

MINUTES OF THE REGULAR MEETING
OF THE MEMBERS OF THE
CAPE MAY COUNTY BRIDGE COMMISSION

September 21, 2023

The regular meeting of the members of the Cape May County Bridge Commission was held on the twenty-first day of September 2023 in the County Administration Building, Cape May Court House, New Jersey.

The meeting was called to order by Chairman Carol Brand with the announcement that the meeting was being conducted pursuant to the requirements of the “Open Public Meeting Act.”

Mrs. Brand then led everyone in the Pledge of Allegiance.

The following answered “present” as their names were called:

Carol Brand, Chairman
Scott Halliday, Vice Chairman
Maryanne K. Murphy, Secretary/Treasurer via telephone

Also present were Karen Coughlin, Executive Director, Antonio Colón, Project Manager, Jeffrey Lindsay, Commission Counsel, and Frank Seney, RVE, Commission Engineer.

A motion to approve the minutes of the August 17, 2023 Regular Monthly Meeting was moved by Mrs. Murphy, seconded by Mr. Halliday, and unanimously approved.

Ms. Coughlin reported the cash analysis for the month of August 2023, which indicated an increase in total monthly revenue in the amount of \$165,899 compared to August 2022.

	FY 2023	FY 2022	Change from 2022
Middle Thorofare	\$265,054	\$225,811	\$ 39,243
Grassy Sound	\$107,077	\$ 84,899	\$ 22,178
Townsend's Inlet	\$175,479	\$145,022	\$ 30,458
Corsons Inlet	\$136,474	\$103,048	\$ 33,426
Ocean City Longport	\$230,708	\$190,115	\$ 40,593
MONTHLY CASH TOTALS	\$914,793	\$748,894	\$165,899

The E-ZPass percentage rate for the month was 88.08%.

The next topic of the meeting was resolutions.

The following resolution numbers 23-3648 through 23-3651 were part of the Consent Agenda:

RESOLUTION AUTHORIZING THE CHAIRMAN TO SIGN THE OFFICER’S CERTIFICATE

BE IT RESOLVED, by the **CAPE MAY COUNTY BRIDGE COMMISSION**, that the Chairman be and is hereby authorized to sign the Officer’s Certificate certifying that all expenditures made by the Commission from the Operating Fund during August 2023 were for operating expenses and were in accordance with the terms of the annual budget.

BE IT FURTHER RESOLVED, that said certification be filed with the Trustee, in accordance with Article V, Section 505, item (3), of the General Bond Resolution adopted December 11, 1990.

RESOLUTION CERTIFYING MONTHLY DEPOSITS IN THE REVENUE ACCOUNT FOR AUGUST 2023

BE IT RESOLVED, by the **CAPE MAY COUNTY BRIDGE COMMISSION**, that the revenue deposited, prior to full reconciliation, in our in-house revenue account at the Sturdy Savings Bank, located in Cape May Court House, New Jersey, amounted to \$862,748.24 for the month of August 2023.

BE IT FURTHER RESOLVED, that said Resolution be filed with the Trustee, in compliance with Article V, Section 503, of the General Bond Resolution adopted December 11, 1990.

RESOLUTION APPROVING A CEILING AMOUNT FOR HEALTH BENEFITS AND PAYROLL EXPENSES IN BETWEEN BRIDGE COMMISSION MEETINGS

WHEREAS, the Cape May County Bridge Commission (hereinafter referred to as “Commission”) must approve the payment of Health Benefits for its active and retired employees in addition to all payroll expenses for periods in between Commission meetings; and

WHEREAS, the precise amount of this payment is not known until after the Commission meeting each month and cannot wait until the subsequent monthly meeting; and

WHEREAS, the most practical solution to this problem is to allow the Commission to endorse and approve payment for these items at a ceiling amount, and be informed of the precise amount at the following monthly meeting;

NOW, THEREFORE, BE IT RESOLVED, that the **CAPE MAY COUNTY BRIDGE COMMISSION**, hereby approves payment for Health Benefits for Retirees not to exceed \$40,000, payment for Health Benefits for Active Employees not to exceed \$30,000, and monthly payroll expenses not to exceed \$300,000.

BE IT FURTHER RESOLVED, that the Commission acknowledges that the precise amount of the payment will be recorded on next month's bill list.

