

MINUTES OF MEETING
THE DELAWARE RIVER AND BAY AUTHORITY
Tuesday, December 18, 2012
James Julian Boardroom
Delaware Memorial Bridge Plaza
New Castle, Delaware 19720

The meeting convened at 11:06 a.m. with Chairperson Lowe presiding.

Commissioner Dorn led a silent prayer for those who lost their lives at Sandy Hook Elementary School, followed by the Pledge of Allegiance led by the Executive Director.

Chairperson Lowe called on the Authority Assistant Secretary to read the meeting notice and take roll.

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.

* * * * *

Commissioners from Delaware

Commissioners from New Jersey

PRESENT

William E. Lowe, Chairperson
Richard W. Downes
Fernando N. Guajardo
Samuel E. Lathem
Terry C. Murphy
Gary F. Traynor

James N. Hogan, Vice-Chairperson
Edward W. Dorn
Richard S. Mroz
Ceil Smith
Douglas Van Sant
Shirley R. Wilson

* * * * *

Chairperson Lowe called for the acceptance of the Agenda.

Commissioner Dorn motioned to accept the Agenda, seconded by Commissioner Murphy, and the motion carried by a voice vote of 12-0.

* * * * *

10594. APPROVAL OF THE NOVEMBER 13, 2012 MINUTES

Commissioner Murphy motioned to approve the November 13, 2012 meeting minutes, seconded by Commissioner Dorn, and unanimously approved by a voice vote of 12-0.

* * * * *

10595. 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, Three Forts Ferry Crossing, and Food Services for the month of November.

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

* * * * *

10596. 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 November with comparisons to the same period last year.

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

* * * * *

10597. DELAWARE RIVER AND BAY AUTHORITY – OPERATING EXPENSE BY DIVISION.

The CFO presented a chart for November 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.

* * * * *

10598. DELAWARE RIVER AND BAY AUTHORITY – CAPITAL IMPROVEMENT PROGRAM.

The CFO presented a chart for the month of November 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.

* * * * *

10599. DELAWARE RIVER AND BAY AUTHORITY – CASH POSITION (MARKET VALUE) AS OF November 30, 2012.

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

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

* * * * *

10600. AUTHORITY CUSTOMER TRENDS (ACT) REPORT

The CFO stated that 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.

* * * * *

10601. PUBLIC COMMENT ON ACTION ITEMS

The Executive Director noted the following action items that were being considered and asked for public comment.

Contract CMLF-12-05 - 2013 Vessel Drydocking & Repairs- MV New Jersey
Contract Close-out - DMB-05-01R - Elevator Replacement/Misc. Steelwork, DMB
Resolution 12-46 – Changes the February 2013 Board of Commissioners Meeting Date

Resolution 12-47 - Authorizes Authority Expenditures Pursuant to Resolution 01-84 For The Period, January 1, 2013 Through December 31, 2013

Resolution 12-48 – Authorizes a Contact with McFarland Johnson to Provide Professional

Airport Planning and Business Services Consulting Services

Resolution 12-49 – Recognizes the Service of James G. Wilson to the DRBA and Designates the Main DMB Maintenance Building in His Honor.

Resolution 12-50 – Approving of a MOA Between Cape May County, US Department of Transportation, FAA, State of NJ, DEP, Division of Parks and Forestry, Historic Preservation Office, NASW Foundation; Joan Berkey, Lower Township, Lower Township MUA, Regarding an Historic District within the Cape May County Airport.

There were no public comments.

* * * * *

1602. 2013 VESSEL DRYDOCKING AND REPAIRS – MV NEW JERSEY – CONTRACT #CMLF-12-05

The Chief Operating Officer (COO) noted that a public bid opening was held on December 7, 2012 in which three (3) bids were received. The project is a mandatory vessel drydocking and repairs of the MV New Jersey. The COO and the Projects committee recommend awarding the contract to the lowest responsible bidder, Caddell Dry Dock & Repair Co., Inc. of Staten Island, NJ in the amount of \$1,831,515.00.

A motion to award Contract CMLF-12-06 to the aforementioned firm in the amount of \$1,831,515.00 was made by Commissioner Wilson, seconded by Commissioner Downes, and unanimously approved by a roll call vote of 12-0.

* * * * *

10603. CONTRACT CLOSE-OUT – ELEVATOR REPLACEMENT/MISCELLANEOUS STEELWORK – CONTRACT #DMB-05-01R

On July 19, 2010 Contract No. DMB-05-01R, Elevator Replacement / Miscellaneous Steelwork, was awarded to Cornell & Company of Westville, New Jersey for the bid price of \$12,123,348.00.

