

MINUTES OF MEETING
THE DELAWARE RIVER AND BAY AUTHORITY
Tuesday, February 21, 2006
DRBA Administration Building
James Julian Board Room
New Castle, Delaware

The meeting convened at 11:15 a.m. with Chairperson Wallace presiding.

The opening prayer was given by Father Stanley Drupieski followed by the Pledge of Allegiance led by Commissioner Hensley.

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

The 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.

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Commissioners from New Jersey

Commissioners from Delaware

PRESENT

Warren S. Wallace, Chairperson
Edward W. Dorn
Niels S. Favre
Maureen T. Koebig
Gary F. Simmerman

F. Michael Parkowski, Vice-Chairperson
Thomas J. Cooper
Verna Hensley
Samuel E. Lathem
William E. Lowe, III
Gary B. Patterson

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9353. APPROVAL OF THE JANUARY 20, 2006 MINUTES

On motion by Commissioner Dorn and seconded by Commissioner Favre, the minutes of the January 20, 2006 meeting was unanimously approved by a voice vote of 11-0.

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9354. EXECUTIVE DIRECTORS REPORT

Commissioner Activities:

- Attended a meeting with Commissioner's Simmerman and Patterson, Victor Ferzetti and representatives from Cavanaugh Capital Management to review and discuss Authority investments and services. Commissioner's Simmerman and Patterson requested that the Cavanaugh firm provide a 2005 review of the Authority's investment performance. Additionally, they felt that quarterly meetings with this firm were important to review ongoing performance of our investment portfolio.
- Attended a meeting with Commissioner's Koebig and Favre, and Dr. Joe Salvatore concerning AirFest 2006. Dr. Salvatore, Chairman of the NAS Wildwood Aviation Museum has requested to conduct an AirFest at the Cape May Airport from August 30th through September 2nd. I have forwarded a letter to the Zutz Group, the Authority's Insurance broker, to determine insurance requirements and costs.

Employee Events and Meetings:

- Met with representatives from DelDOT and staff (Don Rainear, Jim Walls, Steve Williams) to discuss the DRAFT Business Plan for the New Castle Airport. The development of the plan is a joint effort between DelDOT, our organization and the FAA. The FAA funded this plan in its entirety (approximately \$50,000).
- Conducted a Local 542 Contract review meeting with the Senior Leadership team. At this meeting we discussed the process for rollout to Department Heads and supervisors, and identified key action items and responsibilities for contract implementation.
- Conducted monthly Economic Development, Airport Property Management, and Personnel meetings with Don Rainear and Trudy Spence-Parker. Other staff attended these meetings as necessary.
- Conducted the periodic Leadership Forum meeting with the Senior Leadership team and Department Heads. This meeting focused on a discussion of the Authority Finances (at the macro level), the FY06 Operating Budget, and the establishment of group goals for 2006.
- Attended Human Resource's mandatory Sexual Harassment Training for supervisors and managers.

External Affairs:

- Met with Matthew Boxer, Chief of the NJ Authorities Unit. Don Rainear and I discussed a range of topics during the one hour meeting to include the organization's history, structure, governance practices, finances and current issues. Don specifically discussed Economic Development policies and projects.
- Met with two representatives from MediGuide America on a marketing call. They discussed their second opinion healthcare services.
- Attended the farewell event for the Delaware Secretary of Transportation Nathan Hayward.
- Attended a meeting with Ms. Judy McKinney-Cherry, Director of the Delaware Economic Development Office (DEDO), Don Rainear, and AJ Crescenzi concerning the property at Corporate Commons adjacent to the New Castle airport. The purpose of the meeting was to coordinate efforts between DEDO and to discuss the opportunities for the sale/lease of this Authority asset to entities that would benefit the State with the creation of new jobs.
- Attended a meeting with Delaware Department of Natural Resources and Environmental Control (DNREC) Secretary John Hughes, Tony Pratt, John Jones and two representatives from the Cape Shores community. The purpose of the meeting was to discuss the findings of a DNREC/DRBA joint study on the movement of sand (littoral drift) at the Lewes Ferry basin and adjacent areas.
- Attended a tour of the Authority's economic development project at the Port of Wilmington with John Jones and AJ Crescenzi. The tour was conducted by Randy Horne, Port of Wilmington's Facility Engineer. The Authority funded \$4 million of this \$15 million 90,000 SF refrigerated warehouse project. The facility is approximately 90% complete. Numerous trades continue to work towards the substantial completion of the facility which is estimated to occur over the next 30 days. A ribbon-cutting ceremony was discussed. The facility has been leased by Dole.
- Provided a brief welcome to the attendees at the 164th Eastern States Criminal Investigators Association conference. The Authority was the host and a sponsor of the event. Members of our Police Department helped develop and organize the two-day program. Delaware's Congressman Mike Castle and Delaware's Attorney General Carl Danberg provided opening remarks.

DEPUTY EXECUTIVE DIRECTOR:

Marketing:

- Worked with CMLF Operations to develop the marketing strategy and roll out for revised Ferry fare structure and schedule.
- Met with Airport Operations and marketing staff to develop media plan.

Communications:

- Meetings regarding the preparation of the 2005 Annual Report.

- Worked with Public Information Office on press releases regarding revised CMLF fare structure.
- Completed and distributed the next edition of the internal newsletter.
- Completed next edition of external newsletter.

Economic Development:

- Continual discussions and meetings regarding the sale of Salem Business Center with various interested parties. Preparing comparative analysis of proposals for Salem Business Center for Economic Development Committee.
- Met with staff and legal counsel to resolve any issues at the New Castle Airport regarding the proposed Delaware National Guard project, Easter Seals and the FAA release of lands.

Property Management:

- Meetings with staff and tenants on lease issues at New Castle and Millville Airports. Prepared pertinent resolutions that deal with lease renewals.
- Continued preparation of Request for Bids (RFB) for the Annenberg Hangar at New Castle Airport.
- Meeting with El Corta and Aeroways regarding FBO issues at New Castle Airport.
- Continued meetings with Motorsport Park developers and City of Millville regarding release of land at Millville Airport.

