

MINUTES OF MEETING  
THE DELAWARE RIVER AND BAY AUTHORITY  
Tuesday, October 18, 2005  
McNinch Hall  
Schwartz Center for the Arts  
226 South State Street  
Dover, Delaware

The meeting convened at 11:07 a.m. with Chairperson Wallace presiding.

The opening prayer was given by Commissioner Lathem followed by the Pledge of Allegiance led by Colonel McCarnan.

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  
John M. Jackson  
Gary F. Simmerman (after swearing in)

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

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Chairperson Wallace introduced Gary F. Simmerman as the new Commissioner from Cumberland County. Mr. Simmerman was sworn in by Chairperson Wallace and officially recorded as being present.

\* \* \* \* \*

Destiny Kerstetter of the Schwartz Center for the Arts spoke. She thanked the Commissioners for holding the October meeting at the Center and gave a brief history of the Theater. Ms. Kerstetter invited everyone on a tour after the meeting.

Vice-Chairperson Parkowski thanked Ms. Kerstetter for hosting the Commissioners meeting. He then presented a check in the amount of \$6,000 under the Authority's Community Contribution program in support of the Theater.

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Chairperson Wallace stated that new Committee assignments were distributed to the Commissioners as a result of Mr. Simmerman's appointment and asked for an approval of the Board.

Commissioner Patterson moved the new Committee assignments, seconded by Commissioner Dorn and unanimously approved by a voice vote of 10-0.

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9284. APPROVAL OF THE SEPTEMBER 20, 2005 MINUTES

On motion by Commissioner Dorn and seconded by Commissioner Lowe, the minutes of the September 20, 2005 meeting was unanimously approved by a voice vote of 10-0.

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9285. EXECUTIVE DIRECTORS REPORT

The Executive Director presented the following highlights that occurred within the month of September.

EXECUTIVE DIRECTOR:

Employee Events and Meetings:

- Conducted a “Lunch with Jim” session. Met with employees from the MIS Department, Engineering Department, as well as employees who missed earlier “Lunch with Jim” sessions. Approximately 16 individuals attended this event.
- Attended the three employee appreciation events that were hosted during the week of September 26<sup>th</sup>. Events were well attended and were held in Cape May, New Castle at the Bridge, and in Lewes.
- Attended the Engineering and Maintenance Employee of the Quarter and Employee of the Year event held at the Millville Airport.
- Met with the Engineering Department to discuss staffing and workload related issues. We are continuing the dialogue with a luncheon meeting to discuss possible solutions.
- Met with three front-line supervisors (non-union) in the Maintenance area to discuss work related issues.
- Met with Mr. Ted Zutz, Mike Fontaine (London broker), and Victor Ferzetti concerning Authority-wide insurances.
- Conducted the monthly Personnel, Economic Development and Airport Property Management status meetings with staff.

External Affairs:

- Met with Ms. Verice Mason of the New Jersey Authorities Unit to discuss the status of a variety of current issues with the DRBA. Don Rainear also attended the meeting.
- Met with Governor Minner and Bernard Pepukayi (DE Governor’s Representative to the DRBA) to discuss the status of a variety of current issues with the DRBA.
- Met with Senator McBride (DE) to discuss the peak traffic conditions at the Cape May-Lewes Ferry and the local flow of traffic to the state park in surrounding neighborhoods. We also discussed the placement of a Verizon cell phone tower at the Lewes terminal of the Ferry.
- Met with Carolann Wicks, Delaware Department of Transportation Chief Engineer to discuss upcoming construction work along I-295 west of the I-295/Route 13 interchange. Staff attended the meeting also.

DEPUTY EXECUTIVE DIRECTOR:

Economic Development:

- Conducted meetings with several entities concerning the Salem Business Park and associated building.
- Conducted meetings with a local development company concerning the Corporate Commons property.
- Worked with staff and legal counsel on the Economic Development Strategic Plan.

Communications:

- Held the check presentation ceremony for the oyster revitalization program. A check for \$15,800.00 was presented to representatives of Delaware and New

Jersey. The program is a joint initiative between the U.S. Army Corps of Engineers (USACE), the New Jersey Oyster Industry, the Delaware Department of Natural Resources and Environmental Control (DNREC), the New Jersey Department of Environmental Protection, and the Delaware Estuary Program. The Authority's matching contribution is part of a larger effort to revitalize the once-thriving oyster population in the Delaware Bay. The first phase of the shell planting program began on July 6, 2005.

- Completed the quarterly version of the DRBA's external newsletter.

#### Marketing:

- Continued with the oversight and planning for the Fall/Winter Ferry marketing plan. Plans include co-op advertising with Wildwood, N. J. Convention Center for several fall events, meetings with Delaware and New Jersey State Tourism Offices for a Delaware Bay campaign, and conducting a planning meeting of the Twin Capes Council.
- Initiated the development of the 2006 airport marketing plan with staff. Began by reviewing existing material and updating print material as necessary.