RESOLUTION AUTHORIZING THE COMMISSION TO RECESS AND ENTER EXECUTIVE SESSION EXCLUDING THE PUBLIC ON SEPTEMBER 21, 2023 AT 2:30 PM OR AS SOON THEREAFTER AS POSSIBLE OR PRACTICABLE

WHEREAS, the Cape May County Bridge Commission (hereinafter referred to as "Commission") desires to hold a meeting excluding the public, pursuant to guidelines established for the purpose of discussing matters involving attorney-client privilege; and

WHEREAS, said matters may be discussed at a private meeting of the Commission pursuant to the provisions of N.J.S.A. 10:4-12;

NOW, THEREFORE BE IT RESOLVED, by the Cape May County Bridge Commission that the Commission shall hold a meeting excluding the public, in the Caucus Room of the County Administration Building, Cape May Court House, New Jersey on September 21, 2023 at 2:30 p.m. or as soon thereafter as possible or as practicable, said meeting to be held for the purpose of discussing the following:

1. Matters falling within attorney-client privilege, pursuant to N.J.S.A. 10:4-12(b)(7); and

BE IT FURTHER RESOLVED, that in accordance with N.J.S.A. 10:4-13, the time when the circumstances under which the discussion conducted in the meeting excluding the general public can be disclosed to the general public are as follows:

1. As to the discussion relating to matters falling within attorney-client privilege, when a final resolution has been reached with regard to subject matter discussed herein.

Resolutions 23-3648 through 23-3651 were moved by Mrs. Murphy, seconded by Mr. Halliday, and unanimously approved.

RESOLUTION AWARDED A COMPETITIVE CONTRACT TO JOHNSON, MIRMIRAN & THOMPSON, INC. FOR 2023-24 NBIS BRIDGE RE-EVALUATION SURVEY PROGRAM

WHEREAS, on July 26, 2023 the Cape May County Bridge Commission (Commission), advertised and sought proposals for competitive contracting in accordance with N.J.S.A. 40A:11-4.1 et seq. and N.J.A.C. 5:34-4.1-4 under the Fair and Open Process for Professional Engineering Services for 2023-24 NBIS Bridge Re-Evaluation Survey Program; and

WHEREAS, Competitive Contracting may be used in lieu of public bidding pursuant to N.J.S.A. 40A:11-4.i at the option of the governing body of the contracting unit, any good or service that is exempt from bidding pursuant to section 5 of P.L. 1971, c. 198 (C40A:11-5), professional services; and

WHEREAS, on August 23, 2023, at 2:00 P.M. the Commission received and evaluated five (5) proposals in accordance with N.J.S.A. 40A:11-4.1 *et seq.* and it has been determined that Johnson, Mirmiran & Thompson, Inc. of Trenton, NJ is best qualified to provide Professional Engineering Services for 2023-24 NBIS Bridge Re-Evaluation Survey Program in accordance with Specification BC23-06;

WHEREAS, upon the recommendation of the Commission’s Executive Director and Project Manager, the Cape May County Bridge Commission hereby awards the professional engineering services contract for the 2023-24 NBIS Bridge Re-Evaluation Survey Program to Johnson, Mirmiran & Thompson, Inc., Trenton, New Jersey, for a not-to-exceed amount of \$430,351.99;

NOW, THEREFORE, BE IT RESOLVED, by the **CAPE MAY COUNTY BRIDGE COMMISSION**, that the proper officers of the Commission, to wit, the Chairman and Executive Director, be and they are hereby authorized and directed to execute Contract BC23-06 with Johnson, Mirmiran & Thompson, Inc., copies of which are attached hereto and by this reference made a part hereof.

BE IT FURTHER RESOLVED, pursuant to the rules of the Local Finance Board of the State of New Jersey that a Certification of Funds has been completed and the contract shall be paid from the Operating Account line 6681.

BE IT FURTHER RESOLVED, that inasmuch as this contract is awarded pursuant to the Fair and Open Process, a notice of this Resolution shall be published in the Cape May County Herald.

Resolution 23-3652 was moved by Mrs. Murphy, seconded by Mr. Halliday, and unanimously approved.

RESOLUTION AUTHORIZING EXECUTION OF INDEMNIFICATION AGREEMENT WITH EB FILMS, LLC FOR USE OF THE TOWNSENDS INLET BRIDGE

WHEREAS, EB Films, LLC is filming a motion picture in Sea Isle City and Avalon between October 25 and 29, 2023; and

WHEREAS, as part of filming of the motion picture, EB Films, LLC has requested permission to film on the Townsends Inlet Bridge, which is owned and operated by the Cape May County Bridge Commission; and

WHEREAS, the Cape May County Bridge Commission has imposed a condition on such permission to the effect that EB Films, LLC must enter into an Indemnification Agreement for the benefit of the Bridge Commission; and

WHEREAS, EB Films, LLC through its duly authorized representatives has signed the required Indemnification Agreement, a copy of which is attached as Exhibit “A”.

NOW THEREFORE BE IT RESOLVED, by the **CAPE MAY COUNTY BRIDGE COMMISSION** that the presiding officers, to wit, the Chairman and Executive Director, be and they are hereby authorized and directed to execute an Indemnification Agreement for filming of the motion

picture on the Townsends Inlet Bridge between October 25 and 29, 2023 during late evening or early morning hours.

