare; and

WHEREAS, the existing cancelation fee shall be increased, and a “No-Show” fee implemented to encourage passengers to travel on scheduled departures; and

WHEREAS, existing group fare structures will be modified slightly so as to apply to larger groups; and

WHEREAS the \$2 “Blue & Red” discount for passengers who identify themselves as first responders, first implemented in 2019, will be made permanent; and

WHEREAS, vehicle fare increases can be avoided by customers who create customer profiles and book online; and

WHEREAS, a new annual employee vehicle “Employee Appreciation Program” fare has been added; and

WHEREAS, eligible employees and their immediate families, subject to space and blackout date limitations, will not pay passenger fares; 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 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, 2022.

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, 2022.

Resolution 22-01 was moved by Vice-Chairperson Lathem, seconded by Commissioner Wilson, and was approved by a roll call vote of 10-0.

Cape May-Lewes Ferry Fares				
(All Fares are One-Way Unless Noted)	Effective April 1, 2022			
	OFF SEASON	SPRING / AUTUMN	HIGH SEASON	PEAK
	<u>NOV-MAR</u>	<u>APR-OCT, SEP - OCT</u>	<u>JUN – AUG</u>	
<u>VEHICLES (Not Including Driver)</u>			(Mon. – Thu.)	(Weekends & holidays)
Car, SUV, Van, Pick-up Truck (vehicles less than 20' length)	\$22.00	\$32.00	\$37.00	\$40.00
Return-Trip Value Fare	\$17.00	\$25.00	\$30.00	
Motorcycle or Motorbike	\$18.00	\$26.00	\$31.00	\$31.00
3-Wheel Motorbike	\$19.00	\$27.00	\$32.00	\$32.00
Return-trip Value Fare	\$13.00	\$20.00	\$25.00	
Scooter	\$9.00	\$13.00	\$16.00	\$16.00
Return-trip Value Fare	\$6.00	\$10.00	\$12.00	
<u>OTHER VEHICLES (Not Including Driver)</u>				
20' to under 25'	\$26.00	\$37.00	\$43.00	\$46.00
Return-Trip Value Fare	\$13.00	\$33.00	\$39.00	
25' to under 35'	\$35.00	\$46.00	\$51.00	\$57.00

Return-Trip Value Fare	\$32.00	\$42.00	\$47.00	
35' to under 45'	\$42.00	\$53.00	\$58.00	\$65.00
Return-Trip Value Fare	\$38.00	\$49.00	\$54.00	
45' to under 60'	\$54.00	\$66.00	\$71.00	\$81.00
Return-Trip Value Fare	\$50.00	\$62.00	\$67.00	
More than 60'	\$77.00	\$89.00	\$94.00	\$109.00
Return-Trip Value Fare	\$73.00	\$85.00	\$90.00	
Rewards Members One-Way Vehicle rates \$2 less in season and \$1 less off-season when booked online**				
<u>VEHICLE & FOOT PASSENGERS</u>				
Under 6 years of age	FREE	FREE	FREE	FREE
Children, age 6-13	FREE	\$4.00	\$4.00	\$4.00
Return-Trip Value Fare		\$3.00	\$3.00	\$3.00
Adults (14 – 61 years)	\$8.00	\$10.00	\$10.00	\$10.00
Return-Trip Value Fare	\$6.00	\$8.00	\$8.00	\$8.00
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>DISCOUNT FARES & FEES</u>				
Discount Book of Six (6) Tickets (all vehicles less than 20' length)	\$153	\$153	\$153	\$153
Discount Book of Twelve (12) Tickets (all vehicles less than 20' length)	\$288	\$288	\$288	\$288
Discount Book of Six (6) Tickets (Commercial vehicles)		15% off scheduled fare		
(Not valid Memorial Day to Labor Day on Sat, Sun, or Holidays between 9 a.m. and 5 p.m.)				
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	\$6.00	\$8.00	\$8.00	\$8.00
Return-Trip Value Fare	\$5.00	\$6.00	\$6.00	\$6.00
Non-Refundable Reservation Cancellation Fee	\$6.00	\$6.00	\$6.00	\$6.00
No-Show Fee	\$10.00	\$10.00	\$10.00	\$10.00