#### Property Management:

- Continued finalizing the drafts of the Minimum Standards and the Airport Rules & Regulations for New Castle Airport. These Standards and Rules and Regulations will be out for tenant comment and Board review in October. This effort has been coordinated within various interdepartmental areas and legal counsel.
- Met with Commonwealth Group regarding the Riverfront Market leases and marketing program.
- Negotiated leases with several prospective airport tenants. Some of those leases are action items for October.

#### CHIEF OPERATIONS OFFICER:

##### Airports:

- On September 20<sup>th</sup> at approximately 3:30pm, a Piper Cherokee single-engine aircraft was involved in an accident at Millville Airport after experiencing a power loss or other undefined problem after departing Runway 28. The aircraft had two occupants on board the four seat aircraft and both received non-life threatening injuries. The flight instructor and student were performing training activities in the aircraft and attempted to return to the airport after departure, but landed short of the runway in a grass area and eventually came to rest after clipping some trees. The right side of the aircraft was destroyed. There was no post crash fire. FAA and the New Jersey Division of Aeronautics are investigating.
- The FAA and DRBA staff met several times during the month of September and continued to evaluate the various options associated with the damage to the Millville FAA Flight Service Station. The FAA performed a site visit at the damaged facility. A follow-up meeting is planned with the stakeholders during early October in Washington, DC.

##### Cape May Lewes Ferry:

- In September cumulative vehicle traffic increased 7.6% and passenger traffic increased 8.4% when compared to the same period in 2004. Through September, year-to-date vehicle and passenger traffic increased 1.2% and 1.2% from the same nine-month period in 2004. Compared to the average of the last three years, year-to-date vehicle and passenger traffic declined 3.0% and 5.5% respectively.
- During the month, major vessel maintenance included sandblasting the car deck on the M/V Cape Henlopen. A Beurtreaux Seating representative was onsite to review vessel seating in preparation for giving a proposal for passenger seating replacements. Philadelphia Gear has been onsite to conduct a thorough review of the wear on the reduction gears and bearings aboard all vessels. The reduction

gears are showing wear outside of tolerances on four out of five vessels, an indication that the reduction gears will need to be rebuilt soon.

- A meeting was held on September 14<sup>th</sup> between DRBA staff and US Army Corps of Engineers (“Corps”) regarding annual maintenance dredging in the Cape May Canal which supports our Cape May Ferry operations. The Corps informed us that maintenance dredging dollars have been cut back and will likely impact their ability to maintain the canal as they have in the past. Since 2001, the Authority has performed maintenance dredging annually at an approximate cost of \$250,000. Prior to 2001, dredging only was required every 2-3 years. The Corps agreed to assess the situation. Meanwhile, we will develop an approach to address the situation as well.

#### Engineering & Maintenance:

- The new equipment and storage building at Cape May Airport is now in service. All Authority supplies and equipment that were stored in the Everlon Building (Cape May County property) and CMA firehouse were transferred to this new facility.
- The annual deck resurfacing work resumed on September 11<sup>th</sup> and will continue through mid-November. The nature of this work involves closing 2 of 4 bridge traffic lanes weekly from Sunday night to Friday morning. Weekend and holiday traffic will not be impacted by these construction activities.

#### Food & Retail:

- George Iannetta and F&R staff did an outstanding job in preparing and running the Employee Appreciation events. These on-site events were held in Lewes, New Castle, and Cape May. We celebrated our employees’ dedication to duty and commitment to excellence at these events.

#### Police:

- On the evening of Sunday, September 18<sup>th</sup>, PFC Ken Sheeky had a vehicle stopped whose driver was a positive hit on the FBI Terrorist Screening Center (TSC) watch list. As required, PFC Sheeky did a good job of interviewing all occupants and thus gathered a tremendous amount of information that was forwarded to the FBI. The subjects were interviewed and released as per TSC instructions.
- The Police Department will conduct a safety awareness program at the DMB Toll Plaza during the month of November. This operation will be a repeat of the successful program conducted during June of this year. The major focus will be on compliance with speed limits in toll lanes, seatbelt and child safety seat enforcement, and E-ZPass/Tolls compliance. During the month of June, over 1,800 violators were stopped and issued citations or written warnings. The Delaware State Police truck enforcement team will also participate with a focus on commercial vehicle safety enforcement.

#### Safety & Environmental:

- A safety inspection of the Julia Building was conducted on Sept. 12<sup>th</sup>, and findings will be shared with site management and the safety committee for follow-up action.
- Two sessions of STOP for Supervision safety training have been conducted at the Delaware Bridge Complex. The results of this training and the concerted buy-in from Bridge supervision have resulted in substantially improved safety performance. Through September, injuries at the Bridge are eight incidents below last year (22 vs. 30) to date. This performance is a major contributor to our improved overall safety record. The Bridge Staff and Safety Committee, chaired by Pete Thomas, are to be commended.