Resolution 23-3653 was moved by Mrs. Murphy, seconded by Mr. Halliday, and unanimously approved.

RESOLUTION AUTHORIZING EXECUTION OF AMENDED AND RESTATED E-ZPASS INTERAGENCY GROUP RECIPROCITY AGREEMENT

WHEREAS, E-ZPass is a regional system of electronic toll collection operated by Members of the E-ZPass Interagency Group (IAG); and

WHEREAS, the Cape May County Bridge Commission is a Sponsored Affiliate Member of the E-ZPass Interagency Group (IAG); and

WHEREAS, in order to implement the operation of the regional electronic toll collection system, the Commission recognizes the practical necessity of a joint and cooperative effort with the IAG; and

WHEREAS, a Reciprocity Agreement exists to set forth the principles to achieve reciprocity of the participating Members' toll facilities and this agreement is amended from time to time; and

WHEREAS, the Amended and Restated Reciprocity Agreement shall be considered an extension of, and intended to implement in part, the Operating Agreement of the IAG;

NOW, THEREFORE, BE IT RESOLVED, that the **CAPE MAY COUNTY BRIDGE COMMISSION** as follows:

1. The recitals set forth above are incorporated as if set forth in full herein.
2. The Executive Director is hereby authorized to execute, acknowledge and deliver the Amended and Restated IAG Reciprocity Agreement dated August 10, 2023, attached hereto as Schedule "A".

Resolution 23-3654 was moved by Mrs. Murphy, seconded by Mr. Halliday, and unanimously approved.

RESOLUTION AWARDING A COMPETITIVE CONTRACT TO J. BYRNE AGENCY, INC. FOR BROKER OF RECORDS SERVICES FOR PROPERTY AND CASUALTY INSURANCE

WHEREAS, on August 2, 2023 the Cape May County Bridge Commission (Commission), advertised and sought proposals for competitive contracting in accordance with N.J.S.A. 40A:11-4.1 *et seq.* and N.J.A.C. 5:34-4.1-5 under the Fair and Open Process for Broker of Record Services for Property & Casualty Insurance; and

WHEREAS, Competitive Contracting may be used in lieu of public bidding pursuant to N.J.S.A. 40A:11-4.i at the option of the governing body of the contracting unit, any good or service that is exempt

from bidding pursuant to section 5 of P.L. 1971, c. 198 (C40A:11-5), professional services; and

WHEREAS, on August 23, 2023, at 2:00 P.M. the Commission received and evaluated one (1) proposal in accordance with N.J.S.A. 40A:11-4.1 *et seq.* and it has been determined that J. Byrne Agency, Inc. of Wildwood, NJ is qualified to provide Broker of Record Services for Property & Casualty Insurance in accordance with Specification BC23-07;

NOW, THEREFORE, BE IT RESOLVED, by the **CAPE MAY COUNTY BRIDGE COMMISSION**, that the proper officers of the Commission, to wit, the Chairman and Executive Director, be and they are hereby authorized and directed to execute Contract BC23-07 with J. Byrne Agency, Inc. for a term of one (1) year, commencing September 21, 2023, with two (2) one (1) year options, copies of which are attached hereto and by this reference made a part hereof.

BE IT FURTHER RESOLVED, pursuant to the rules of the Local Finance Board of the State of New Jersey, that no amount of this contract shall be chargeable or certified until such time as services are ordered or otherwise called for prior to placing the order. Funds shall be paid from the Operating Account line 1408.

BE IT FURTHER RESOLVED, that inasmuch as this contract is awarded pursuant to the Fair and Open Process, a notice of this Resolution shall be published in the Cape May County Herald.

Resolution 23-3655 was moved by Mrs. Murphy, seconded by Mr. Halliday, and unanimously approved.

**RESOLUTION AUTHORIZING THE ADVERTISEMENT OF BIDS FOR 2022
EROSION/SCOUR ABATEMENT AT MIDDLE THOROFARE AND GRASSY SOUND
BRIDGES**

WHEREAS, the Ocean Drive (CR621) Bridge over Middle Thorofare and Ocean Drive (CR619) Bridge over Grassy Sound are in need of repairs based on the National Bridge Inspection Standards (NBIS) reports, and these reports have identified erosion/scour of material in and about the abutments and under the pier caissons; and

WHEREAS, erosion/scour abatement is necessary to impede further deterioration, preserve the structural integrity of the bridge, improve safety and extend its useful life until the anticipated replacement of the bridges; and

WHEREAS, it is the desire of the Commission to authorize the Contracting Agent to advertise and take sealed bids for 2022 Erosion/Scour Abatement at Middle Thorofare and Grassy Sounds Bridges project;

NOW, THEREFORE, BE IT RESOLVED, that the Commission authorizes the Contracting Agent to advertise for the receipt of bids for 2022 Erosion/Scour Abatement at Middle Thorofare and Grassy Sounds Bridges, said advertisement to appear in The Herald Newspaper and/or The Press of Atlantic City.