CHIEF OPERATIONS OFFICER:

Airports:

- Staff met with officials from the State of Delaware and the FAA's Harrisburg Airport District Office to discuss the recently submitted ACIP and the ongoing progress on land acquisition at Delaware Airpark.
- Staff met with FAA officials at the New York ADO to review action on items at both Cape May and Millville Airports. This included changes to the Cape May Airport Layout Plan (ALP) for two planned T-Hangar developments. Capital projects at Millville Airport were also discussed.
- Don Rainear, Jim Walls, Steve Williams, and John Jones hosted a tour of New Castle Airport for Commissioner Simmerman on January 18th. The tour included a visit to the FAA air traffic control tower, a corporate hangar, the terminal building, Dassault FalconJet, and concluded with a windshield tour of the remainder of the airport.
- On Monday, February 6th, between 12 noon and 2:00 p.m., an experimental military jet trainer departing from Millville Airport lost its canopy. The canopy landed in the backyard of a nearby resident. There were no reported injuries or property damage. The Federal Aviation Administration has been in contact with the pilot and an investigation into the incident is ongoing. The aircraft is an Aero L-39 Albatros MS made in Czechoslovakia and based at Millville Airport.
- The Federal Aviation Administration (FAA) conducted an annual Part 139 certification inspection at the New Castle Airport from January 10 through January 12, 2006. Inspectors from the FAA reviewed compliance records, ARFF and FBO fuel training.
- Airport staff is making arrangements to provide FBO services at the DE Airpark and Civil Air Terminal during the 2006 NASCAR races in Dover, DE.

Cape May-Lewes Ferry:

- In January, vehicle traffic increased 14.3% and passenger traffic increased 15.4% when compared to January 2005. Compared to the average of the last three years, year-to-date vehicle traffic and passenger traffic increased 10.1% and 9.7%, respectively.
- Reduction gear installation is nearing completion on the M/V Delaware at Lyon's Shipyard in Norfolk. This shipyard work will be completed in the coming week. Main engine overhauls on the M/V Twin Capes are 50% complete and proceeding on schedule. The Delaware crew has completed various projects aboard the M/V Cape Henlopen in Lewes, including painting of all engine spaces.

- Staff (Heath Guerke, Brian McEwing, Jim Walls, George Ianetta, Dave Oat, Tom Lippencott) along with Commissioner Koebig, recently attended the PVA MariTrends Conference in Seattle. In addition to attending the conference seminars on important industry trends and best practices, staff had an orientation visit of the Washington State Ferries. This included an extended visit with the Executive Director, Washington State Ferries, in addition to site visits of their incident command center, terminal buildings, vessel maintenance facilities, and round-trip voyage to Bainbridge Island aboard their largest and newest ferries. Lessons learned from this visit will be incorporated into CMLF strategic planning sessions.
- Jim Walls held employee Town Hall meetings in Cape May and Lewes to introduce the new 2006 CMLF fare structure. The primary focus of these meetings was to explain the new fare structure and its business strategy, to answer employee questions, and to explain the need for all employees to contribute to the success of the 2006 CMLF marketing campaign.

DMB Toll Operations:

- Total traffic during the month of January increased 7.0%, compared to January 2005. Non-commercial traffic increased 7.3% and commercial traffic increased 4.7%. When compared to the three-year average, January traffic increased 4.7%.
- E-ZPass traffic for January 2006 represented 53.7% of the total overall traffic, when compared to 50.6% for the previous year. Total overall violations were 0.7%, unchanged from the previous year.

Engineering & Maintenance:

- The Delaware Memorial Bridge electrical rehabilitation project is approximately 85% complete and will be substantially complete in May 2006.
- The New Castle Airport project to rehabilitate Taxiways 'M' and 'K' and the new hold apron and blast wall is underway. This project will be completed in 2006.

Food & Retail:

- In January, food and retail sales were up 37.5% and 27.9%, respectively, from January 2005.

Police:

- The Police Department was the host agency for the January 25-27, 2006, 164th Eastern Criminal Investigators Association Conference being held at the Christiana (DE) Hilton Hotel (I-95 & SR 7). The topic of this conference is "The Identity of Terror" with presentations being made by Dr. Edward Turzanski, Professor, LaSalle University; Special Agent Curtis Nelson, United States Secret Service; and Joseph Vasil, N.J. Motor Vehicle Commission. The keynote luncheon speaker will be Delaware's Secretary of Homeland Security and Safety, David B. Mitchell, J.D.
- Managers and Supervisors from the Police Department and Tolls Department met last week to finalize a written procedure for identifying and prosecuting chronic toll violators who have failed to respond to repeated written notices and whose behavior has risen to a criminal level.

Safety and Environmental:

- Plans for a 2005 Safety Recognition Program are being made. This event will recognize the safety accomplishments in 2005 and group safety awards for Safest Department, Safest Site, and Best Safety Committee will be presented.
- Safety STOP training for all E & M supervisors and managers was completed.
- The inaugural meeting of the combined Airports Safety Committee was held on Wednesday, January 18th. This was a planning meeting to establish an amended charter, goals, organizational structure and meeting schedule to better meet the needs of this unique department. The three other Safety Committees are performing well as currently structured and manned.
- Storm Water Training was conducted at the Lewes and Cape May Ferry locations. Most of the attendees were from the Maintenance Department.

- A Storm Water Inspection of the New Castle Airport facility was made by DNREC on January 19th. The airport passed with flying colors.
- Integrity testing of Authority above-ground storage tanks is complete, as required by law. The results will be reported to us in writing within the week.

CHIEF HUMAN RESOURCES OFFICER:

Training Initiatives:

- Job Shadowing - On February 1, 2006, fourteen (14) eighth grade students from the Pennsville Middle School partnered with employees of the Bridge for the annual job shadow day. Employees from Maintenance, Tolls, Police, and the Café acted as guides for this half-day program which ended with a luncheon. Each department that participated showed the students around their respective departments including working in the toll booth and learning how the café operates. The effects of the program are twofold. The students experience the world of work through on-the-job experience and it helps them understand how what they learn in school can lead to success in the future.
- Training and Education Progress is continuing to make progress on the sexual harassment training program for all permanent full-time employees of the Authority.

Staffing:

- Authorized Positions (Permanent Full-time) = 481
- Filled Positions = 443
- Filled Positions (on LTD) = 7
- Total Vacancies = 31
- Vacant Positions in process = 14

Community Initiatives Committee:

- The Community Initiatives Committee is planning a 2006 Kick-off with Authority volunteers during the month of March. The Kick off will include recognizing 2005 Authority volunteers and promote awareness and volunteerism for the 2006 initiatives.

CHIEF INFORMATION OFFICER:

Police CAD System:

- New World Systems was on site during the month installing software and establishing application setup and training for the police computer aided dispatch (CAD) and records management system.

LAN and WAN Upgrades:

- Staff worked with MTM Technologies to complete the hardware configurations for the Authority-wide local area network (LAN) upgrades. This equipment will bring the LANs at each site to gigabit speed, providing a considerable increase over the current setup. At present the majority of the DRBA LAN network runs at 100 megabits (Mbps), with a few areas at each site still operating at 10Mbps.
- The wide area network (WAN) upgrade is running on schedule. The hardware for the Delaware Memorial Bridge to Cape May connection was purchased with the line installation scheduled for the first week in March. The Delaware Memorial Bridge to Lewes connection installation is complete with staff currently working with Verizon systems engineers to plan an implementation strategy for this site.

