

**MINUTES OF MEETING
THE DELAWARE RIVER AND BAY AUTHORITY
Delaware Memorial Bridge Complex
Wednesday, June 22, 2022**

The meeting convened at 10:00 a.m. in person at the Delaware Memorial Bridge Complex, with participants allowed to join in person or by Zoom with Chairperson Hogan presiding.

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

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.

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

Commissioners from New Jersey

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

Commissioners from Delaware

Samuel Lathem, Vice-Chairperson
Crystal L. Carey via: Zoom
Henry J. Decker via: Zoom
Michael Ratchford
Veronica O. Faust
Theodore Becker

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Chairperson Hogan called for the acceptance of the Agenda.

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

The Executive Director introduced the following DRBA 2022Summer Interns:
Shea Sweeney, Communications, Delaware Memorial Bridge.
Diana Jones, Marketing, Cape May Lewes Ferry.
Ally Boehm, Executive, Delaware Memorial Bridge.
Janina Camp, Marketing, Cape May Lewes Ferry.
Alexander Marchiselli, Engineering, Delaware Memorial Bridge.
Troy Estelle, Human Resources, Cape May Lewes Ferry.

Chairperson Hogan opened the meeting for public comment on any matters of interest.

There were no public comments.

Chairperson Hogan called for a motion to move to Executive Session. Vice-Chairperson Lathem made a motion, seconded by Commissioner Becker, and the motion carried by voice vote of 11-0.

Members of the public and certain staff were excused from the room during the Executive Session.

The Executive Session started at 10:07 a.m. and ended at 11:13 a.m.

At the conclusion of the Executive Session, Chairperson Hogan called for a motion to close Executive Session and recess to conduct Committee Meetings. Vice-Chairperson Lathem made a motion, seconded by Commissioner Faust and the motion carried by voice of 11-0.

The Committee meetings started at 11:24 a.m. and ended at 12:36 p.m. During that time, the following committee meetings were held:

- Budget & Finance
- Economic Development
- Personnel
- Projects

At the conclusion of the Committee meetings, Chairperson Hogan called the meeting back to order at 12:36 p.m.

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11952. APPROVAL OF THE MAY 17, 2022 MINUTES

Commissioner Ratchford made a motion to approve meeting minutes for May 17, 2022, seconded by Commissioner Becker, and approved by a voice vote of 11-0.

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11953. 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 May charts were ordered filed with the permanent records of the Authority.

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11954. DELAWARE RIVER AND BAY AUTHORITY – STATEMENT OF INCOME AND EXPENSE.

The CFO presented charts showing statements of income and expense for May 2022 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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11955. DELAWARE RIVER AND BAY AUTHORITY – OPERATING EXPENSE BY DIVISION.

The CFO presented charts for May 2022 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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11956. DELAWARE RIVER AND BAY AUTHORITY – CAPITAL IMPROVEMENT PROGRAM.

The CFO presented charts for May 2022 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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11957. DELAWARE RIVER AND BAY AUTHORITY – CASH POSITION (MARKET VALUE) FOR MAY 31, 2022.

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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11958. PUBLIC COMMENT ON ACTION ITEMS

Chairperson Hogan noted that (7) Contract Awards, No Contract Close-Outs, and (6) 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 on any action items.

There was no public comment on action items before the Board.

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11959. AWARD OF CONTRACT #CMLF-L22-04 – TOLL PLAZA CANOPY ROOF AND SIGNAGE REHAB AT LEWES FERRY TERMINAL

The Chief Operations Officer (COO) noted that a public bid opening was held on May 25, 2022. The COO and Projects Committee recommended awarding the contract to the lowest responsible bidder Noble Roofing & Sheet Metal Inc. of Richboro, Pennsylvania, in the amount of \$927,745.00.

A motion to award CONTRACT #CMLF-L22-04 to the aforementioned firm was made by Commissioner Becker, seconded by Commissioner Ransome, and approved by a voice vote of 11-0.