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

**** See complete requirements for Rewards Members at CMLF.com**

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

Employee Appreciation Program Fares

1. Eligible employees pay an annual vehicle fee of \$100 instead of a per trip vehicle fare. The Employee Appreciation vehicle fare is subject to limitations and availability.
2. The individual passenger fare is waived for eligible employees and their immediate family members traveling with the employee. The free individual passenger fare is subject to limitations and availability.
3. Eligible employee means all active employees and retirees.
4. Immediate family means an employee's spouse and/or children traveling with the employee.

Resolution 22-01 - 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 scooter fare and an annual employee vehicle fare, to implement a “No-Show” fee and increase cancelation fees, and to make permanent the “Blue and Red” discount fare for first responders.

Committee: Budget & Finance Committee

Committee Date: January 19, 2022

Board Date: January 19, 2022

Purpose of Resolution:

To authorize a revised fare schedule for the Cape May-Lewes Ferry effective April 1, 2022.

Background for Resolution:

A revised fare schedule is proposed to increase vehicle fares by \$2 in season, and \$1 off-season, and reduce fares for children ages 6 – 13 in-season. The resolution also implements a fare for scooters that is approximately one half of the fare for

2-wheel motorbikes, makes the “Blue & Red” discount fare for first responders permanent, implements an annual employee vehicle fare and waives employee passenger fares, increases cancelation fees, and implements a “No-Show” fee. Lastly, it implements a Rewards program where customers can avoid some vehicle fare increases for pre-booking online and meeting other program requirements.

The proposed fare schedule changes include:

- A \$2 increase to in-season vehicle fares and a \$1 increase to off-season vehicles fares.
- Reduction of fares for children ages 6 – 13 by \$1 in-season.
- Implementation of a scooter fare that is one-half of the 2-wheel motorbike fare.
- An increase to the cancelation fee and the implementation of a “no-show” fee.
- No increases will be applied to any passenger and shuttle fares.
- Employee Appreciation Program fares have been added, which are subject to limitations and availability.
- This proposed fare schedule is projected to generate approximately \$132,000 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, 2022.

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RESOLUTION 22-02 – AUTHORIZING THE AUTHORITY TO PURSUE A CM/GC (CONSTRUCTION MANAGER/GENERAL CONTRACTOR) APPROACH FOR THE SHIP COLLISION PROTECTION SYSTEM PROJECT AT THE DELAWARE MEMORIAL BRIDGE.

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; and

WHEREAS, the Authority’s Capital Improvement Program (“CIP”) includes a Ship Collision Protection System (“SCPS”) project that is designed to protect the Delaware Memorial Bridge from collisions by wayward vessels in the Delaware River; and

WHEREAS, the Authority has received federal grant funding from the United States Maritime Administration (“MARAD”), in the amount of \$22,250,000, to assist in that project’s design and construction; and

WHEREAS, the statutory expiration date of federal grant funding from MARAD for the SCPS is September 30, 2025; and

WHEREAS, it is estimated that construction of the SCPS will take three to four years; and

WHEREAS, the Authority recently opened construction bids on the SCPS, and the low bid received was \$115,989,244.05; and

WHEREAS, the low bid amount exceeds the funding proposed in the Authority's 2022 CIP and 5-Year Plan for the SCPS by more than \$25,000,000; and

WHEREAS, the Authority desires to pursue a more cost-effective approach to protecting the Delaware Memorial Bridge from vessel collisions, as well as retain maximum access to the federal grant that has been received; and

WHEREAS, MARAD's grant conditions allow for a non-traditional contracting method known as CM/GC (Construction Manager/General Contractor).