800 MHz Upgrade:

- The Director of Technical Operations set up a series of meetings with Airports, the Police and Engineering and Maintenance to discuss the deployment of the 800 MHz radios. The 800 MHz system is a statewide process so the set up of *talk groups* is critical to protect security especially as it pertains to police operations. These talk groups were defined for Airports, Engineering and Maintenance North and South and Tolls.

IAG Activities:

- The CIO attended the Policy Committee Meeting on January 25th hosted by the DRBA. Agenda items included reports by the Next Generation Task Force and the Non-Toll Opportunities Task Force, a discussion of drafts of the third amendment to Reciprocity II for public parking and Reciprocity III for private parking, proposed file specification changes to improve customer violation processing, and the status of the Mark IV discussion on the pending expiration of the Irrevocable Offer. The next meeting is scheduled for March 23rd at MTA Bridges and Tunnels in New York City.

Virtual Private Network Configuration:

- On January 23rd, MTM consultants were on site to configure a virtual private network (VPN). Through the use of authentication tokens, this will provide secure external access to the DRBA network from anywhere an Internet connection is available. Once MIS staff completes testing, authorized users will be able to remotely log into their Authority account while not directly connected to the network. Due to security restrictions, certain applications will not be available through the VPN, i.e., the toll collection system, the MUNIS Financial System, etc. This configuration was also a requirement as the first step to networking several DRBA remote locations including Cape May Airport and Delaware Airpark.

MUNIS:

- On January 17th, IT staff upgraded the MUNIS Financial System. This version contains all the changes necessary to perform financial year-end processing and W2 production. Prior to the upgrade, MIS staff loaded the release in the test environment and ensured that no critical issues were encountered.

ACTING CFO:

Local 542 Contract:

- Reviewed and prepared the contract document for final execution. Held meetings with various levels of management to brief them on substantive contents and issues related to the agreement.

Operating Budget Activities:

- Continued to perform activities related to closing out FY05 operating budget and prepare for annual audit. Met with division and department heads to present FY06 operating budget and brief on overall finances of the Authority.

Miscellaneous:

- Worked with the Police Department Joe Larotonda, Jim Walls and Mike Houghton on a revised policy for handling police extra-duty (pay job) assignments that are in compliance with all relevant FSLA and federal/state withholding requirements.
- Met with J. Walls and task group assigned to review cash handling and inventory practices at the Authority. Reviewed and discussed preliminary findings. The next phase will be to develop a plan to prioritize issues and action items.
- Met with a representative of Ferris, Bake Watts Inc., an investment banking firm. The representative explained that the firm had expanded into the Wilmington area and presented and discussed the company’s public finance services.
- The Authority received a written request from the NJ Governor’s Authority Unit for the names and addresses of all Authority vendors. The Authority has complied with the request for information.

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Commissioner Simmerman noted that he was not present at the February 7, 2006 Budget & Finance meeting but will give the report in the absence of Commissioner Jackson who attended.

BUDGET & FINANCE COMMITTEE MEETING

Tuesday, February 7, 2006

Delaware Memorial Bridge Complex
New Castle, Delaware

A public meeting of The Delaware River and Bay Authority's Budget & Finance Committee was held on Tuesday, February 7, 2006, at the Delaware Memorial Bridge Complex, New Castle, Delaware.

Commissioners from New Jersey

Commissioners from Delaware

PRESENT

Commissioner Favre, Committee Member
Commissioner Jackson, Committee Member
Commissioner Dorn
Commissioner Koebig

Commissioner Hensley, Committee Member
Commissioner Lathem, Committee Member
Commissioner Cooper
Commissioner Lowe

Governors' Representatives

Keith Barrack - NJ

Staff

Authority Secretary

Jim Johnson, Jr.
Don Rainear
Victor Ferzetti
Jim Walls
Trudy Spence-Parker
Gerry DiNicola Owens
Ken Hynson
Joe Larotonda
George Iannetta
Joe Peltz
Kelly Phillips Parker
John Jones
AJ Crescenzi

Tom Pankok

- I. Acting Committee Chair Jackson welcomed the Budget & Finance Committee and opened the meeting at approximately 9:08 a.m. The Authority Secretary reported that the public meeting of the Budget & Finance Committee had been duly noticed in accordance with the Authority's Freedom of Information Regulations, read the Statement of Notice, and called the roll.
- II. The Committee reviewed and recommended the Community Contribution requests for the month of February; however, at the request of Committee Vice Chair Patterson, requests for Delaware were put on hold pending further discussion at the February meeting. A Resolution will be presented to the full Board for consideration at the February meeting.
- III. The Acting Chief Financial Officer reviewed the proposed Resolution listing vendors over \$25,000. On motion by Commissioner Hensley, seconded by Commissioner Dorn, the Committee recommended approval of the list. The Resolution will be presented to the full Board for consideration at the February meeting.
- IV. The Acting CFO reported that the Authority publicly advertised and issued an RFP for Third Party Marine Claims and Administration. After completion of the

RFP process, staff recommended authorization of a Service Agreement with the Walters Nixon Group, Inc. On motion by Commissioner Favre, seconded by Commissioner Lathem, the Committee recommended award to the Walters Nixon Group, Inc. A Resolution will be presented to the full Board for consideration at the February meeting.

V. The Chief Operations Officer introduced the Superintendent of Food & Retail who provided a presentation on the Strategic Direction of Food & Retail at the Cape May - Lewes Ferry. The following was presented and discussed.

- Pre 2004 Food Service
- 2004 Food & Retail
- Elliott Bay Design Group 2004 Data
- EBDG 2004 Recommendations
- 2005 Food & Retail
- Existing Factors
- Food Service Regulatory Compliance
- Difference in Regulation of Food on the Vessels to Food at a Convenience Store
- Analysis of Food & Retail Financials

The following recommendations were presented and discussed.

- Continue to Improve Product Value, Quality & Variety
- Food Service Linkage with Marketing Initiatives such as Bundled Value Meals for Adults & Children
- Food Service Pilot Programs & Events including Customer Appreciation Days
- Review Food Service in the Fall of 2006 and include Customer Survey Information

The Committee discussed the various regulatory requirements associated with re-introducing hot food on the vessels. The Superintendent of Food & Retail also reported an estimate of an additional \$600,000 in wages, benefits, equipment and supplies. Also discussed was the utilization of seasonal vs permanent employees. The Superintendent of Food & Retail recommended using permanent employees due to the regulatory demands of the FDA and the cost of training and turnover associated with seasonal employees. The Executive Director reported that if the Authority were to add those permanent positions to the existing Food Service budget, those positions and costs associated, would be carried all year only to be fully utilized during the peak season of six weeks. The Committee also questioned whether the funds would be available in the Operating Budget for the costs associated with the recommended pilot program. The Acting CFO reported that the Operating Budget could withstand a small increase for a pilot program.