#### Toll Operations:

- Total traffic during the month of September 2005 decreased by 1.4% vehicles vs. the monthly total in 2004. Non-commercial traffic was down 1.8% and commercial traffic was up 1.3%. This may be attributed to the increase in the price of gasoline. As compared with a 3-year average, September traffic

increased 0.5% or 7,315 vehicles. Total traffic nine-month to-date has increased by approximately 1.9% or 251,974 vehicles over the 3-year nine-month to-date average.

- E-ZPass traffic for September 2005 represented 53.3% of the total overall traffic as compared to 48.8% for the previous year. Total electronic traffic for the ninth-month to date in 2005 represents 51.5%, an increase of 3.9% for the same period in 2004. Total overall violations were 0.7% compared to 0.8% for the previous year.
- The E-ZPass Walk-in Center has completed a one-month Customer Service survey. The results will be analyzed later this week with a full report to follow. Overall, the CSC staff received excellent ratings for the customer service provided to DRBA customers.

#### CHIEF HUMAN RESOURCES OFFICER:

##### Staffing (Permanent FT):

• Authorized Positions	=	481
• Filled Positions	=	432
• Filled Positions (on LTD)	=	7
• Total Vacancies	=	42
• Vacant Positions in process	=	18

##### HR Initiatives:

- The CHRO and the Benefits Manager attended a wellness program seminar for employers who are considering establishing proactive wellness programs for their employees in a long-term effort to control health care costs.
- The CHRO has attended the annual executive level HR Conference in Washington, D.C. in an effort to stay current with HR issues.

##### Community Initiatives:

- The Community Initiatives Committee implemented a “Matching Gift Program” to aid the victims of Hurricane Katrina. Donations will be collected for one month beginning Monday, September 19, 2005. Donations can be made by Authority employees in cash, check, or credit card. Money will be collected and forwarded to the Finance Department. Monies donated by the employees will be matched by the Authority. All donations will be sent to the American Red Cross.
- The Community Initiatives Committee is gearing up for the 3<sup>rd</sup> annual Thanksgiving Basket event. Preparations include vendor donations, procurement of food items, and designation of recipients within the communities in which we serve.

#### CHIEF INFORMATION OFFICER:

##### MUNIS Users Conference:

- From September 10<sup>th</sup> through September 13<sup>th</sup> attended the MUNIS Users Conference in Nashville, TN. Two other DRBA employees also attended (Joe Larotonda and Andrew Ritchie). The conference is set up in five tracks with nine concurrent sessions in each track covering Financials, Human Resources, Management, Information Technology and Revenues. In addition to attending the informative sessions, the conference provides the opportunity to talk with MUNIS business partners, voice opinions on product development to the MUNIS staff and network with other MUNIS customers. With the planned DRBA upgrade of MUNIS, this year’s conference proved to be extremely beneficial providing us with first hand instruction and insights into new system capabilities.

##### Police Computer Aided Dispatch System:

- Met with Police staff and New World Systems to review the changes requested by the DRBA to the service agreement for the police computer aided dispatch and records management system. All requested changes were made and the DRBA signed the agreement to proceed. The project should begin within the next 30-45 days with tentative completion within nine months

Verizon Tower:

- Verizon has approached the DRBA regarding the installation of a communication facility (cell tower) at the Lewes Terminal. The placement of the tower at the terminal would alleviate cell phone coverage problems. We met with Verizon to evaluate solutions and contractual requirements.

Wide Area Network:

- Met with MIS and Electronics staff to plan the execution of the upgrade to the wide area network (WAN). This project will begin by December with completion anticipated in the first quarter of 2006

ACTING CHIEF FINANCIAL OFFICER:

Local 542 Negotiations:

- After many months of good faith negotiations, a Tentative Agreement was signed by both parties on August 25, 2005. The agreement preserved management rights and addressed those items sought by the Union: parity - improves the worst case pay differential in a labor classification from 42% to 16% in a 2 year period, and provided the Union's benefit package at no cost to employees. The employees continue to remain in the Authority's pension and defined benefit contribution plans. The tentative also addressed work rules.
- In mid-September 2005, the Local conducted informational meetings with employees to discuss the tentative agreement. The Local also conducted a vote during these meetings and the tentative agreement was not ratified by the membership by a vote of 111-5.

2006 Budget:

- Received 2006 Budget requests from all Authority Departments. Conducted initial budget workshops with department managers from all locations and facilities. Initiated a preliminary analysis for the development of the 2006 Authority Operating Budget. The budget will be on a track for Board action in December 2005.

Insurance:

- Met with Ted Zutz to review the Authority's 2006 insurance requirements. Anticipate an increase in Workers Compensation insurance due to the Authority's adverse experience modification. This will only impact the upcoming 2006 fiscal year. Remaining policies to remain flat or only a slight increase

Audit RFP:

- Received only one response from the Auditing Services RFP. ( Bowman & Company ) The Audit Committee will take up action on this RFP in October.

Centralized Purchasing:

- Will begin implementing the public bid opening information sharing procedure with the next bid opening.
- Continued with the creation of the Authority-wide uniform RFP. The RFP documents and specs are in the final stages of creation. Expect to advertise early October for bids. Anticipate presentation to the Projects Committee in November or December.