During the contract period Change Order No’s. 1-5 were approved for the project. Subtract: (519,175.29).

It is recommended that the Authority accept the project and make final payment to the contractor. The total price for this project is \$11,604,172.71.

A motion to close-out Contract #DMB-05-01R was made by Commissioner Van Sant, seconded by Commissioner Murphy. With Commissioner Hogan abstaining, the motion was approved by a voice vote of 11-0, and 1 abstention.

* * * * *

10604. CHAIRPERSON’S CALL FOR RESOLUTIONS BEFORE THE BOARD

RESOLUTION 12-46 - CHANGES THE DATE OF THE FEBRUARY 2013 BOARD OF COMMISSIONERS’ MEETING TO THE SECOND TUESDAY IN FEBRUARY 2013

WHEREAS, pursuant to Section 5.1 of the Bylaws adopted by The Delaware River and Bay Authority (the “Authority”), the regular monthly meeting of the Commissioners shall be held on the third Tuesday of each month; and

WHEREAS, the February 2013 Board meeting would be scheduled for the third Tuesday, February 2013; and

WHEREAS, due to scheduling conflicts with the Presidents' Day holiday, the Commissioners desire to reschedule the meeting to the second Tuesday of February 12, 2013.

NOW, THEREFORE, BE IT RESOLVED, that the February monthly meeting of the Board of Commissioners of the DRBA shall be moved from the third Tuesday of February 2013 to the second Tuesday of February 2013, February 12, 2013.

A motion to approve Resolution 12-46 was made by Commissioner Downes, seconded by Commissioner Murphy, and approved by a roll call vote of 12-0.

Resolution 12-46 Executive Summary

Resolution: Changes the date of the February 2013 Board of Commissioners' Meeting

Committee: N/A

Committee Date: N/A

Board Date: December 18, 2012

Purpose of Resolution:

To change the date of the regular monthly meeting of the Board of Commissioners from the third Tuesday in February 2013 to the second Tuesday in February, February 12, 2013.

Background for Resolution:

Due to the Presidents' Day holiday, there are scheduling conflicts with the regularly scheduled February meeting.

* * * * *

Commissioner Mroz stated that he represented various utilities including Atlantic City Electric and Delmarva and wanted the record to reflect that he abstains from voting on all payments relative to AC Electric.

Commissioner Traynor, Chair of the Budget & Finance committee, said that Commissioner Mroz disclosed his relationship with Atlantic City Electric and Delmarva to the Board Chairman, Vice-Chairman, Executive Director and himself immediately upon the release of Resolution 12-47 and noted Commissioner Mroz's intent to abstain from any action regarding AC Electric in this Resolution.

RESOLUTION 12-47 - AUTHORIZING AUTHORITY EXPENDITURES PURSUANT TO RESOLUTION 01-84 FOR THE PERIOD, JANUARY 1, 2013 THROUGH DECEMBER 31, 2013

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 1/1/13 THROUGH 12/31/13

VENDOR	SERVICE DESCRIPTION	DETERMINATION	APPROX. ESTIMATED \$
Artesian Water Company	Water	Utility	\$100,000