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11960. AWARD OF CONTRACT #CMLF-C22-04 – TOLL PLAZA CANOPY ROOF AND SIGNAGE REHAB AT CAPE MAY FERRY TERMINAL

The Chief Operations Officer (COO) noted that a public bid opening was held on May 25, 2022. The COO and Projects Committee recommended awarding the contract to the lowest responsible bidder Noble Roofing & Sheet Metal Inc. of Richboro, Pennsylvania, in the amount of \$927,745.00.

A motion to award CONTRACT #CMLF-C22-04 to the aforementioned firm was made by Commissioner Becker, seconded by Commissioner Ransome, and approved by a voice vote of 11-0.

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11961. AWARD OF CONTRACT #DMB-21-23 – JULIA BUILDING ROOF REPLACEMENT AND ATRIUM SKYLIGHT STRUCTURAL GLASS ROOF REPAIR

The Chief Operations Officer (COO) noted that a public bid opening was held on May 25, 2022. The COO and Projects Committee recommended awarding the contract to the lowest responsible bidder Detwiler Roofing of East Earl, Pennsylvania, in the amount of \$858,650.00.

A motion to award CONTRACT #DMB-21-23 to the aforementioned firm was made by Commissioner Ransome, seconded by Commissioner Becker, and approved by a voice vote of 11-0.

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11962. AWARD OF CONTRACT #DMB-21-08 – LANE SIGNAL INDICATORS REPLACEMENT

The Chief Operations Officer (COO) noted that a public bid opening was held on May 24, 2022. The COO and Projects Committee recommended awarding the contract to the lowest responsible bidder McLean Contracting Company of Glen Burnie, Maryland, in the amount of \$1,299,850.00.

A motion to award CONTRACT #DMB-21-08 to the aforementioned firm was made by Commissioner Ratchford, seconded by Commissioner Decker, and approved by a voice vote of 11-0.

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11963. AWARD OF CONTRACT #ILG-21-08 – BUILING I-6000 UPGRADES

The Chief Operations Officer (COO) noted that a public bid opening was held on May 24, 2022. The COO and Projects Committee recommended awarding the contract to the lowest responsible bidder L.J. Paolella Construction, Inc. of Brookhaven, Pennsylvania, in the amount of \$168,567.00.

A motion to award CONTRACT #ILG-21-08 to the aforementioned firm was made by Commissioner Ransome, seconded by Commissioner Baldini, and approved by a voice vote of 10-0-1, Commissioner Faust abstaining from voting.

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11964. AWARD OF CONTRACT #MIV-21-07 – BUILDING M-17 ROOF IMPROVEMENTS

The Chief Operations Officer (COO) noted that a public bid opening was held on June 2, 2022. The COO and Projects Committee recommended awarding the contract to the 2nd lowest responsible bidder Noble Roofing & Sheet Metal Inc. of Richboro Pennsylvania, in the amount of \$524,745.00.

A motion to award CONTRACT #MIV-21-07 to the aforementioned firm was made by Commissioner Ratchford, seconded by Commissioner Ransome, and approved by a voice vote of 11-0.

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11965. AWARD OF CONTRACT #ILG-21-09 – BUILDING I-1011 ROOF IMPROVEMENTS

The Chief Operations Officer (COO) noted that a public bid opening was held on June 2, 2022. The COO and Projects Committee recommended awarding the contract to the lowest responsible bidder Detwiler Roofing of East Earl, Pennsylvania, in the amount of \$171,200.00.

A motion to award CONTRACT #ILG-21-09 to the aforementioned firm was made by Commissioner Ratchford, seconded by Commissioner Ransome, and approved by a voice vote of 10-0-1, Commissioner Faust abstaining from voting.