DBE Program:

- Began preparation of the 2005 FAA Achievement Report which outlines the Authority's DBE achievements for the 2005 fiscal year.
- Modifying the Centralized Purchasing database to incorporate our required DBE information.

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9286. COMMITTEE REPORT – BUDGET & FINANCE

Commissioner Jackson presented the following minutes of the Budget & Finance Committee meeting held October 4, 2005.

**BUDGET & FINANCE COMMITTEE MEETING**

**Tuesday, October 4, 2005**

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, October 4, 2005, via video-conference from the TOC Room of the Vince Julia Building, Delaware Memorial Bridge Complex, the Administration Building Conference Room of the Lewes Terminal, 43 Henlopen Drive, Lewes, Delaware, and the Administration Building Conference Room of the Cape May Terminal, Sandman Boulevard and Lincoln Drive, Cape May, New Jersey.

Commissioners from New Jersey

Commissioners from Delaware

PRESENT

Committee Chair Jackson

Committee Vice-Chair Patterson, via Video-Conference

Commissioner Koebig, Committee Member  
Commissioner Dorn  
Chairperson Wallace

Commissioner Hensley, Committee Member  
Commissioner Cooper, via Video-Conference  
Commissioner Lowe  
Vice Chairperson Parkowski

Staff

Authority Secretary

Jim Johnson, Jr.  
Don Rainear  
Victor Ferzetti  
Jim Walls  
Trudy Spence-Parker  
Gerry DiNicola Owens  
Joe Larotonda  
Anna Marie Gonnella Rosato  
Ken Hynson  
AJ Crescenzi  
John Sarro  
Kelly Phillips Parker

Tom Pankok

- I. Committee Chair Jackson welcomed the Budget & Finance Committee and opened the meeting at approximately 9:10 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 October. A Resolution will be presented to the full Board for consideration at the October meeting.
- III. The Acting Chief Financial Officer previewed the preliminary areas of increase associated with the FY 2006 Operating Budget. The Acting CFO noted the potential significant increases to the budget as follows.

• Vessel Drydocking	100.0%
• Gas/Diesel	50.4%
• Vessel Fuel	49.3%
• Bridge Painting	25.0%
• LTD/Life Ins./DC Plan	19.0%
• Electric/Natural Gas	17.5%
• Pension	12.3%

Staff will continue to work to better define the amount of the major increases and refine the proposed FY 2006 Operating Budget for presentation to the Committee and subsequent Board approval in November.

Vice-Chairperson Parkowski requested staff evaluate and provide a proposal to address any wage disparity issues that may exist.

- IV. The Acting CFO reviewed the proposed Resolution listing vendors over \$25,000. The Acting CFO noted three additions to the list and, after review as amended, the Committee recommended approval of the vendor list. A Resolution will be presented to the full Board for consideration at the October meeting.

There being no further business to discuss, on motion by Commissioner Hensley, seconded by Commissioner Koebig, the Budget and Finance Committee adjourned at 9:28 a.m.

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9287. COMITTEE REPORT – PERSONNEL & INSURANCE

Commissioner Dorn presented the following Personnel Committee minutes of the Personnel Committee held September 20, and October 4, 2005.

**PERSONNEL & INSURANCE COMMITTEE MEETING**  
**Tuesday, September 20, 2005**  
8:30 a.m.  
Solarium of the Music Pier  
Moorlyn Terrace and The Boardwalk  
Ocean City, New Jersey

A public meeting of The Delaware River and Bay Authority’s Personnel & Insurance Committee was held on Tuesday, September 20, 2005, at the Solarium of the Music Pier Moorlyn Terrace and The Boardwalk Ocean City, New Jersey 08226.

Commissioners from New Jersey

Commissioners from Delaware

PRESENT

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

Committee Vice-Chair Lathem  
Commissioner Lowe, Committee Member  
Commissioner Patterson

Governors’ Representatives

Keith Barrack-NJ

Staff

Jim Johnson  
Don Rainear  
Jim Walls  
Trudy Spence-Parker  
Gerry DiNicola Owens  
Kelly Phillips Parker

Authority Secretary

Tom Pankok

- I. Committee Chair Dorn welcomed the Personnel & Insurance Committee and opened the meeting at approximately 8:50 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 Koebig, seconded by Commissioner Lathem, the Session was closed.

The following matters of a confidential nature were discussed.

- PERSONNEL MATTERS:
  - CFO Search

There being no further business in the Executive Session, on motion by Commissioner Lowe, seconded by Commissioner Lathem, the Personnel & Insurance Committee the session was opened to the public.

With no further business to discuss, the Personnel & Insurance Committee meeting adjourned at 9:50 a.m.