VENDOR	SERVICE DESCRIPTION	DETERMINATION	APPROX. ESTIMATED \$
Atlantic City Electric	Electricity	Utility	\$1,000,000
Avaya/Verizon	CMLF & DMB VoIP Telephone System Maintenance Contracts	State Contract	\$65,000
Board of Public Works	Water/Sewer/Electricity for Lewes Facilities	Utility	\$175,000
Canon Business Solutions, Inc.	Authority-wide Copier Leases	State Contract	\$100,000
Capitalsoft	Annual Maintenance, Support and Enhancements for the existing Procurement and Project Management Software	Proprietary	\$200,000
Carus AB Ltd.	Annual Maintenance, Support and Enhancements for the existing CMLF Fare Collection System	Proprietary	\$100,000
CNI Sales, Inc.	Equipment Costs for Phase II of the Wi-Fi Installation	State Contract	\$100,000
CVS Caremark Corporation	Prescription Drug Benefits	Benefits	\$1,675,000
Delmarva	Electricity delivery charges	Utility	\$1,000,000
Delta Dental Plans Association	Dental Insurance	Benefits	\$391,000
Golden Eagle Cleaning Services, Inc.	General Cleaning Services for the DMB Administration Building and Julia Building	Quotes	\$49,900
HCC Insurance Holdings, Inc.	Medical Stop Loss Insurance	Benefits	\$765,000
Highmark Blue Cross Blue Shield Delaware	Health Care Insurance	Benefits	\$6,000,000
HP/Compaq	Authority-wide PCs and Equipment	State Contract	\$175,000
IBTTA	Conference Contribution	Proprietary	\$25,000
Kratos Mid-Atlantic	Authority-wide Annual Fire Detection System Inspections	State Contract	\$26,000
Kronos	Annual Licensing, Software and Maintenance for existing Time and Attendance System	Proprietary	\$50,000
Microsoft Licensing, GP	Annual Software, Licensing, True Up Costs for existing Operating System	Proprietary	\$100,000
Microvoice, LLC.	Software Support Contract for the existing Police Department Radio Console	Proprietary	\$29,000
Morris Nichols Arsht & Tunnell	Legal Counsel - Delaware	Sole Source	\$300,000
MTM Technologies	Annual Maintenance System and Support for Network Hardware and Systems	State Contract	\$500,000
Naamans Creek AV Systems, Inc.	Upgrade of the audio/visual system on the M/V Twin Capes	Quotes	\$46,000
New World Systems, Inc.	Annual Maintenance and Support of the existing Computer Aided Dispatch (CAD) System	Proprietary	\$100,000
Network Fleet, Inc.	Authority-wide Wireless Fleet Management Services	State Contract	\$65,000
New Castle County Sewer	Sewer Services	Utility	\$50,000
Oracle	Annual Maintenance, Support and Enhancements for the existing DRBA Oracle Databases	Proprietary	\$200,000
Retail Anywhere	Annual Maintenance, Software Licensing, Support and Enhancements for the existing CMLF Point of Sale System	Proprietary	\$100,000
Rolls Royce Commercial Marine	Replacement parts for the existing vessel steering systems	Proprietary	\$26,000
South Jersey Gas Co.	Heat and Cooking Utilities – Cape May	Utility	\$100,000

VENDOR	SERVICE DESCRIPTION	DETERMINATION	APPROX. ESTIMATED \$
Spondulinx LLC.	Software Support Contract for existing Cisco Video Distribution System	State Contract	\$48,000
State of Delaware	Unemployment Taxes	Government	\$130,000
State of New Jersey	Unemployment Taxes	Government	\$60,000
The Hartford Financial Services Group, Inc.	Long-Term Disability Insurance	Benefits	\$95,000
Transdyn, Inc.	Software Support Contract for the exiting Traffic Management System	Proprietary	\$27,000
Tyler Technology	Annual Maintenance and Support for the existing DRBA Financial and Human Resources ERP System	Proprietary	\$80,000
Unicoat Industrial Roofing Corporation	Full Overcoat of the Hawker Hangar C Metal Roof	Quotes	\$45,000
Unum Group	Life Insurance	Benefits	\$530,000
Verizon Business	Local Telephone, Long Distance and Toll Free Services and Wide Area Network Services in DE & NJ	State Contract	\$255,000
Verizon Wireless	Cellular and Data Equipment and Services	State Contract	\$86,000
Xerox State and Local Solutions	E-Z Pass Customer Service and DRBA Toll Collection Ongoing Maintenance	Proprietary	\$1,200,000

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 12-47 was made by Commissioner Downes, seconded by Commissioner Murphy. With the aforementioned disclosure and abstention from Commissioner Mroz regarding Atlantic City Electric and Delmarva, Resolution 12-47 was approved by a roll call vote of 12-0 for all items except payment to Atlantic City Electric and Delmarva which were approved by a roll call vote of 11-0.

Resolution 12-47 Executive Summary Sheet

Resolution: Authorizing Authority Expenditures Pursuant to Resolution 01-84 for the period, January 1, 2013 through December 31, 2013.

Committee: Budget & Finance

Committee Date: December 18, 2012

Board Date: December 18, 2012

Purpose of Resolution:
Authorizes the expenditure of \$25,000 or greater with the identified vendors for the 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:

Water

Artesian Water Company is the local utility provider of water for DRBA northern Delaware locations.

Electricity

Atlantic City Electric is the electricity utility provider for DRBA facilities located in lower New Jersey.

CMLF & DMB VoIP Telephone System Maintenance Contracts

Avaya/Verizon is under state contract to provide VoIP services. This expenditure will cover Authority expenses at the CMLF and DMB locations.

Water/Sewer/Electricity for Lewes Facilities

The Board of Public Works is the local utility provider of water, sewer services and electricity for the CMLF in Lewes.