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11966. CHAIRPERSON’S CALL FOR RESOLUTIONS BEFORE THE BOARD

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RESOLUTION 22-24 - AUTHORIZING AUTHORITY EXPENDITURES PURSUANT TO RESOLUTION 01-84 FOR THE PERIOD, JANUARY 1, 2022, THROUGH DECEMBER 31, 2022

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
VENDORS PROJECTED TO BE PAID OVER \$25,000
FOR THE PERIOD 1/1/22 THROUGH 12/31/22

VENDOR	PURCHASE DESCRIPTION	CLASSIFICATION	ESTIMATED \$
Adelte Ports and Maritime	Upgrades on Foot Passenger Ramps at CMLF	Sole Source	\$245,000
Bearing Distributors, Inc. (BDI)	Capstan Units for CMLF Docking	Sole Source	\$281,000
Deere & Company c/o Central Jersey Equipment, LLC	Replacement Utility Vehicles	Cooperative Contract	\$97,000
Delaware Bay Shipbuilding Co., LLC	Delafort Hull Repairs	Quotes	\$46,000
Dennisville Fence	Fence Replacement at Building M1601 at MIV	Quotes	\$33,000
Mitten Construction	Gold Star Memorial Concrete Patio at DMB War Memorial	Quotes	\$39,000

NOW, THEREFORE, BE IT RESOLVED, that the Authority authorizes expenditures to the above-listed vendors for the described purposes and authorizes payment.

Resolution 22-24 was moved by Commissioner Ransome, seconded by Commissioner Ratchford, and was approved by a roll call vote of 11-0.

Resolution 22-24 - Executive Summary Sheet

Resolution: Authorizing Authority Expenditures Pursuant to Resolution 01-84 for the period January 1, 2022, through December 31, 2022.

Committee: Budget & Finance

Committee and Board Date: June 22, 2022

Purpose of Resolution:

Authorizes expenditures of \$25,000 or greater with the identified vendors during the 2022 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.

Purchase Detail:

Adelte Ports and Maritime: Upgrades on Foot Passenger Ramps at CMLF

The Authority plans to upgrade the programable logic controller and gantry leveling systems for the existing foot passenger ramps in Cape May and Lewes. This upgrade will address operational issues connected to the reliability of the programmable logic controllers for the units and will eliminate leveling faults of the loading platforms directly adjacent to ferry vessel gates. Adelte is the sole source for this highly specialized equipment. The Authority currently contracts with Adelte for annual maintenance for the passenger boarding bridges at the CMLF terminals.

Bearing Distributors, Inc. (BDI): Capstan Units for CMLF Docking

The Authority plans to purchase and install one (1) new Capstan unit and upgrade one (1) existing Capstan unit to aid the docking of the ferry vessels at the Cape May terminal. BDI is the sole source manufacturer of this specialized equipment. The existing capstan units are no longer produced, this purchase is to fabricate new capstan units that meet the Authority's requirements.

Deere & Company c/o Central Jersey Equipment, LLC: Replacement Utility Vehicles

The Authority plans to replace three (3) grounds maintenance utility vehicles that have exceeded their useful life and meet the Authority's equipment replacement criteria. This purchase was previously authorized to Atlantic Tractor (local dealer) per state contract *GSS21673-GRNDMAINT*, however staff identified more competitive prices pursuant to cooperative contract (*ESCNJ 18/19-25*).

Delaware Bay Shipbuilding Co., LLC: Delafort Hull Repairs

In 2021, staff solicited quotes from three (3) companies to provide hull repairs on the passenger vessel Delafort, owned and operated by the Authority. The Delaware Bay Shipbuilding submitted the lowest quote for repairs required by the USCG Inspections Department. The project was split up between 2021 and 2022, the scope of work includes phase two of a three phase process to make repairs to the bottom plating of the vessel.

Dennisville Fence: Fence Replacement at Building M1601 at MIV

The Authority plans to remove and replace the existing fence at Building M1601 located at the Millville Airport. The fence line is being modified to allow unimpeded airfield access to the hangar for aviation use. Staff solicited quotes from four (4) contractors and received one (1) from Dennisville Fence in accordance with the Authority's specifications.

Mitten Construction: Gold Star Memorial Concrete Patio at DMB War Memorial

The Authority plans to install a concrete patio to provide pedestrian access to the Gold Star Memorial at the Delaware Memorial Bridge War Memorial Site. Staff solicited six (6) quotes and received five (5) with Mitten Construction submitting the lowest quote in accordance with the Authority’s specifications.