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**PERSONNEL & INSURANCE COMMITTEE MEETING**  
**Tuesday, October 4, 2005**  
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, October 4, 2005, via video-conference from the TOC Room of the Vince Julia Building, Delaware Memorial Bridge Complex, the Administration Building Conference Room of the Lewes Terminal, 43 Henlopen Drive, Lewes, Delaware, and the Administration Building Conference Room of the Cape May Terminal, Sandman Boulevard and Lincoln Drive, Cape May, New Jersey.

Commissioners from New Jersey

Commissioners from Delaware

PRESENT

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

Commissioner Lowe, Committee Member  
Vice-Chairperson Parkowski

Staff

Jim Johnson  
Don Rainear  
Victor Ferzetti  
Jim Walls  
Trudy Spence-Parker  
Gerry DiNicola Owens  
Kelly Phillips Parker

Authority Secretary

Tom Pankok

- I. Committee Chair Dorn welcomed the Personnel & Insurance Committee and opened the meeting at approximately 11:00 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. Professional Services Contract: At the last Personnel & Insurance Committee, staff was directed to provide additional information regarding the proposed award of two professional services contracts. As the result of a recent RFP that had been conducted for Strategic Direction and Leadership Initiatives and Executive Recruiting Consulting, The Jennings Group had been selected to provide Strategic Direction and Leadership Initiatives and the Touchstone Partnership, Ltd. had been selected to provide Executive Recruiting Consulting. The Chief Human Resource Officer reviewed a prepared list of questions and answers developed to provide the Committee a clearer understanding of the necessity and focus of the consultants.

The CHRO reviewed and discussed the questions and answers. After discussion the Committee questioned whether a not-to-exceed cap should be included in the contract language. It was reported that the scope of work had not been clearly defined and, as each project is identified and defined, the projects would be billed accordingly. The Executive Director reported that this expense could be included as a line item in the operating budget and subject to Board review and approval. The Acting Chief Financial Officer reported that currently \$450,000 had been budgeted in the operating budget for Education & Training. The Executive Director reported that he would address the issue during the budget process and note separately under the Education & Training budget line. On motion by Commissioner Lowe, seconded by Commissioner Koebig, the Committee approved recommending The Jennings Group to provide Strategic Direction and Leadership Initiatives and the Touchstone Partnership, Ltd. to provide Executive Recruiting Consulting. A Resolution will be presented to the full Board for consideration at the October meeting.

III. The Committee Chair requested an Executive Session, closed to the public to discuss matters of a confidential nature. On motion by Commissioner Koebig, seconded by Commissioner Lowe, the Session was closed.

The following matters of a confidential nature were discussed.

- PERSONNEL MATTERS:
  - Employee Termination
  - Local 542 Update
  - Director of MIS Interviews
  - CFO Search Update

There being no further business in the Executive Session, on motion by Commissioner Lowe, seconded by Commissioner Koebig, the Personnel & Insurance Committee the session was opened to the public.

Committee Chair Dorn questioned whether anyone from the public wished to address the Committee. Vincent Ascione, a representative with Local 542 addressed the Committee regarding Local 542's recent request to continue negotiations and questioned when those negotiations would occur. Committee Chair Dorn stated that the Authority would be ready to continue negotiations once a counter proposal had been received and reviewed.

With no further business to discuss, on motion by Commissioner Lowe, seconded by Commissioner Jackson, the Personnel & Insurance Committee meeting adjourned at 11:47 a.m.

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9288. COMMITTEE REPORT – PROJECTS COMMITTEE

In Commissioner Hensley's absence, Committee Vice-Chair Dorn presented the following minutes of the Projects Committee held October 4, 2005.

**PROJECTS COMMITTEE**  
**Tuesday, October 4, 2005**  
Delaware Memorial Bridge Complex  
New Castle, Delaware

A public meeting of the Delaware River and Bay Authority's Projects Committee was held on Tuesday, October 4, 2005, Delaware Memorial Bridge Complex, New Castle, Delaware.

Commissioners from New Jersey

Commissioners from Delaware

PRESENT

Committee Vice-Chair Dorn  
Commissioner Koebig, Committee Member  
Commissioner Jackson  
Chairman Wallace

Committee Chair Hensley  
Commissioner Lowe, Committee Member  
Commissioner Patterson  
Commissioner Cooper  
Vice Chairman Parkowski

Staff

Jim Johnson  
Don Rainear  
Jim Walls  
Trudy Spence-Parker  
Victor Ferzetti  
Gerry DiNicola Owens  
John Jones  
Kelly Phillips-Parker  
Steve Williams  
Jim Gillespie  
Anna Marie Gonnella Rosato

Authority Secretary

Tom Pankok

Attorney

Michael Houghton – DE Counsel

I. The Projects Committee meeting convened at approximately 10:15 a.m. Those in attendance were provided an informational package consisting of an agenda, two bid tabulations, and a contractor payment chart. The Authority Secretary reported that the public meeting of the Projects Committee had been duly noticed in accordance with the Authority's Freedom of Information Regulations, read the Statement of Notice, and called roll.