Authority-wide Copier Leases

Canon Business Solutions, Inc. is under state contract to provide copier leases. This expenditure will cover the cost of all copier leases and supplies Authority wide.

Annual Maintenance, Support and Enhancements for the existing Procurement and Project Management Software

CapitalSoft is the proprietary vendor that developed the DRBA Procurement/Project Management System, CapEx. This expenditure will cover the annual maintenance expense as well as ongoing programming enhancements.

Annual Maintenance, Support and Enhancements for the existing CMLF Fare Collection System

Carus is the proprietary vendor that developed the Fare Collection and Reservation System for the Cape May-Lewes Ferry. This expenditure will cover the annual maintenance expense for this system as well as planned enhancements.

Equipment Costs for Phase II of the Wi-Fi Installation

The Delaware River and Bay Authority plans to install a full managed Wi-Fi network at all sites to better service our internal and external customers. CNI Sales is under state contract to provide Wi-Fi networks. This cost is for the second phase which includes Maintenance Buildings, the Airports, the Cape May Terminal, and Lewes.

Prescription Drug Benefits

CVS/Caremark is the provider of prescription drug services for active employees and retirees under age 65 for both retail and mail order programs.

Electricity delivery charges

Delmarva is the local utility electricity transmitter for all DRBA Delaware locations.

Dental Insurance

Delta Dental is the provider of dental services for active employees and retirees under age 65. The plan allows the flexibility to choose your own dentist.

General Cleaning Services for the DMB Administration Building and Julia Building

The Authority solicited quotes to provide cleaning services at the DMB Administration Building and the Julia Building in New Castle, Delaware. Golden Eagle Cleaning Services provided the lowest quote. By utilizing Golden Eagle Cleaning Services, the Authority plans to reduce the amount of seasonal/casual cleaning hours utilized.

Medical Stop Loss Insurance

HCC Insurance Company is the provider of stop loss reinsurance coverage with aggregate and specific premiums.

Health Care Insurance

Highmark Blue Cross Blue Shield of Delaware is the provider of health care insurance for active employees and retirees under age 65. The two (2) medical options offered are Health Maintenance Organization (HMO) and Preferred Provider Organization (PPO).

Authority-wide PCs and Equipment

HP is the selected hardware technology for the DRBA. HP/Compaq is under state contract to provide HP PC's and equipment. This cost will cover replacement computers, servers, and printers, new purchases of same equipment, as well as annual maintenance on existing servers.

IBTTA Conference Contribution

The DRBA is a member of the International Bridge, Tunnel and Turnpike Association ("IBTTA") and each member makes a contribution to cover the costs of the annual conference.

Authority-wide Annual Fire Detection System Inspections

The DRBA is required to inspect all of its fire detection systems on an annual basis. Kratos Mid-Atlantic is under state contract to provide these inspections.

Annual Licensing, Software and Maintenance for existing Time and Attendance System

Kronos is the proprietary time and attendance system used throughout the Authority. This cost will cover the annual maintenance contract as well as the purchase of additional time clocks.

Annual Software, Licensing, True Up Costs for existing Operating System

The DRBA has selected Microsoft Office as its software platform. This cost will cover the annual licensing and any "true-up" costs for additional licenses required throughout the year. Microsoft Licensing, GP is under state contract to provide the required licenses and services.

Software Support Contract for the existing Police Department Radio Console

The DRBA has selected and utilizes the Microvoice Radio Console for the police department. This proprietary expenditure will cover the annual licensing and support of this system with Microvoice, LLC.

Legal Counsel – Delaware

Morris Nichols Arsht & Tunnel is the firm appointed by the Governor of Delaware, and the sole source that provides general legal counsel services for the Authority's interests in the State of Delaware.

Annual Maintenance System and Support for Network Hardware and Systems

MTM Technology is under state contract to provide two services for the DRBA. The first is the purchase of computer equipment as well as the ongoing annual maintenance contracts on existing systems. In addition, MTM provides services with disaster recover planning and associated equipment for this service.

Upgrade of the audio/visual system on the M/V Twin Capes

The current audio/visual system on the M/V Twin Capes does not have sound and volume control in local passenger zones. The DRBA solicited quotes to upgrade the system and Naamans Creek AV Systems, Inc. provided the lowest quote. This upgrade will provide sound and volume control in local passenger zones to ensure that all passengers will be able to hear ship announcements regardless of the ambient noise onboard.