Classification Definitions:

Cooperative Contract. A purchase of equipment, supplies or non-professional services which, under normal circumstances, would require competitive bidding, however the vendor has agreed to provide the goods or services to the Authority at fees less than or equal to that vendor’s respective publicly-bid contract price for state and governmental entities. In accordance with Resolution 11-36, this purchase classification includes those “...*purchases from cooperatives and/or the piggy-backing of existing publicly-bid contracts for state and governmental entities which State of Delaware or New Jersey may or may not individually publicly advertise*”.

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 22-25 – AUTHORIZES ACCEPTANCE OF FUNDS FROM THE FEDERAL TRANSIT ADMINISTRATION AMERICAN RESCUE PLAN ADDITIONAL ASSISTANCE FUNDING GRANT PROGRAM

WHEREAS, The Delaware River and Bay Authority is a bi-state government agency with authority to operate and maintain public transportation; and

WHEREAS, the Federal Transit Administration has been delegated authority to award federal financial assistance for a public transportation project; and

WHEREAS, the Federal Transit Administration has granted The Delaware River and Bay Authority \$11,953,358 in Federal Transit Administration Grant funds as part of the American Rescue Plan to offset ferry service operating deficits attributed to COVID-19.

WHEREAS, notice of the award was made on March 23, 2022 on the Federal Transit Administration’s website: <https://www.transit.dot.gov/sites/fta.dot.gov/files/2022-03/FY21-American-Rescue-Plan-Additional-Assistance-Selections.pdf>;and

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to accept the disbursement of the funds from the Federal Administration grant and with the advice of counsel execute all documents related to the grant award.

Resolution 22-25 was moved by Commissioner Ratchford, seconded by Commissioner Ransome, and was approved by a roll call vote of 11-0.

Resolution 22-25 - Executive Summary

Resolution: Authorizing the acceptance funds from the Federal Transit Administration American Rescue Plan Additional Assistance Funding Grant Program

Committee: Budget & Finance

Committee Date: June 22, 2022

Board Date: June 22, 2022

Purpose of Resolution:

To permit the Authority to accept the grant funds awarded from the Federal Transit Administration American Rescue Plan Additional Assistance Funding Grant Program.

Background for Resolution:

The Delaware River and Bay Authority operated the Cape May – Lewes Ferry at a substantial deficit during the Covid-19 pandemic. By way of notice on March 23, 2022, on the FTA’s website, the Authority was awarded a grant totaling \$11,953,358 to offset this deficit as part of the American Rescue Plan.

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RESOLUTION 22-26 – AUTHORIZING A LEASE AMENDMENT WITH PENTURBO AVIATION, INC. AT THE CAPE MAY AIRPORT

WHEREAS, the Delaware River and Bay Authority (the “Authority”), is the operator of the Cape May Airport (“Airport”), in New Jersey; and

WHEREAS, PenTurbo Aviation, Inc. (“PenTurbo”) currently owns a Hangar and leases land and associated ramp space at the Cape May Airport; and

WHEREAS, PenTurbo has one (1), ten (10) year renewal term remaining on their Lease Agreement; and

WHEREAS, PenTurbo has decided to relocate their aircraft modification program and has requested to reduce the renewal term to two (2) years; and

WHEREAS, rent shall increase annually during the renewal term by the Consumer Price Index (CPI); and

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

Resolution 22-26 was moved by Commissioner Ratchford, seconded by Commissioner Becker, and was approved by a roll call vote of 11-0.

Resolution 22-26 - Executive Summary Sheet

Resolution: Authorizing the Executive Director to execute a Lease Amendment with Pen Turbo Aviation, Inc.

Committee: Economic Development

Committee Date: June 22, 2022

Board Date: June 22, 2022

Background for Resolution:

Pen Turbo Aviation Inc. owns a hangar and office building at the Cape May Airport and has a land lease with the Airport for land that PenTurbo occupies with its hangar, office building and ramp space. They have been tenants at the airport since 1992. The company was sold recently. The new owner is looking to relocate the

operation to one of their other facilities out of state and has requested to reduce the remaining renewal term from 10 years to 2 years.