The COO added that implementing the proposed recommendations would enable staff to develop and implement other potential opportunities without exposing the Authority to risk from the FDA.

After discussion, the Committee concurred with staff's recommendations for 2006. Commissioner Favre commended and thanked staff for the presentation but also commented that ultimately the Board will have to make a decision in the future whether or not to add hot food to the vessels.

With no further business to discuss, on motion by Commissioner Lathem, seconded by Commissioner Favre, the Budget & Finance Committee adjourned at 10:00 a.m.

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Commissioner Dorn presented the following minutes of the Personnel Committee meeting held February 7, 2006.

PERSONNEL & INSURANCE COMMITTEE MEETING
Tuesday, February 7, 2006
Delaware Memorial Bridge Complex
New Castle, Delaware

A public meeting of The Delaware River and Bay Authority's Personnel & Insurance Committee was held on Tuesday, February 7, 2006, at the Delaware Memorial Bridge Complex, New Castle, Delaware.

Commissioners from New Jersey

Commissioners from Delaware

PRESENT

Committee Chair Dorn
Commissioner Jackson, Committee Member
Commissioner Koebig, Committee Member
Commissioner Favre

Committee Vice Chair Lathem
Commissioner Cooper, Committee Member
Commissioner Lowe, Committee Member
Commissioner Parkowski

Governors' Representative
Keith Barrack - NJ

Staff

Jim Johnson
Don Rainear
Victor Ferzetti
Jim Walls
Trudy Spence-Parker
& Taylor
Gerry DiNicola Owens

Authority Secretary

Tom Pankok

Invited Guest

Adria Martinelli, Young Conaway Stargatt
& Taylor

- I. Committee Chair Dorn welcomed the Personnel & Insurance Committee and opened the meeting at approximately 11:20 a.m. The Authority Secretary reported that the public meeting of the Personnel & Insurance Committee had been duly noticed in accordance with the Authority's Freedom of Information Regulations, read the Statement of Notice, and called the roll.
- II. The Committee Chair requested an Executive Session, closed to the public to discuss matters of a confidential nature. On motion by Commissioner Jackson, seconded by Commissioner Koebig, the Session was closed.

The following matters of a confidential nature were discussed.

- PERSONNEL MATTERS
- CURRENT LITIGATION

With no further business to discuss, the Personnel & Insurance Committee meeting adjourned at 12:30 p.m.

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9357. COMMITTEE REPORT – PROJECTS COMMITTEE

Commissioner Hensley presented the following minutes of the Projects Committee meeting held February 7, 2006.

PROJECTS COMMITTEE
Tuesday, February 7, 2006, 10:00 AM
Delaware Memorial Bridge Complex
New Castle, Delaware

A public meeting of the Delaware River and Bay Authority's Projects Committee was held on Tuesday, February 7, 2006, at the Delaware Memorial Bridge Administration Building, New Castle, Delaware.

Commissioners from Delaware

PRESENT

Commissioner Hensley, Committee Chair
Commissioner Lowe, Committee Mbr.
Commissioner Lathem
Commissioner Cooper
Vice Chairman Parkowski

Commissioners from New Jersey

Commissioner Dorn, Committee Vice Chair
Commissioner Jackson
Commissioner Koebig, Committee Mbr.
Commissioner Favre

Staff

Jim Johnson
Don Rainear
Jim Walls
Trudy Spence-Parker
Victor Ferzetti
Gerry DiNicola-Owens
John Jones
Kelly Phillips-Parker
A. J. Crescenzi

Authority Secretary

Tom Pankok

Attorney

Keith Barack – NJ Authority Unit Liaison

I. The Projects Committee meeting convened at approximately 10:00 a.m. Those in attendance were provided an informational package consisting of an agenda, bid tab, contract close-out letters, and monthly contractor payment chart.

II. Bid Openings/Award Actions:

- DMB-06-01, 2006-2007 Deck Resurfacing, Delaware Memorial Bridge: Staff recommended that this contract be awarded to the lowest responsive bidder, Eastern Highway Specialists, Inc. in the amount of \$1,559,875.00 which includes Base Bid plus Add Alternate #1 (2007 Deck Resurfacing). Staff reported that the low bid was in-line with the engineer's estimate and that this firm has done good work for the Authority over the past two years. The Projects Committee concurred with staff and authorized the award recommendation be presented at the February Board meeting.
- CS-05-04, Cape May-Lewes Ferry Marine Master Plan: Staff recommended that all proposals be rejected and that the work be re-advertised with the goal to attract a wider base of interested consultants. The Projects Committee concurred with staff and authorized the rejection recommendation be made at the February Board meeting.

III. Contract Close-Out Actions:

- DMB-04-02, 2004-2006 Deck Resurfacing: This contract was awarded to Eastern Highway Specialists, Inc., for the bid price of \$1,197,127.00. Changes in quantities to reflect actual field conditions added \$91,554.14 to the original price. Staff recommended and the Projects Committee concurred that the contract be closed at a final contract price of \$1,288,681.14.
- NCA-02-03, Runway 1-19 Rehabilitation: This contract was awarded to Diamond Materials for the bid price of \$4,197,948.30. Changes in quantities to reflect actual field conditions added \$236,434.86 to the

original price. This project is supported by an FAA grant at the 95% funding level. Staff recommended and the Projects Committee concurred that the contract be closed at a final contract price of \$4,434,383.16.

- CMLF-01-06, Cape May Terminal Building Renovations: This contract was awarded to Stanker and Galetto for the bid price of \$1,988,000.00. Changes in quantities to reflect actual field conditions added \$246,863.90 to the original price. Staff recommended and the Projects Committee concurred that the contract be closed at a final contract price of \$2,234,863.90.

- IV. Miscellaneous Items/Updates: The COO provided an update on the MV Delaware drydocking contract work. He reported that work should be finished within a week and that the gear reduction change order work will cost approximately \$430,000 versus the \$500,000 reported at last month's Committee meeting.
- V. Contractor Payment (through January): Staff informed the Committee on monthly construction contractor payments to be made to contractors in February.
- VI. Jim Johnson requested a closed executive session to discuss matters of a confidential nature. On motion by Commissioner Lowe, seconded by Commissioner Koebig, the committee went into closed session. There being no further business to discuss in closed executive session, the Projects Committee reconvened the public open session.
- VII. There being no further business for the Projects Committee, the public meeting was adjourned at approximately 10:30 a.m.

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9358. COMMITTEE REPORT – ECONOMIC DEVELOPMENT

Commissioner Koebig presented the following minutes of the Economic Development Committee meeting held February 7, 2006.