Annual Maintenance and Support of the existing Computer Aided Dispatch (CAD) System

New World Systems, Inc. is the proprietary vendor for the existing Police Computer Aided Dispatch System. This cost will cover the annual maintenance expense plus planned enhancements to the system.

Authority-wide Wireless Fleet Management Services

Network Fleet, Inc. is under state contract to provide wireless fleet management services. This cost will cover the annual wireless expense to track and monitor all Authority owned vehicles.

Sewer Services

New Castle County Sewer is the utility provider of sewer services for all DRBA locations in New Castle, Delaware.

Annual Maintenance, Support and Enhancements for the existing DRBA Oracle Databases

Oracle is the proprietary database used for the existing Time Attendance System, the Fare Collection System, the Toll Reconciliation System, and the Procurement/Project Management System. This cost will cover the annual maintenance plus the duplication of the Oracle database for disaster recovery.

Annual Maintenance, Software Licensing, Support and Enhancements for the existing CMLF Point of Sale System

Retail Anywhere is the proprietary vendor for the existing Cape May-Lewes Ferry Food and Retail Point of Sale System. This cost will cover the software licensing, annual hardware maintenance, and requested enhancements for this system.

Replacement parts for the existing vessel steering systems

The Frydenbo steering systems utilized on the Authority vessels are no longer being manufactured. Rolls Royce Commercial Marine acquired Frydenbo and is the only source that can manufacture the required proprietary replacement parts for the existing Frydenbo steering systems.

Heat and Cooking Utilities – Cape May

South Jersey Gas Co. is the local utility provider of gas in Cape May County.

Software Support Contract for existing Cisco Video Distribution System

The Authority selected and utilizes a Cisco Video Distribution System. Spondulinx, LLC is under state contract to provide software support for the Cisco Video Distribution System. This purchase will cover the annual maintenance expense for this system.

Unemployment Taxes – Delaware

As an employer in Delaware, the Authority is required to pay unemployment taxes to the State.

Unemployment Taxes – New Jersey

As an employer in New Jersey, the Authority is required to pay unemployment taxes to the State.

Long-Term Disability Insurance

The Hartford is the provider of long term disability benefits for active employees. The benefit is provided to protect the employee's income if he or she is unable to work due to an occupational or non-occupational disability.

Software Support Contract for the existing Traffic Management System

Transdyn, Inc. is the proprietary vendor that provides the Authority's Traffic Management System. This purchase will cover the annual maintenance expense for this system.

Annual Maintenance and Support for the existing DRBA Financial and Human Resources ERP System

Tyler Technology is the proprietary vendor that developed the Authority's Financial and Human Resources Enterprise Resource Planning System, MUNIS. This purchase will cover the annual maintenance expense for this system.

Full Overcoat of the Hawker Hangar C Metal Roof

A recent inspection revealed that the Hawker Hangar C Metal Roof is showing signs of wear and rust and is in need of routine maintenance consisting of a full overcoat of paint. The DRBA solicited quotes and Unicoat Industrial Roofing Corporation provided the lowest quote.

Life Insurance

Unum Group is the provider of life insurance coverage for active employees and retirees. The Authority provides basic life insurance coverage with the option for active employees to purchase additional coverage.

Local Telephone, Long Distance and Toll Free Services and Wide Area Network Services in DE & NJ

Verizon Business is under state contract to provide telephone, long distance and toll free services and wide area network services. This expenditure covers the annual expense for these services.

Cellular and Data Equipment and Services

Verizon Wireless is under state contract to provide cellular and data equipment and services. This expenditure covers the annual expense for these services.

E-Z Pass Customer Service and DRBA Toll Collection Ongoing Maintenance

Xerox State and Local Solutions is under contract to operate the NJ E-ZPass operations and they built the DMB toll Collection System. This proprietary expenditure covers the annual expense for these services.

Background for Determination category:

Benefits:

The Authority has contracted with the medical and insurance benefit providers that provide the most economical solutions for Authority requirements.

Government:

Government items are payments that the Authority is required to make to another governmental agency.

Proprietary:

Proprietary items are purchases necessary to support and maintain existing Authority systems and equipment that are only available from one source. Resolution 98-31 (paragraph 2, subsection f) provides that “[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 1 source for the required contract”.

Quotes:

Quotes items are purchases that are anticipated to be between \$25,000 and \$49,999 for the year for which the Authority has solicited written quotes. Resolution 98-31 (paragraph 4) provides that purchases “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...”