PenTurbo's business is to modify/convert Canadian built Caribou type aircraft from the original piston to turbine engine power and resell them to worldwide commercial cargo operators. Since 1992, they have delivered 3 aircraft. The remaining aircraft awaiting conversion are in various states of deterioration on the ramp. The DRBA is in favor of having these remaining aircraft removed along with the hangar building. PenTurbo occupies prime developable space on the airport with airside access which is desirable for future aviation development.

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RESOLUTION 22-27 - AUTHORIZES AN UTILITY EASEMENT AND A LEASE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND AT & T COMMUNICATIONS, INC. AND ITS AFFILIATES AT THE DELAWARE MEMORIAL BRIDGE

WHEREAS, the Delaware River and Bay Authority (the "Authority"), is the operator of the Delaware Memorial Bridge (the "Bridge"), New Castle, Delaware; and

WHEREAS, AT & T Communications, Inc. and its affiliates ("AT & T") currently has fiber on the bridge through an easement that has expired. AT & T would like to continue to access the bridge through a new Easement Agreement ("Easement") for their exiting fiber line; and

WHEREAS, AT & T would also like to enter into a Lease Agreement ("Lease") to lease space in underground conduit owned by the Authority that will extend the fiber line on the bridge to Route 130 in NJ and Route 9 in DE; and

WHEREAS, AT & T has agreed to pay the Authority annual rental for the easement of Twelve Dollars and 78/00 (\$12.78) per linear foot on the bridge; and

WHEREAS, AT & T has agreed to pay the Authority annual rental for Lease of One Dollar and 30/100 (\$1.30) per linear foot of conduit usage; and

WHEREAS, rent for both the easement and the lease agreement shall increase annually by two percent (2%); and

WHEREAS, the initial term of the Easement and Lease shall be for thirty (30) years; and

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of the Easement and Lease Agreements with AT & T Communication, Inc and its affiliates and, with the advice and consent of counsel, to have such agreement executed by the Chairperson, Vice Chairperson and the Executive Director.

Resolution 22-27 was moved by Commissioner Ransome, seconded by Commissioner Wilson, and was approved by a roll call vote of 11-0.

Resolution 22-27 - Executive Summary

Resolution: Authorizing the Execution of a Lease and Easement Agreement between the Delaware River and Bay Authority and AT & T Communication, Inc. and its affiliates regarding the Delaware Memorial Bridge

Committee: Economic Development

Committee Date: June 22, 2022

Board Date: June 22, 2022

Purpose of Resolution: To permit the Executive Director, Chairman and Vice Chairman to execute and deliver a lease and easement agreement for space at the Delaware Memorial Bridge

Background for Resolution: AT & T Communications, Inc. and its affiliates is upgrading and improving its communication network in the area. They currently have conduit installed and owned by ATT on the bridge. The easement agreement has expired, and they would like to renew that agreement as well as enter into a new lease agreement to extend the fiber line to Routes 130 and 9. The rates are based upon appraisals and FMV comparable.

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RESOLUTION 22-28 – AUTHORIZES THE AMENDMENTS TO THE RESTATED DELAWARE RIVER AND BAY AUTHORITY EMPLOYEES’ RETIREMENT PLAN FOR PERMANENT FULL-TIME EMPLOYEES HIRED ON OR AFTER JANUARY 1, 2015

WHEREAS, the Delaware River and Bay Authority (the “Authority”) currently maintains the Delaware River and Bay Authority Employees’ Defined Benefit Retirement Plan (Amended and Restated 2014) (the “Retirement Plan”); and

WHEREAS, pursuant to Section 8.1(a) of the Retirement Plan, the Authority has the right to amend the Retirement Plan pursuant to a resolution of the Commissioners of the Authority; and