ECONOMIC DEVELOPMENT COMMITTEE
Tuesday, February 7, 2006
Delaware Memorial Bridge Complex
New Castle, Delaware

A public meeting of The Delaware River and Bay Authority's Economic Development Committee was held on Tuesday, February 7, 2006, at the Delaware Memorial Bridge Complex, New Castle, Delaware.

Commissioners from New Jersey

Commissioners from Delaware

PRESENT

Committee Chair Koebig
Commissioner Dorn, Committee Member
Commissioner Jackson, Committee Member
Commissioner Favre

Committee Vice-Chair Lowe
Commissioner Cooper, Committee Member
Commissioner Lathem
Vice Chairperson Parkowski

Governors' Representatives
Keith Barrack - NJ

Staff

Jim Johnson, Jr.
Don Rainear
Victor Ferzetti
Jim Walls

Authority Secretary

Tom Pankok

Trudy Spence-Parker
Gerry DiNicola Owens
John Sarro
AJ Crescenzi
Michelle Griscom-Collins

- I. Committee Chair Koebig welcomed the meeting of the Economic Development Committee and opened the meeting at approximately 10:27 a.m. The Authority Secretary reported that the public meeting of the Economic Development Committee had been duly noticed in accordance with the Authority's Freedom of Information Regulations, read the Statement of Notice, and called the roll.
- II. The Deputy Executive Director requested an Executive Session, closed to the public to discuss matters of a confidential nature. On motion by Commissioner Cooper, seconded by Commissioner Dorn, the Session was closed.

The following matters of a confidential nature were discussed.

- **CONTRACT NEGOTIATIONS**

- There being no further business to discuss in Executive Session, on motion by Commissioner Lowe, seconded by Commissioner Dorn, the Session was opened to the public.
- III. The Deputy Executive Director provided an update on Airport Economic Development Projects
 - Delaware Airpark: The Deputy Executive Director reviewed an amendment to the Lease Agreement between the Authority and the State of Delaware at the Delaware Airpark. The State of Delaware acquired several parcels of ground surrounding the Airpark which the Authority has deemed necessary for future growth and development of the Airpark. 95% of the funding was provided through FAA grants acquired by the Authority as sponsor of the Airport. This Lease Amendment modifies the ground lease between the Authority and the State of Delaware to include the additional parcels. On motion by Commissioner Jackson, seconded by Commissioner Koebig, the Committee recommended approval of the Lease Amendment. A Resolution will be presented for full Board consideration at the February meeting.
 - Millville Airport: The Deputy Executive Director reviewed a Lease Agreement between the Authority and Industrial Glassware at the Millville Airport. Industrial Glassware desires to lease approximately 10,799 square feet at a cost of \$13,200 for the first term of one year. The rent for options for two periods of two years each shall be based upon the Fair Market Value (FMV) and adjusted yearly by the Consumer Price Index (CPI). On motion by Commissioner Cooper, seconded by Commissioner Lowe, the Committee recommended approval of the Lease Agreement. A Resolution will be presented for full Board consideration at the February meeting.
 - New Castle Airport: The Deputy Executive Director reviewed a Lease Agreement between the Authority and Aeroways, Inc. Aeroways is a current tenant at the New Castle Airport and desires to lease an additional 35,000 square feet at a cost of \$270,000 for the first term of five years. The rent for options for three periods of five years each shall be based on the FMV and adjusted yearly by the CPI. On motion by Commissioner Jackson, seconded by Commissioner Cooper, the Committee recommended approval of the Lease Agreement. A Resolution will be presented for full Board consideration at the February meeting.

IV. The Deputy Executive Director updated the Committee regarding the last month's request from the Oyster Revitalization Project for the Authority to accelerate the original funding commitment toward the Study of \$50,000 per year for three years. The Project has been able to obtain \$2 million in funding from the Federal Government; however, in order to meet the matching fund requirement deadline of March 1, 2006, the Authority was requested to commit to disburse the remainder of the commitment in the amount of \$134,200 in 2006. On motion by Commissioner Jackson, seconded by Commissioner Dorn, the Committee recommended approval of providing the remaining \$134,200 in 2006 to meet the necessary cash match for the Grant. A Resolution will be presented for full Board consideration at the February meeting.

V. The Deputy Executive Director provided brief Economic Development updates on the following.

- El Corta
- Air Transport Command
- Easter Seals
- Citibank
- Millville Motorsports
- Port of Wilmington
- Rowan University

Committee Chair Koebig questioned whether an "A, B, C" list of current and proposed Economic Development projects was being developed. The Deputy Executive Director reported that the "A, B, C" list, as well as the requested policy on Return on Investment, are currently being drafted and should be submitted for Committee review upon completion.

There being no further business to discuss, on motion by Commissioner Dorn, seconded by Commissioner Lowe, the Economic Development Committee adjourned at 11:14 a.m.

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9359. AD HOC COMMITTEE FOR THE CFO SEARCH

Commissioner Lathem stated that the Committee discussed interviewing two search agencies to assist in locating an Authority CFO and then presented the following minutes of the Ad Hoc Committee for the CFO Search.

AD HOC COMMITTEE MEETING FOR THE CFO SEARCH
Tuesday, February 7, 2006
Delaware Memorial Bridge Complex
New Castle, Delaware

A public meeting of The Delaware River and Bay Authority's Personnel & Insurance Committee was held on Tuesday, February 7, 2006, at the Delaware Memorial Bridge Complex, New Castle, Delaware.

Commissioners from New Jersey

Commissioners from Delaware

PRESENT

Committee Vice Chair Dorn
Commissioner Favre, Committee Member
Commissioner Koebig, Committee Member

Committee Chair Lathem
Commissioner Cooper, Committee Member
Commissioner Hensley, Committee Member

Staff

Jim Johnson
Trudy Spence-Parker

Authority Secretary

Tom Pankok

- III. Committee Chair Lathem welcomed the Ad Hoc Committee for the CFO Search and opened the meeting at approximately 8:07 a.m. The Chief Human Resource Officer reported that the public meeting of the Ad Hoc Committee for the CFO Search had been duly noticed in accordance with the Authority's Freedom of Information Regulations, read the Statement of Notice, and called the roll.
- IV. The Committee Chair requested an Executive Session, closed to the public to discuss matters of a confidential nature. On motion by Commissioner Favre, seconded by Commissioner Dorn, the Session was closed.

The following matters of a confidential nature were discussed.

- PERSONNEL MATTERS RELATING TO THE CFO SEARCH PROCESS

With no further business to discuss, the Ad Hoc Committee Meeting for CFO Search adjourned at 8:43 a.m.

* * * * *

9360. DELAWARE RIVER AND BAY AUTHORITY – TRAFFIC AND REVENUE SUMMARY.

The Acting 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 December.