II. Bid Openings/Award Actions/Resolutions:

- CMLF-04-11R, Drydocking and Repairs, Three Forts Dock Barges: Three bids were submitted on September 30<sup>th</sup> with the responsive low bidder being significantly above the engineer's estimate and the project budget. DRBA staff recommended bid rejection. The Projects Committee concurred with the recommendation.
- CMLF-05-03, Drydocking and Repairs, MV Delaware: One bid was submitted on September 30<sup>th</sup> which was in line with the engineer's estimate. DRBA staff recommended award to Lyon Shipyard, Norfolk, VA, in the amount of \$1,494,240.00. The Projects Committee concurred with the recommendation.

III. Miscellaneous Actions:

- The Director of Engineering and Maintenance provided information regarding a request by the City of Lewes to route storm runoff from Jefferson Avenue into the existing drainage ditch that runs parallel to the Authority's Freeman Highway. John Jones reported that calculations have been done for 10, 25, and 100-year storm events and that with some improvements (minor widening and deepening) to the drainage ditch, the Authority can accommodate this additional flow with minimal impact to the Authority's property or operations. These improvements will be made and paid for by the City of Lewes. All work on the Authority's property will be inspected by Authority representatives and completed to agreed upon standards. Staff recommended that a drainage/flowage easement be executed between impacted parties and that any approvals required for this project should be obtained by the City of Lewes before work begins. Mike Houghton was asked to participate in the development and execution of the required easement. The Projects Committee concurred with the recommendations of staff and supported continuing to work with the City of Lewes on their request.

- FAA Flight Service Center: The COO briefed the Projects Committee on the status of the FAA Flight Service Center partial roof collapse at Millville Airport. Jim Walls reported that the FAA transferred Pilot Advisory services from its damaged Millville facility to other regional FAA centers, and that FAA personnel were relocated to another Authority building at Millville Airport to provide Local Advisory services. The FAA and Authority staff are working closely to identify next steps. The facility remains closed for safety reasons until further notice.
- New Castle Airport Minimum Standards: The Director of Airports distributed drafts of proposed Minimum Standards, as well as proposed Rules and Regulations, for New Castle Airport. Jim Walls presented the proposed milestones and timeline for adoption of these documents, including the provision for an Airport stakeholder review and comment period. Steve Williams provided an executive summary to the committee on both documents that will govern aeronautical services and activities at the Airport.
- CMLF Vessel Reduction Gears: The COO briefed the Projects Committee on a mechanical issue with four of the Cape May-Lewes Ferry vessels. Jim Walls reported that the reduction gear bearings on all ferry vessels, with the exception of the MV Henlopen, are out of tolerance. These reduction gears are the links between the propulsion engines and the propeller shafts. Two contractors, Philadelphia Gear and Chalmers & Kubek, are working with CMLF marine engineering staff to assess the bearing problem and to identify appropriate corrective action.

V. Contractor Payment (through September): Staff informed the Projects Committee on monthly construction contractor payments to be made to contractors in October.

VI. There being no further business for the Projects Committee, the public meeting was adjourned at approximately 11:00 a.m.

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9289. COMMITTEE REPORT – ECONOMIC DEVELOPMENT

In Commissioner Koebig’s absence, Committee Vice-Chair Lowe presented the following minutes of the Economic Development Committee meeting held October 4, 2005.

**ECONOMIC DEVELOPMENT COMMITTEE**  
**Tuesday, October 4, 2005**  
 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, October 4, 2005, via video-conference from the TOC Room of the Vince Julia Building, Delaware Memorial Bridge Complex, the Administration Building Conference Room of the Lewes Terminal, 43 Henlopen Drive, Lewes, Delaware, and the Administration Building Conference Room of the Cape May Terminal, Sandman Boulevard and Lincoln Drive, Cape May, New Jersey.

Commissioners from New Jersey

Commissioners from Delaware

PRESENT

Committee Chair Koebig  
 Commissioner Dorn, Committee Member

Committee Vice-Chair Lowe  
 Commissioner Cooper, Committee Member, via Video-Conference

Commissioner Jackson, Committee Member

Commissioner Patterson, Via Video-Conference

Chairperson Wallace

Commissioner Hensley

Legal Counsel

Mike Houghton-DE

Staff

Jim Johnson, Jr.

Don Rainear

Jim Walls

Victor Ferzetti

Trudy Spence-Parker

Gerry DiNicola Owens

Anna Marie Gonnella Rosato

AJ Crescenzi

John Sarro

Michelle Griscom-Collins

Kelly Phillips Parker

Authority Secretary

Tom Pankok

- II. Committee Chair Koebig welcomed the meeting of the Economic Development Committee and opened the meeting at approximately 9:35 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.

ECONOMIC DEVELOPMENT

The Deputy Executive Director reviewed the following lease agreements.

Cape May Airport:

The Deputy Executive Director reviewed a Lease Agreement between the Delaware River and Bay Authority and Cape Aviation, Inc., to amend and re-state the lease of 30,000 square feet of land at a fair market appraised value of \$0.18 per square foot. On motion by Commissioner Lowe, seconded by Commissioner Jackson, the Committee approved the lease agreement. A Resolution will be presented to the full Board for consideration at the October meeting.