Sole Source:

Sole source items are goods and services that the Authority requires that cannot be provided by another source. Resolution 98-31 (paragraph 2, subsection f) provides that “[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 1 source for the required contract”.

State Contracts:

Resolution 98-31, as amended by Resolution 11-36 (paragraph 2, subsection a) provides that “[t]his [competitive bidding] provision shall not apply to purchases by the Authority from suppliers in cases where the Authority is purchasing at prices pursuant to contracts awarded by the States of Delaware or New Jersey for state agencies.

Utilities:

Authority purchases of utilities are exempt from the public advertising thresholds of Resolution 98-31 (paragraph 2, subsection a).

* * * * *

RESOLUTION 12-48 – AUTHORIZES A CONTRACT BETWEEN THE AUTHORITY AND MCFARLAND JOHNSON TO PROVIDE PROFESSIONAL AIRPORT PLANNING AND BUSINESS SERVICES CONSULTING SERVICES

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 five (5) regional airports; and

WHEREAS, the Authority desires to procure professional authority-wide airport planning and business services consulting services (“Services”) with an initial term of three (3) years with one (1) optional one-year renewal, such renewal 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 by Resolution 09-52, which governs the procedure for the procurement of professional services; and

WHEREAS, the Authority received and reviewed six (6) proposals; and

WHEREAS, the Authority short-listed three (3) firms and conducted oral interviews; and

WHEREAS, McFarland Johnson (“McFarland”) was designated first on the preference list; and

WHEREAS, the Authority negotiated for services at compensation determined to be fair and reasonable with McFarland 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 estimated budget for such services is One Hundred Fifty Thousand Dollars (\$150,000) annually with an aggregate not to exceed limit of Four Hundred Fifty Thousand Dollars (\$450,000) for the initial three (3) year period and a not to exceed limit of One Hundred Fifty Thousand Dollars (\$150,000) for the one (1) year optional renewal period; and

WHEREAS, the Projects Committee reviewed the recommendation and concurs with the evaluation; and

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

A motion to approve Resolution 12-48 was made by Commissioner Downes, seconded by Commissioner Murphy, and approved by a roll call vote of 12-0.

Resolution 12-48 Executive Summary Sheet

Resolution: Authorizing the Authority to enter into an agreement with McFarland Johnson for professional authority-wide airport planning and business services consulting services.

Committee: Projects

Committee/Board

Date: December 18, 2102

Purpose of Resolution:

To authorize an agreement with McFarland Johnson to provide professional authority-wide airport planning and business services consulting services.

Background for Resolution:

The proposed Resolution meets the requirements of Resolution 98-31, as amended by Resolution 09-52, to procure and award professional services.

The Authority received six (6) written proposals from the companies listed below and short-listed three (3) of those firms (designated with an *).

AECOM*
Delta Airport Consultants, Inc.
DY Consultants
Michael Baker Jr., Inc.*
McFarland Johnson*
Urban Engineers, Inc.

The Authority conducted oral interviews with the short-listed firms and McFarland Johnson was the first ranked firm following the oral interviews. The Authority negotiated a rate schedule with McFarland Johnson that the Authority determined was fair and reasonable.

The aggregate not to exceed limit on this Agreement for the initial three (3) year term is Four Hundred Fifty Thousand Dollars (\$450,000). The not to exceed limit for the optional one (1) year renewal is One Hundred Fifty Thousand Dollars (\$150,000). Assignments to McFarland Johnson will be made on a task order basis. Payments to McFarland Johnson will be made according to the rate schedules submitted.

* * * * *

RESOLUTION 12-49 - RECOGNIZES THE SERVICE OF JAMES G. WILSON TO THE DELAWARE RIVER AND BAY AUTHORITY AND DESIGNATES THE MAIN DELAWARE MEMORIAL BRIDGE MAINTENANCE BUILDING IN HIS HONOR

WHEREAS, the Delaware River and Bay Authority (the “Authority”) is the owner and operator of the Delaware Memorial Bridge; and

WHEREAS, James G. Wilson was hired on March 2, 1981 as a maintenance employee at the Delaware Memorial Bridge; and

WHEREAS, Mr. Wilson transferred to the Toll Department as a toll collector, a position he held for more three years; and

WHEREAS, Mr. Wilson transferred back to the Maintenance Department on October 22, 1984 so he could attend college at night; and

WHEREAS, on Wednesday, April 17, 1985, Mr. Wilson was cleaning Toll Booth 8 at the Delaware Memorial Bridge’s Westbound Toll Plaza when he was tragically struck by a tractor trailer; and

WHEREAS, Mr. Wilson was transported to Christiana Hospital, where he succumbed to his injuries; and

WHEREAS, in the days following this unfortunate accident, the Authority family joined with the Wilson family to mourn the passing of the 29 year-old father of three young children.