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

* * * * *

9361. DELAWARE RIVER AND BAY AUTHORITY – STATEMENT OF INCOME AND EXPENSE.

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

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

* * * * *

9362. DELAWARE RIVER AND BAY AUTHORITY – OPERATING EXPENSE BY DIVISION.

The Acting CFO presented a chart showing expenses by division for the quarter to date (through January 31, 2006) 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.

* * * * *

9363. DELAWARE RIVER AND BAY AUTHORITY – CAPITAL IMPROVEMENT PROGRAM.

The Acting CFO presented a chart for the month of January showing the capital budget for crossing and economic development projects and dollars committed to date for the projects. The chart also includes 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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9364. DELAWARE RIVER AND BAY AUTHORITY – CASH POSITION (MARKET VALUE) AS OF JANUARY 31, 2006.

The Acting CFO presented a chart 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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9365. PUBLIC COMMENT ON ACTION ITEMS.

Chairperson Wallace noted the following action items that were being considered today and asked for public comment.

| | |
|-----------------------|---|
| DMB 06-01 Contr Award | Deck Resurfacing, DMB |
| CS-05-04 | CMLF Marine Master Plan |
| Resolution 06-05 | Approval of Community Contribution Requests |
| Resolution 06-06 | Authorizes Expenditures \$25,000 and Over |
| Resolution 06-07 | Authorizes a Contract with Walter Nixon Group |
| Resolution 06-08 | Lease Amendment with the State of Delaware |
| Resolution 06-09 | Lease Agreement with Industrial Glassware |
| Resolution 06-10 | Lease Agreement with Aeroways, Inc. |
| Resolution 06-11 | Contribution Agreement with the Cooperating Agency of the DE Bay Oyster Revitalization Study |
| Resolution 06-12 | Recognizes and Salutes Commissioner John M. Jackson |

There were no comments.

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9366. SUMMARY OF AUTHORIZED CONTRACT PAYMENTS.

The Chief Operating Officer (COO) noted the following Summary of Authorized Contract Payments for February 21, 2006.

| <u>Contractor</u> | | <u>Payment</u> |
|-------------------|-----------------------------|----------------|
| DMB-04-02 | Eastern Highway Specialists | \$ 17,423.26 |
| DMB-04-04 | J.D. Eckman, Inc. | \$249,563.70 |
| DMB-02-01 | Daisy Construction | \$ 95,840.83 |
| DMB-01-06 | Cianbro Corporation | \$372,126.45 |
| CMFL-01-06 | Stanker & Galetto | \$ 75,486.00 |
| CMLF-05-03 | Lyons Shipyard, Inc. | \$504,682.69 |
| NCA-01-02 | Diamond Materials | \$234,802.44 |
| NCA-02-03 | Diamond Materials | \$ 47,769.09 |
| DAP-04-02 | EDIS | \$ 16,743.20 |
| MVA-04-01 | Delta Line Construction | \$208,512.91 |
| MVA-04-03 | Stanker and Galetto, Inc. | \$ 76,602.84 |
| CMA-04-01 | Delta Line Construction | \$138,043.49 |

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9367. APPROVAL OF 2006-2007 – DECK RESURFACING, DMB, CONTRACT #DMB-06-01.

The COO reported that three (3) bids were received for the deck resurfacing to the DMB. The low bid of \$1,559,875.00 was submitted by Eastern Highway Specialists, Inc., of Wilmington, DE. The COO and the Projects Committee recommend awarding the base bid plus AA 2007 to the low bidder above.

A motion to award the base bid plus AA 2007 was made by Commissioner Hensley, seconded by Commissioner Favre and approved by a roll call vote of 11-0.

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9368. CAPE MAY-LEWES FERRY MARINE MASTER PLAN - CS-05-04.

The COO reported that staff and the Projects Committee recommended that all proposals be rejected and that the work be re-advertised with the goal to attract a wider base of interested consultants.

A motion to reject all bids and re-advertise CS-05-04 was made by Commissioner Simmerman, seconded by Commissioner Dorn and approved by a roll call vote of 10-1 with Commissioner Patterson casting the no vote.

* * * * *

9369. APPROVAL OF FINAL PAYMENT OF CONTRACT CMLF-01-06, CAPE MAY TERMINAL BUILDING RENOVATIONS

On November 12, 2004 Contract No. CMLF-01-06, Cape May Terminal Building Renovations, was awarded to Stanker and Galetto of Vineland, New Jersey for the bid price of \$1,988,000.00.

During the contract period, Change Order No.'s 1-8 were approved for the project.

1. January 30, 2006 Adjustment in quantities to reflect actual field conditions. Add: \$246,863.90.

It is recommended that the Authority accept the project and make final payment to the contractor. The total price for this project is \$2,234,863.90.

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9370. APPROVAL OF FINAL PAYMENT OF CONTRACT DMB-04-02, 2004-2006 DECK RESURFACING, DMB.

On September 19, 2004 Contract No. DMB-04-02, 2004-2006 Deck Resurfacing, was awarded to Eastern Highway Specialists, Inc. of Wilmington, Delaware for the bid price of \$1,197,127.00.

During the contract period, Change Order No.'s 1-9 were approved for the project.

1. January 30, 2006 Adjustment in quantities to reflect actual field conditions. Add: \$91,554.14.

It is recommended that the Authority accept the project and make final payment to the contractor. The total price for this project is \$1,288,681.14.

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9371. APPROVAL OF FINAL PAYMENT OF CONTRACT NCA-02-03, RUNWAY 1-19 REHABILITATION, NEW CASTLE AIRPORT.

On April 19, 2004 Contract No. NCA-02-03 Runway 1-19 Rehabilitation, was awarded to Diamond Materials of Wilmington, Delaware for the bid price of \$4,197,948.30.

During the contract period, Change Order No.'s 1-6 were approved for the project.

- 1. January 31, 2006 Adjustment in quantities to reflect actual field conditions.
Add: \$236,434.86.

It is recommended that the Authority accept the project and make final payment to the contractor. The total price for this project is \$4,434,383.16.

On motion by Commissioner Simmerman, seconded by Commissioner Hensley, the recommendation of the COO and the Projects Committee to closeout Contracts CMLF-01-06, DMB-04-02 and NCA-02-03 was unanimously approved by a voice vote of 11-0.

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9372. CHAIRPERSON'S CALL FOR ACTION ON THE RESOLUTIONS BEFORE THE BOARD.

The Executive Director presented the following Resolutions:

RESOLUTION 06 - 05 APPROVAL OF COMMUNITY CONTRIBUTION REQUESTS.