Millville Airport:

The Deputy Executive Director reviewed a Lease Agreement between the Delaware River and Bay Authority and Millville Army Airfield Museum, to lease approximately 10,500 square feet of office space in Buildings #1, #23, and #25 at an annual rent of \$1.00. These buildings are located within a designated historic district which obligates the Authority to maintain the properties; however, the Museum has received a grant to complete the rehabilitation to the buildings from the City of Millville. On motion by Commissioner Lowe, seconded by Commissioner Jackson, the Committee approved the lease agreement. A Resolution will be presented to the full Board for consideration at the October meeting.

Also reviewed was a Lease Agreement between the Delaware River and Bay Authority and Victoria's Tax Service, to lease approximately 1500 feet of office space in Building #21 at an annual rent of \$4,800. On motion by Commissioner Jackson, seconded by Commissioner Lowe, the Committee approved the lease agreement. A Resolution will be presented to the full Board for consideration at the October meeting.

New Castle Airport:

The Deputy Executive Director reviewed a Lease Agreement between the Delaware River and Bay Authority and Blackbird Micro Midget Racing Club, Inc., for approximately 9.42 acres of land at an annual fair market appraised value

in the amount of \$13,200. On motion by Commissioner Jackson, seconded by Commissioner Lowe, the Committee approved the lease agreement. A Resolution will be presented to the full Board for consideration at the October meeting.

Also reviewed was a Lease Agreement between the Delaware River and Bay Authority and Sleep Air, LLC., for 50% of a corporate hangar located at 10 DRBA Way, at an initial term of \$123,600 annually with one three year option. On motion by Commissioner Jackson, seconded by Commissioner Dorn, the Committee approved the lease agreement. A Resolution will be presented to the full Board for consideration at the October meeting.

Commissioner Cooper questioned the return on investment. It was reported that the Authority's appraiser provides a lease value and a sale value on an appraised property.

There being no further business to discuss in Public Session, the Deputy Executive Director requested an Executive Session, closed to the public to discuss matters of a confidential nature. On motion by Commissioner Lowe, seconded by Commissioner Jackson, the Session was closed.

The following matters of a confidential nature were discussed.

LONG TERM PLANNING ALTERNATIVES:

Salem Business Center Update:

The Deputy Executive Director updated the Committee regarding preliminary discussions with two interested parties in purchasing property at the Salem Business Center. Staff will update the Committee as necessary.

There being no further business to discuss, on motion by Commissioner Lowe, seconded by Commissioner Dorn, the Economic Development Committee adjourned at 9:58 a.m.

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9290. COMMITTEE REPORT – AUDIT & GOVERNANCE

Commissioner Cooper presented the following minutes of the Audit & Governance Committee meeting held October 4, 2005.

**AUDIT & GOVERNANCE COMMITTEE MEETING**  
**Tuesday, October 4, 2005**  
Delaware Memorial Bridge Complex  
New Castle, Delaware

A public meeting of The Delaware River and Bay Authority's Audit & Governance Committee was held on Tuesday, October 4, 2005, via video-conference from the TOC Room of the Vince Julia Building, Delaware Memorial Bridge Complex, the Administration Building Conference Room of the Lewes Terminal, 43 Henlopen Drive, Lewes, Delaware, and the Administration Building Conference Room of the Cape May Terminal, Sandman Boulevard and Lincoln Drive, Cape May, New Jersey.

Commissioners from New Jersey

Commissioners from Delaware

PRESENT

Commissioner Dorn, Committee Member  
Commissioner Jackson, Committee Member  
Commissioner Koebig  
Chairperson Wallace

Committee Chair Cooper, via Video-Conference  
Commissioner Hensley, Committee Member  
Commissioner Lowe, Committee Member  
Commissioner Patterson, via Video-Conference  
Vice-Chairperson Parkowski

Staff

Jim Johnson, Jr.  
Don Rainear  
Victor Ferzetti  
Jim Walls  
Trudy Spence-Parker  
Gerry DiNicola Owens  
Joe Larotonda  
Anna Marie Gonnella Rosato  
John Sarro  
AJ Crescenzi  
Kelly Phillips Parker

Authority Secretary

Tom Pankok

- III. Committee Chair Cooper welcomed the Audit & Governance Committee and opened the meeting at approximately 9:29 a.m. The Authority Secretary reported that the public meeting of the Audit & Governance Committee had been duly advertised in accordance with the Authority’s Freedom of Information Regulations, read the Statement of Notice, and called the roll.
  
- II. The Acting Chief Financial Officer reported that an RFP for Independent Auditing Services had been conducted and proposals evaluated. The successful firm selected for Committee recommendation was Bowman & Company, LLP. The Acting CFO noted that there will be new reporting requirements concerning cash and investment risk for the upcoming audit and that representatives from Bowman & Company would be available to meet with the Committee to explain the new requirements and to address any issues or concerns they may have. Committee Chair Cooper requested staff schedule a meeting accordingly.