NOW, THEREFORE, BE IT RESOLVED that the Delaware River and Bay Authority does hereby posthumously record the Commissioners’ sincere appreciation for the services rendered by James G. Wilson to the Delaware River and Bay Authority, with the presentation of this Resolution, adopted today, December 18, 2012.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Delaware River and Bay Authority Commission does hereby designate the Delaware River and Bay Authority’s main maintenance building at the Delaware Memorial Bridge as the “James G. Wilson Maintenance Building.”

A motion to approve Resolution 12-49 was made by Commissioner Lathem, seconded by Commissioner Murphy, and approved by a roll call vote of 12-0.

* * * * *

RESOLUTION 12-50 - APPROVING OF A MEMORANDUM OF AGREEMENT BETWEEN THE COUNTY OF CAPE MAY; THE DELAWARE RIVER AND BAY AUTHORITY; THE UNITED STATES DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION; THE STATE OF NEW JERSEY, DEPARTMENT OF ENVIRONMENTAL PROTECTION, DIVISION OF PARKS AND FORESTRY, HISTORIC PRESERVATION OFFICE; NASW FOUNDATION; JOAN BERKEY; THE TOWNSHIP OF LOWER; AND THE LOWER TOWNSHIP MUNICIPAL UTILITIES AUTHORITY, REGARDING AN HISTORIC DISTRICT WITHIN THE CAPE MAY COUNTY AIRPORT

WHEREAS, the Cape May County Airport (hereinafter "Airport"), located in the Township of Lower (hereinafter "Township"), County of Cape May, and State of New Jersey, is owned by the County of Cape May (hereinafter "County"); and

WHEREAS, pursuant to a certain Acquisition Agreement, dated as of December 15, 1998, by and between The Delaware River and Bay Authority (hereinafter "Authority") and the County, the Authority agreed to assume operation and control of certain parcels of land and improvements at the Airport and further agreed to operate and manage the Airport and related facilities and to administer various leases relating to tenants at the Airport; and

WHEREAS, the County and Authority entered into that certain Ground Lease dated as of June 8, 1999, a memorandum of which was recorded on June 9, 1999 in the Office of the Clerk of Cape May County in Book 2809, Page 0584, pursuant to which the County leased to the Authority and the Authority leased from the County certain parcels of land and improvements legally described therein as the "Demised Premises" which are located at the Airport; and

WHEREAS, on or about June 2, 2010, Joan Berkey (hereinafter "Berkey") submitted a Registration Form to the State of New Jersey, Department of Environmental Protection, Division of Parks and Forestry, Historic Preservation Office (hereinafter "SHPO") seeking nomination, as a historic place, of a proposed Naval Air Station Wildwood Historic District consisting of approximately one third of the entire Airport and included property owned by the Township as well as leased by the Lower Township Municipal Utilities Authority (hereinafter "LTMUA") ("Original Nominated District"); and

WHEREAS, the nomination sought registration of the Original Nominated District on the New Jersey Register of Historic Places and eventually registration on the National Register of Historic Places (hereinafter collectively "Registers"); and

WHEREAS, in February and July 2011, the County and Authority each submitted written objections to the nomination of the Original Nominated District based on various procedural and substantive grounds; and

WHEREAS, subsequent to the submission of such objections, the involved parties engaged in settlement negotiations in an attempt to resolve this issue; and

WHEREAS, in an attempt to resolve this issue, the parties have discussed the submission to SHPO of a revised nomination for registration of a proposed historic district limited to Hangar Number 1, Hangar Number 2 and the Terminal Building located at the Airport as well as a "buffer zone" contiguous thereto (hereinafter "Historic District"), which is a reduced footprint of the Original Nominated District sought by Berkey and have agreed to enter into a Memorandum of Agreement to outline the parties' agreement on this issue; and

WHEREAS, this reduced footprint of the Historic District will also limit, as a result of the Memorandum of Agreement, the reach of regulations (applicable to properties placed on the Registers or surrounding areas) to other areas of the Airport that are useful for economic development as well as the property owned and/or leased by the Township and LTMUA; and

WHEREAS, the County and the Authority wish to advance all the purposes outlined in the Memorandum of Agreement as depicted in the drawing prepared by the County of Cape May titled Proposed Naval Air Station Wildwood Historic District dated 9/20/2012 cooperatively and in harmony with each other party thereto recognizing the objectives of the other and wish to avoid the time, expense, uncertainty and aggravation of continuing to dispute this issue; and

WHEREAS, the parties to the Memorandum of Agreement, excluding the County and Authority, have yet to review it and provide comments to same; and

WHEREAS, in an effort to streamline the eventual execution of the Memorandum of Agreement, the County and the Authority desire to have the form of Memorandum of Agreement approved by their respective governing bodies subject to such minor changes as may be deemed necessary.