WHEREAS, pursuant to Resolution 14-38 the Authority established Retirement Plan 2 to be effective for all permanent full-time employees who were hired on or after January 1, 2015, and

amended the Retirement Plan to reflect those changes, which included a new formula to be used to calculate the Normal Retirement Benefit of employees hired on or after January 1, 2015; and

WHEREAS, that formula is set forth in Section 5.1(a)(ii) of the Retirement Plan as follows:

For Employees hired on or after January 1, 2015, the amount of monthly retirement benefit to be provided for each Participant who retires on his Normal Retirement Date (which benefit is called his Normal Retirement Benefit) shall be equal to 1.5% of such Participant's Average Monthly Compensation, multiplied by such Participant's Years of Service.

; and

WHEREAS, the Authority desires to further amend Section 5.1(a)(ii) of the Retirement Plan, with such amendment being applied retroactively to January 1, 2015, for all existing and future permanent and full-time employees hired after that date by deleting the current Section 5.1(a)(ii) in its entirety and replacing it with the following:

For Employees hired on or after January 1, 2015, the amount of monthly retirement benefit to be provided for each Participant who retires on his Normal Retirement Date (which benefit is called his Normal Retirement Benefit) shall be equal to **1.75%** of such Participant's Average Monthly Compensation, multiplied by such Participant's Years of Service.

; and

WHEREAS, all other provisions of the Retirement Plan as stated in Resolution 14-38 remain unchanged; and

WHEREAS, the proposed amendment has been reviewed by the Personnel Committee and found to be appropriate.

NOW, THEREFORE, BE IT RESOLVED, that the Delaware River and Bay Authority hereby approves deleting Section 5.1(a)(ii) of the Retirement Plan in its entirety and replacing it with the following:

For Employees hired on or after January 1, 2015, the amount of monthly retirement benefit to be provided for each Participant who retires on his Normal Retirement Date (which benefit is called his Normal Retirement Benefit) shall be equal to **1.75%** of such Participant's Average Monthly Compensation, multiplied by such Participant's Years of Service.

NOW, THEREFORE BE IT FURTHER RESOLVED, that numbered paragraph 3 of Resolution 14-38 is deleted in its entirety and replaced with the following:

3. Any permanent full-time employee hired on or after January 1, 2015 will become vested in Retirement Plan 2 after ten (10) years of service. Pension benefits will be

calculated based on 1.75% of the average base salary for the three (3) highest consecutive years multiplied by years of service. Employees will be required to contribute 3% of base salary to said Plan.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the proper officers and employees of the Authority are hereby authorized to execute the necessary amendments to the Retirement Plan and to take whatever action to execute whatever instruments with the advice and consent of General Counsel that may be necessary or convenient to carry out the foregoing resolution.

Resolution 22-28 was moved by Commissioner Smith, seconded by Commissioner Ransome, and was approved by a roll call vote of 11-0.

Resolution 22-28 - Executive Summary Sheet

Resolution: Authorizes the Amendment to the Restated Delaware River and Bay Authority Employees' Retirement Plan, for Permanent Full-Time Employees hired on or after January 1, 2015

Committee: Personnel

Committee Date: June 22, 2022

Board Date: June 22, 2022

Purpose of Resolution:
To approve the proposed 1.75% amendment to the Authority's Retirement Plan provision retroactively for all permanent full-time employees hired on or after January 1, 2015, and beyond as presented by the Executive Director and the Chief Human Resources Officer.

Background for Resolution:
The Delaware River and Bay Authority has had the Employees' retirement plans since June 1, 1963.

It is the responsibility of the Authority to frequently review the benefits offered to current and future permanent full-time employees. To be fiscally responsible and to implement practices found in other public sector companies, the Authority has decided to revise the Authority's retirement plan for permanent full-time new and rehired employees hired on January 1, 2015, and beyond.

The proposed revision in the pension plan formula revises that stated in Resolution 14-38 (copy attached).