THEREFORE, BE IT RESOLVED, that, notwithstanding the provisions of Resolution 98-31, the Executive Director is hereby authorized to conduct a publicly advertised professional services solicitation for Construction Manager/General Contractor services to the Authority, in accordance with all relevant federal grant conditions, and to have the Agreement, with the advice and consent of Counsel, executed by the Chairperson, Vice-Chairperson and Executive Director. The Executive Director is further authorized, as part of the Construction Manager/General Contractor method, to approve conversion of the Construction Manager to General Contractor with the further advice and consent of Counsel and the further approval of the Chairperson and Vice-Chairperson.

Resolution 22-02 was moved by Commissioner Wilson, seconded by Commissioner Ransome, and was approved by a roll call vote of 10-0.

Resolution 22-02 - Executive Summary Sheet

Resolution: Authorizing the Authority to pursue a CM/GC (Construction Manager/General Contractor) approach for the Ship Collision Protection System project at the Delaware Memorial Bridge.

Committee: Projects Committee

Committee/

Board Date: January 19, 2022

Purpose of Resolution:

To authorize a Construction Manager/General Contractor method to build the Ship Collision Protection System at the Delaware Memorial Bridge.

Background for Resolution:

The Authority's Capital Improvement Program includes a Ship Collision Protection System project that is designed to protect the Delaware Memorial Bridge from collisions by wayward vessels in the Delaware River. The Authority has received federal grant funding from the United States Maritime Administration in the amount of \$22,250,000 to assist in that project's design and construction. It is estimated that construction of the SCPS will take three to four years; however, the statutory expiration date of the MARAD grant funding is September 30, 2025. The Authority recently opened construction bids on the SCPS, and the low bid received was \$115,989,244.05. Even the low bid amount exceeds the funding proposed in the Authority's 2022 CIP and 5-Year Plan for the SCPS by more than \$25,000,000.

The Authority desires to pursue a more cost-effective approach to protecting the Delaware Memorial Bridge from vessel collisions, while at the same time, retain maximum access to the federal grant that has been received. MARAD's regulations allow for a non-traditional contracting approach known as CM/GC (Construction Manager/General Contractor). However, a CM/GC approach is not contemplated under the terms of Board Resolution 98-31.

This resolution therefore authorizes the Executive Director to conduct a publicly advertised professional services solicitation for Construction Manager/General Contractor services, in accordance with all relevant federal grant conditions, and to have the Agreement, with the advice and consent of Counsel, executed by the Chairperson, Vice-Chairperson and Executive Director.

If the consulting engineer and Construction Manager, working in concert, are able to formulate a plan that will 1) complete the project no later than September 30, 2025, and 2) significantly reduce the construction costs below the current low bid amount, while 3) maintaining the current regulatory standard of protection, the Executive Director may then designate the Construction Manager as the General Contractor at the indicated price, with the advice and consent of Counsel and approval of the Chairperson and Vice-Chairperson.

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11892. COMMISSIONERS PUBLIC FORUM

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

There were no additional public comments.

Vice-Chairperson Lathem thanked the Commissioners for their dedication and commitment to the Authority.

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11893. EXECUTIVE DIRECTOR'S COMMENTS

The Executive Director presented a video the State of the DRBA which highlighted some of the DRBA's successes in 2021 and outlined where we're headed in 2022.

Board members congratulated the Executive Director on a job well done. The Executive Director highlighted additional 2021 accomplishments:

- Managed our entire season with only 2 vessels and didn't cancel a single crossing
- Reduced our lost workdays due to injury for the third year in a row
- Achieved our 10th consecutive year of Trip Advisor "Traveler's Choice Award"
- Process our entire workforce's leave electronically
- Reinstated the Police K9 program and fitted all officers with body cameras
- Ended the Fiscal Year under budget by more than \$8 million
- Kept operations going with minimal disruption during Covid pandemic

Upcoming Meetings:

- Tuesday, February 15, 2022 - Board of Commissioners Meeting
10am; James Julian Board Room
- Tues & Wed, March 15 & 16, 2022
Board of Commissioners Meeting and Planning Session
10am; Cape May, New Jersey

There being no further business, Vice-Chairperson Lathem adjourned the meeting at 12:31 p.m.

Respectfully submitted,

THE DELAWARE RIVER AND BAY AUTHORITY

Stephen D. Williams