NOW, THEREFORE, BE IT RESOLVED, that the form and provisions of the Memorandum of Agreement are hereby approved and that the Chairperson, Vice Chairperson and Executive Director are hereby authorized to execute and deliver the Memorandum of Agreement in substantially the form as depicted in the proposed Naval Air Station Wildwood Historic District drawing prepared by the County of Cape May on September 20, 2012 with such changes therein as Counsel may advise and they may approve, such approval to be conclusively evidenced by the execution and delivery of the Memorandum of Agreement.

A motion to approve Resolution 12-50 was made by Commissioner Downes, seconded by Commissioner Van Sant, and approved by a roll call vote of 12-0.

Resolution 12- Executive Summary Sheet

Resolution: Authorizing the Executive Director to approve a Memorandum of Agreement between the County of Cape May, the Delaware River and Bay Authority, the United States Department of Transportation, Federal Aviation Administration, the State of New Jersey Department of Environmental Protection, Division of Parks and Forestry, Historic Preservation Office, NASW Foundation, Joan Berkey, The Township of Lower and the Lower Township Municipal Utilities Authority regarding a Historic District within the Cape May County Airport

Committee: Economic Development

Board Date: December 18, 2012

Purpose and Background for Resolution:

In June of 2010 a private citizen, Joan Berkey, submitted a form to NJSHPO seeking nomination of approximately one third of the entire airport as a historic place. The nomination comprised both airfield and industrial park property to include property also owned by the Township of Lower and the Lower Township Municipal Utilities Authority (LTMUA).

The County of Cape May, the Township of Lower, the LTMUA and the Authority all objected strenuously to the request. All parties believed that the requested district was too large and that it would be detrimental to the future growth and development of the airport and adjacent industrial park. In 2011, the Authority and the County of Cape May submitted official objections to the request to NJSHPO. Since the objections were submitted all parties have been attempting to resolve the matter. All parties believe that submitting a revised request for a district reduced in size will resolve the issue. A drawing of a reduced district has been prepared. (see attached)

* * * * *

10605. EXECUTIVE DIRECTOR'S COMMENTS

The Executive Director briefed the Board on the activities in and around the Authority including a Shore Life Magazine photo shoot aboard the MV Twin Capes. The magazine is distributed throughout the mid-Atlantic region. On November 11th, Delaware fire departments took the CMLF into New Jersey to provide Hurricane Sandy relief; Mary Lou Jordan, Cape May Terminal administrative assistant hosted US Coast Guard recruits at her home for the Thanksgiving holiday during Operation Fireside; the Authority-wide United Way campaign headed by Anna Marie Gonnella Rosato is currently taking place; Public Broadcasting System held a documentary shoot on December 7th in Cape May. Commissioner Wilson represented the Authority and greeted Professor Gates, host of the documentary. Port Captain Bryan Helm completed a half marathon for diabetes on December 8th; DRBA, in conjunction with Lower Township MUA and Parks and Recreation hosted approximately 300 children at the Cape May Ferry Terminal for A Ferry Merry Christmas event; DRBA Police hosted Tabletop Exercise, an emergency management planning exercise involving multi-state agencies including the FBI; Lewes Terminal employee holiday breakfast was held on December 17th. Cape May employee breakfast will be held on December 20 at 8:00am and DMB employee's luncheon is scheduled for 12:00pm.

The Executive Director invited the Commissioners to join staff and Delaware Governor Jack Markell at the DMB toll booth to recognize and congratulate the one billionth rider to ride over the Delaware Memorial Bridge.

* * * * *

10606. COMMISSIONERS PUBLIC FORUM

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

Vice Chairperson Hogan wished everyone a happy holiday.

* * * * *

There being no further business, a motion to adjourn was made by Commissioner Downes, seconded by Commissioner Dorn, and unanimously carried.

The meeting was adjourned at 11:26 a.m.

Respectfully submitted,

THE DELAWARE RIVER AND BAY AUTHORITY

Frank W. Minor
Assistant Secretary