Resolution 23-3656 was moved by Mrs. Murphy, seconded by Mr. Halliday, and unanimously approved.

Update on Capital Projects:

Mr. Colón provided updates on capital improvement projects for the month to the Commissioners. A copy of the Project Manager’s report is attached to the minutes.

For correspondence, Ms. Coughlin read an email received from Natalie Duffy. Mrs. Duffy’s husband works at Lund’s Fisheries and during his workday may cross the toll over the Middle Thorofare Bridge a few times per day or week and are charged full rate. She said she understands that there is currently no consideration to create a reasonable variation and asked to have this situation considered.

After listening to the email, the Commissioners are in agreement that the issue with employees crossing the bridge during the workday should be addressed to their employer, Lund’s Fisheries.

There was no old business to discuss.

There was no new business to discuss.

Public present:

Casey Byrne – J. Byrne Agency, Inc. Mr. Byrne provided information on our current insurance policies.

The Commissioners entered Executive Session at 3:21 pm to discuss matters falling within attorney-client privilege.

Upon the close of the Executive Session, a motion was made by Mr. Halliday to close the Executive Session and return to open session. The motion was moved by Mrs. Murphy and unanimously approved.

Returned to Open Session at 3:35 pm.

A motion to pay the bills was moved by Mrs. Murphy, seconded by Mr. Halliday and unanimously approved.

A motion to adjourn was moved by Mrs. Murphy, seconded by Mr. Halliday, and unanimously approved.

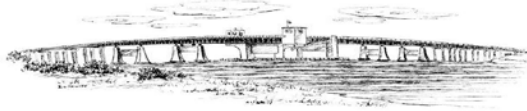
Respectfully submitted,

Karen Coughlin

Karen Coughlin, Executive Director

CAPE MAY COUNTY BRIDGE COMMISSION

Carol Brand, *Chairman*
Scott Halliday, *Vice-Chairman*
Maryanne K. Murphy, *Secretary/Treasurer*



Karen Coughlin, *Executive Director*
Antonio Colón, *Project Manager*

Memorandum

DATE: September 21, 2023
TO: Carol Brand, Chairman
Scott Halliday, Vice-Chairman
Maryanne K. Murphy, Secretary/Treasurer
CC: Karen Coughlin, Executive Director, CMC Bridge Commission
FROM: Antonio Colón, Project Manager, CMC Bridge Commission
RE: Monthly Project Manager's Report September 2023

Bridge Commission Consultants:

- *Electrical Engineer:* RFP will be advertised in the next month.
- *NBIS Re-Evaluation Services:* Bids received on 8/23/2023. Bid review completed by the BC and recommendation to award will occur at today's meeting.

Ocean City-Longport Bridge:

- *Fishing Pier:* Final Documents still under review.

Corson's Inlet Bridge:

- *Corson's Inlet Bridge Rehabilitation:* Concurrence from State received on 9/1/2023 and NTP issued 09/05/2023. Project kickoff meeting next week, and work estimated to commence early October.

Townsend's Inlet Bridge:

Grassy Sound Bridge:

- *Superstructure Rehabilitation:* Monthly update meetings have resumed. Design Consultant estimates 90% document submittal Dec 2023. Estimate to advertise construction bid Spring 2024.

Middle Thorofare Bridge:

- *Ocean Drive (CR621) Improvements and Bridge Replacements:* RFP reviewed by OSC and sent back to purchasing for minor front-end documentation comments.

- *Motor Drive Control, PLC Upgrade, and motor repair:* Drive Installation is complete, and testing occurred on 09/06/2023. Bridge operation is running smoothly with new VFD system.
- *Piers 14-16:* RVE has finalized several options for a program to monitor scour progression, they have also given their recommendation on what methods the Bridge Commission should pursue. Scour monitoring program approved last meeting, preliminary stages of RFP development.

Multiple Bridges:

- *Grassy Sound/Middle Thorofare Scour Abatement:* All 4 permits have been received, plans sent to NJDEP and awaiting approval. Looking to advertise construction project within 1-2 months.
- *Fender Rehabilitation Program OCLP/CI/TI/GS:* Permit approval expected in Mid-November. 90% design documentation submittal estimated for end of October.
- *Gate Motor Control TI/GS:* TI completion to commence in coming weeks.
- *Bridge Replacement Local Concept Development:* Received Supplemental Budget Form to complete and return, currently working on form and will send back to FHWA rep.

NBIS Biennial Inspections

- *2021-22 NBIS Bridge Inspection contract:* Final Reports for OCLP and Fishing Pier received with updated comments.