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RESOLUTION 22-29 - AUTHORIZES AN UTILITY EASEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND THE LOWER TOWNSHIP MUNICIPAL UTILITIES AUTHORITY (LTMUA) AT THE CAPE MAY FERRY

WHEREAS, the Delaware River and Bay Authority (the “Authority”), is the operator of the Cape May Lewes Ferry (the “Ferry”), Cape May, New Jersey; and

WHEREAS, Lower Cape May Regional High School (“LCMR HS”) is in need of a connection to the LTMUA’s public water service. LCMR HS is currently served by two private wells, one of which has failed and the second is failing and there is currently no existing backup water service available. LCMR HS has passed an emergency resolution to authorize the connection to public water service; and

WHEREAS; LTMUA has passed an emergency resolution that authorizes a \$2.5 million expenditure to construct an extension to provide LCMR HS with public water service; and

WHEREAS, LTMUA desires an easement from the Authority to run parallel to the Cape May Ferry approach road for a portion of the extended water service; and

WHEREAS, the easement will be 15’ wide. A final survey, metes and bounds and legal description will be provided; and

WHEREAS, the granting of said easement shall not interfere with or be detrimental to the future use of the property; and

WHEREAS, the Authority desires to enter into an easement with the LTMUA to formalize the parties’ rights and obligations with respect to the LTMUA’s easement through the Authority’s property; and

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of the Easement Agreement with the Lower Township Municipal Utilities Authority, with the advice and consent of counsel, to have such agreement executed by the Chairperson, Vice Chairperson, and the Executive Director.

Resolution 22-29 was moved by Commissioner Ransome, seconded by Commissioner Becker, and was approved by a roll call vote of 11-0.

Resolution 22-29 - Executive Summary

Resolution: Authorizing the Execution of an Easement Agreement between the Delaware River and Bay Authority and the Lower Township Municipal Utility Authority (LTMUA).

Committee: Projects Committee

Committee Date: June 22, 2022

Board Date: June 22, 2022

Purpose of Resolution: To permit the Executive Director, Chairman and Vice Chairman to execute and deliver a utility easement agreement with the LTMUA in the approach to the Cape May Ferry terminal

Background for Resolution: LTMUA has authorized an \$2.5 emergency contract to run a water line extension to the Lower Cape May Regional HS. The school is currently served by 2 private wells that have failed or are failing. The new line is planned to run in the ROW of the ferry approach road leading to the Cape May ferry terminal. the easement will comprise approximately square feet which will be finalized when a survey, legal description and metes and bounds are provided as well as a set of as-built drawings.

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11967. COMMISSIONERS PUBLIC FORUM

Chairperson Hogan called for comments from the public and Commissioners.

Commissioner Becker acknowledged the completion of repaving Freeman Highway, Lewes Delaware.

Commissioner Wilson thanked Chairman, Vice-Chairman, and Committee members for working so hard and their dedication to this organization.

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11968. EXECUTIVE DIRECTOR'S COMMENTS

The Executive Director showed an interview from Channel 17 with Jack Wright from Exit Zero Hospitality, Cape May Lewes Ferry highlighting great things happening this year. Hosting (3) concerts and other events throughout the year.

The Executive Director presented slides hosting the DRBA Memorial Day Services. The next slide displayed, eighteen STEM students who are in the 8th grade at McCullough Middle School in New Castle took a field trip to the Delaware Memorial Bridge. The last slide showed the 2022 World Environment Day with over 500 people in attendance. The Executive Director thanked Silvana Dominiononi and the Environmental Health & Safety group for hosting such a great event.

The Executive Director and Assistant Director of Airports, Benjamin Clendaniel met with Jeremy McEntire, Assistant Director of Adult Education at Poly Tech High School. Poly Tech High School will be starting a program to work on airplanes. Delaware State University Aviation will donate the plane to Poly Tech High School to create hands on environment.

Upcoming Meetings:

Tuesday, July 19, 2022 – 10:00 a.m. – Board of Commissioners Meeting; James Julian Board Room

There being no further business, Chairperson Hogan adjourned the meeting at 1:00 p.m.

Respectfully submitted,

THE DELAWARE RIVER AND BAY AUTHORITY

Stephen D. Williams
Assistant Secretary