WHEREAS, The Delaware River and Bay Authority (the "Authority") is a bi-state agency with public crossing facilities and assets in the States of New Jersey and Delaware; and

WHEREAS, the Authority has developed a Community Contributions Policy which outlines the purpose of the program and process for consideration of requests; and

WHEREAS, the policy requires full board approval for any Community Contribution; and

WHEREAS; the Budget and Finance Committee met and approved Community Contributions for the month of February, 2006; and

NOW, THEREFORE, BE IT RESOLVED that the Authority hereby approves the following Community Contributions.

Community Contributions

New Jersey

| | |
|---|----------|
| Appel Farm Arts and Music Center Incorporated | \$ 2,000 |
| Atlantic Cape Community College Foundation Incorporated | \$ 5,000 |
| Cumberland County College Foundation | \$ 5,000 |
| Historic Cold Spring Village Foundation Incorporated | \$ 2,150 |
| Parents Anonymous of New Jersey Incorporated | \$ 2,500 |
| Stand Up For Salem Incorporated | \$ 7,000 |
| The Arc of Salem County | \$ 5,000 |
| The Cape May County Historical and Genealogical Society | \$ 1,000 |
| Washington Township Live Arts Incorporated | \$ 2,500 |

| | |
|---------------------------------------|-------------------------|
| Williamstown Civic Group Incorporated | \$ 2,500 |
| Total | <u>\$ 34,650</u> |

Delaware

| | |
|---|-------------------------|
| Children’s Beach House Incorporated | \$ 5,000 |
| Delaware Technical and Community College (Owens Campus) | \$ 5,000 |
| Delaware Technical and Community College (Stanton/Wilmington Campus) | \$ 5,000 |
| Easter Seals Delaware and Maryland Eastern Shore | \$ 10,000 |
| Fort Miles Historical Association Incorporated | \$ 10,000 |
| Greater Lewes Foundation | \$ 25,000 |
| March of Dimes Birth Defects Foundation | \$ 1,000 |
| Mom’s House Incorporated of Dover | \$ 3,500 |
| New Castle Historical Society | \$ 680 |
| Pencader Hundred Community Center Incorporated | \$ 5,000 |
| Social Venture Partners Delaware Incorporated | \$ 5,000 |
| St. Patrick’s Center Incorporated | \$ 2,500 |
| Sussex County Animal Association Incorporated | \$ 2,500 |
| The Partnership Incorporated | \$ 5000 |
| The Women’s Club of Odessa Incorporated | \$ 1,000 |
| Total | <u>\$ 86,180</u> |

Grand Total (New Jersey and Delaware) \$ 120,830

A motion was made by Commissioner Simmerman and seconded by Commissioner Dorn. With Commissioners Hensley and Wallace abstaining, Resolution 06-05 was approved by a roll call vote of 9-0 with Chairperson Wallace and Commissioner Hensley abstaining.

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RESOLUTION 06-06 - AUTHORIZING AUTHORITY EXPENDITURES PURSUANT TO RESOLUTION 01-84 FOR THE PERIOD, JANUARY 1 THROUGH DECEMBER 31, 2006.

WHEREAS, The Delaware River and Bay Authority (the “Authority”) adopted Resolution 01-84 requiring Commission 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 1/1/06 THROUGH 12/31/06

| VENDOR | SERVICE DESCRIPTION | DETERMINATION |
|---|-----------------------------|----------------------|
| Chesapeake Supply & Equipment | Tar Pot for Crack Sealing | State Contract |
| Delta Centrifugal Corporation | Repair Parts for Vessels | Sole Source |
| International Union of Operating Engineers, Local 542 | Union Dues | Sole Source |
| New Haven Consulting Group | Harassment Training | Quotes |
| The Revenue Markets, Inc. | Treadles for DMB Toll Plaza | Sole Source |

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

On motion by Commissioner Patterson, seconded by Commissioner Dorn, Resolution 06-06 was approved by a roll call vote of 11-0.

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RESOLUTION 06-07 AUTHORIZES A CONTRACT BETWEEN THE AUTHORITY AND THE WALTERS NIXON GROUP, INC. TO PROVIDE THIRD PARTY MARINE CLAIMS ADMINISTRATION SERVICES

WHEREAS, The Delaware River and Bay Authority (the “Authority”) is a bi-state Authority created by Compact for the purpose of owning, operating and controlling both Crossing and Non-Crossing facilities; and

WHEREAS, the Authority desires to retain the professional services of an outside independent firm for the purpose of providing third party marine claims administration; and

WHEREAS, the Authority publicly advertised and issued a Request for Proposal (RFP) for the required third party marine claim administration services in compliance with Resolution 98-31 which governs the procedure for the procurement of professional services; and

WHEREAS, the Authority evaluated the proposal(s) pursuant to the aforementioned requirements and regulations; and

WHEREAS the Budget and Finance 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 an Agreement with The Walters Nixon Group, Inc. for an initial term of three years with two additional one year options and to have such agreement, upon review and advice of counsel, executed by the Chairperson, Vice-Chairperson and Executive Director.

On motion by Commissioner Lowe, seconded by Commissioner Favre, Resolution 06-07 was approved by a roll call vote of 11-0.

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RESOLUTION 06-08 - LEASE AMENDMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND THE STATE OF DELAWARE

WHEREAS, The Delaware River and Bay Authority (the “Authority”), is the operator of the Delaware Airpark (“Airpark”) located in Cheswald, Delaware; and

WHEREAS, several parcels of land have been determined to be necessary for future airport development and growth through a master planning process; and

WHEREAS, the State of Delaware (the “State”) as the landowner of the Airpark acquired these several parcels of land adjacent to the Airpark; and;

WHEREAS, the Federal Aviation Administration provided 95% of the financing for the acquisition through federal grants acquired by the Authority acting as the Airport Sponsor; and

WHEREAS, the State and the Authority wish to modify their ground lease for the Airpark to include the following parcels and acreage:

- Parcel 2 – 43.923 acres
- Parcel 15 – 5.275 acres

Parcel 3 - 2.482 acres
2 easements for Parcel 2 – 5.194 acres; and

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

On motion by Commissioner Lathem, seconded by Commissioner Cooper, Resolution 06-08 was approved by a roll call vote of 11-0.

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RESOLUTION 06-09 - LEASE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND INDUSTRIAL GLASSWARE

WHEREAS, The Delaware River and Bay Authority (the “Authority”), is the operator of the Millville Airport (“Airport”), Millville, New Jersey; and

WHEREAS, Industrial Glassware desires to lease Building 68a, 68b and 68c totaling approximately 10,779 sq. ft. at the Airport in order to use the facility for storage; and

WHEREAS, Industrial Glassware has agreed to pay the Authority \$13,200 annual rent during the first term of the Lease Agreement; and

WHEREAS, the initial term of the Lease Agreement is for one (1) year; and

WHEREAS, Industrial Glassware shall have the option of renewing this Lease Agreement for two (2) periods of two (2) years each; and

WHEREAS, rent during the option periods shall be based upon the Fair Market Value (FMV) and shall be adjusted each year by the Consumer Price Index (CPI).

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

On motion by Commissioner Dorn, seconded by Commissioner Lathem, Resolution 06-09 was approved by a roll call vote of 11-0.

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RESOLUTION 06-10 - LEASE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND AEROWAYS, INC

WHEREAS, The Delaware River and Bay Authority (the “Authority”), is the operator of the New Castle Airport (“Airport”), New Castle, Delaware; and

WHEREAS, Aeroways, Inc. desires to lease 100% of the hangar at 5 DRBA Way and 50% of the hangar at 9 DRBA Way totaling approximately 35,000 sq. ft. at the Airport in order to use the facility for the operation of an aircraft management company; and

WHEREAS, Aeroways, Inc. has agreed to pay the authority \$270,000 annual rent for 5 DRBA Way and \$135,000 annual rent for 9 DRBA Way during the first term of the Lease Agreement; and

WHEREAS, the initial term of the Lease Agreement is for five (5) years; and

WHEREAS, Aeroways, Inc. shall have the option of renewing this Lease Agreement for three (3) periods of five (5) years each; and

WHEREAS, rent during the option periods shall be based upon the Fair Market Value (FMV) and shall be adjusted each year by the Consumer Price Index (CPI); and

WHEREAS, Aeroways, Inc. will be allowed to terminate this Lease Agreement early if they should buy or build hangar facilities at New Castle Airport.

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

On motion by Commissioner Dorn, seconded by Commissioner Cooper, Resolution 06-10 was approved by a roll call vote of 11-0.

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RESOLUTION 06-11 CONTRIBUTION AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND THE COOPERATING AGENCY OF THE DELAWARE BAY OYSTER REVITALIZATION STUDY

WHEREAS, The Delaware River and Bay Authority (the “Authority”) has agreed to participate in a three (3) year study (“Study”) in an effort to increase oyster production along the Delaware Bay in the States of Delaware and New Jersey; and

WHEREAS, the Study is a joint initiative involving the U.S. Army Corps of Engineers (USACE), the New Jersey Oyster Industry, the Delaware Department of Natural Resources and Environmental Control (DNREC), and the Divisions of Fish and Wildlife in Delaware and New Jersey; and

WHEREAS, the Authority agreed to participate in the Study by contributing \$150,000.00 as the required cash match to the federal Energy and Water Appropriations grant (“Grant”); and

WHEREAS, in July, 2005, the Authority entered into a Contribution Agreement with DNREC to provide the first-year installment of \$15,800.00 of the Authority’s \$150,000.00 commitment; and

WHEREAS, the Energy and Water Appropriations Committee, through the efforts of the Delaware and New Jersey Congressional delegations, allocated an additional \$2 million to the Study for FY 2006; and

WHEREAS, the Authority has been requested to provide the remaining \$134,200.00 toward the Study in 2006 to meet the necessary cash match for the Grant.

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to negotiate the terms and conditions of a Contribution Agreement with the Study’s Cooperating Agency to revitalize the oyster industry in the Delaware Bay and, with the advice and consent of counsel, to have such an Agreement executed by the Chairperson, Vice-Chairperson and Executive Director.

On motion by Commissioner Simmerman, seconded by Commissioner Koebig, Resolution 06-11 was approved by a roll call vote of 11-0.

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RESOLUTION 06-12 RECOGNIZES AND SALUTES JOHN M. JACKSON FOR HIS DEDICATED SERVICE TO THE DELAWARE RIVER AND BAY AUTHORITY.

WHEREAS, John M. Jackson was appointed by Governor Richard J. Codey to serve as a Commissioner for The Delaware River and Bay Authority, participating in his first Commission Meeting on December 21, 2004; and

WHEREAS, Mr. Jackson served with distinction, enthusiasm and dedication as a Delaware River and Bay Authority Commissioner, sharing his expertise as a member of the Personnel and Insurance, By-Laws, Budget and Finance, and Economic Development Committees; and

WHEREAS, as a member of the Budget and Finance Committee, Mr. Jackson worked diligently to strengthen the financial condition of the Authority, voicing support for the 2005 Bond Refunding Series, which saved the agency approximately \$7.8 million; and

WHEREAS, during Mr. Jackson's tenure, he supported a joint initiative involving the U.S. Army Corps of Engineers (USACE), the New Jersey Oyster Industry, the Delaware Department of Natural Resources and Environmental Control (DNREC), the Division of Fish and Wildlife in Delaware and New Jersey to revitalize the oyster industry in the Delaware Bay and endorsed the investment of financial resources to improve and enhance the Authority's major transportation links, the Cape May - Lewes Ferry and Delaware Memorial Bridge facilities; and

WHEREAS, as a member of the Personnel and Insurance Committee, Mr. Jackson provided guidance and perspective during recent labor negotiations that helped to produce contracts with Marine Engineers Beneficial Association and the International Union of Operating Engineers, Local 542; and

WHEREAS, Mr. Jackson willingly supplied his time, talents, and energy to the successful operation of the Delaware Memorial Bridge, Cape May - Lewes Ferry, the Salem County Business Center, New Castle Airport, Millville Airport, Cape May Airport, Delaware Airpark, Civil Air Terminal at Dover, and the Three Forts Ferry Crossing, all of which are managed by the Delaware River and Bay Authority; and

NOW THEREFORE, BE IT RESOLVED that the Delaware River and Bay Authority does hereby praise and congratulate John M. Jackson for the invaluable services rendered by him to the States of New Jersey and Delaware through his outstanding contributions as a Delaware River and Bay Authority Commissioner and does hereby record the Commissioners sincere appreciation by the presentation of this Resolution, adopted today, February 21, 2006.

On motion by Commissioner Dorn, seconded by Commissioner Favre, Resolution 06-12 was approved by a roll call vote of 11-0.

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9373. COMMISSIONERS PUBLIC FORUM

Chairperson Wallace asked if any members of the public would like to address the Commission.

There were none.

Chairperson Wallace then asked if there were any comments from the Commissioners.

There were none.

Next, Chairperson Wallace and Vice-Chairperson Parkowski presented a ceremonial check in the amount of \$134,200 to Dr. Eric Powell of the Oyster group representing the Authority's cash match to the Oyster Revitalization Program as described in Resolution 06-11.

Chairperson Wallace noted that, beginning today and when the Board of Commissioners meetings are held at the DMB, there will be two luncheons given. One will be designated for the Commissioners and the other for guests. When Board meetings are away, only one luncheon will be offered to Commissioners and guests.

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

The meeting was adjourned 11:55 p.m.

Respectfully submitted,
THE DELAWARE RIVER AND BAY AUTHORITY

Thomas A. Pankok
Secretary