After discussion, on motion by Commissioner Hensley, seconded by Commissioner Lowe, the Committee recommended approval of Bowman & Company, LLP to conduct the Authority’s annual independent audit for FY 2005 with four (4) one-year renewal options. A Resolution will be presented to the full Board for consideration at the October meeting.

There being no further business to discuss, on motion by Commissioner Lowe, seconded by Commissioner Dorn, the Audit Committee meeting adjourned at 9:34 a.m.

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9291. 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 September.

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

\* \* \* \* \*

9292. DELAWARE RIVER AND BAY AUTHORITY – STATEMENT OF INCOME AND EXPENSE.

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

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

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9293. DELAWARE RIVER AND BAY AUTHORITY – OPERATING EXPENSE BY DIVISION.

The Acting CFO presented a chart 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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9294. DELAWARE RIVER AND BAY AUTHORITY – CAPITAL IMPROVEMENT PROGRAM.

The Acting CFO presented a chart for the month of September 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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9295. DELAWARE RIVER AND BAY AUTHORITY – CASH POSITION (MARKET VALUE) AS OF SEPTEMBER 30, 2005.

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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9297. PUBLIC COMMENT ON ACTION ITEMS.

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

Contract #CMA-04-11R	Drydocking & Repairs Three Forts Dock Barges
Contract # CMLF-05-03	Drydocking & Repairs M.V. Delaware
Resolution 05-36	Approval of Community Contribution Requests
Resolution 05-37	Authorizes Expenditures \$25,000 and Over
Resolution 05-38	Authorizing a contract with Bowman & Company
Resolution 05-39	Lease Agreement with Cape Aviation Inc. at Cape May Airport
Resolution 05-40	Lease Agreement with Rose Overton, d/b/aVictoria’s Tax Service, Millville Airport
Resolution 05-41	Lease Agreement with Millville Army Airfield Museum, Millville Airport
Resolution 05-42	Lease Agreement with Blackbird Micro Midget Racing Club, Inc., New Castle Airport
Resolution 05-43	Lease Agreement with Sleep Air, LLC., New Castle Airport
Resolution 05-44	Authorizing a contract with The Jennings Group and The Touchstone Partnership, LTD.

Vincent Ascione, Local 542, referred to Resolution 05-38 and asked for the total cost of the auditing service contract with Bowman & Company.

Acting CFO stated that the total cost for the auditing services for the Authority is approximately \$86,000 a year for three years.

There were no other comments.

\* \* \* \* \*

9275. SUMMARY OF AUTHORIZED CONTRACT PAYMENTS.

The Chief Operating Officer (COO) noted the following Summary of Authorized Contract Payments for August, 2005.

<u>Contractor</u>		<u>Payment</u>
DMB-04-02	Eastern Highway Specialists	\$141,067.87
DMB-04-04	J. D. Eckman, Inc.	\$ 46,248.75
DMB-01-06	Cianbro Corporation	\$188,218.10
NCA-01-04	EDIS	\$ 16,262.20
DAP-04-02	EDIS	\$ 9,849.61
MVA-04-01	Delta Line Construction	\$214,096.73
MVA-04-03	Stanker & Galetto, Inc.	\$ 33,787.63
CMA-04-01	Delta Line Construction	\$182,690.91
CMA-04-03	TNT Construction Co., Inc.	\$111,590.00

On motion by Commissioner Jackson, seconded by Commissioner Lowe, the Summary of Authorized Contract Payments for August was approved by a voice vote of 10-0.

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9298. DRYDOCKING & REPAIRS THREE FORTS DOCK BARGES – CONTRACT NO. CMLF-04-11R

The COO reported that three (3) proposals were submitted for the drydocking and repairs of the Three Forts Dock Barges and that all three were significantly above the engineer’s estimate and the project budget. The COO, as well as the Projects Committee, recommended rejection of all bids.

Commissioner Dorn motioned to reject all bids, seconded by Commissioner Favre and approved by a voice vote of 10-0.

\* \* \* \* \*

9299. APPROVAL OF DRYDOCKING AND REPAIRS, MV DELAWARE – CONTRACT #CMLF-05-03

The COO reported that one (1) proposal was submitted for the drydocking and repairs of the MV Delaware. The low bid of \$1,494,240.00, submitted by Lyon Shipyard, Inc., of Norfolk, VA is in line with the engineer’s cost estimate. The COO, along with the Projects Committee, recommend awarding the bid to the low bidder as noted above.

Commissioner Patterson wanted to know the total amount of the contract. A small discussion ensued. The COO stated that the RFP included multiple options; however, the selected options will not be determined until the vessel is inspected in drydock. Based on the current condition of the vessel, the COO does not expect the overall project to exceed \$1,000,000.00.

On motion by Commissioner Favre, seconded by Commissioner Dorn, the recommendation of the COO and the Projects Committee were approved by a voice vote of 10-0.

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9300. CHAIRPERSON'S CALL FOR ACTION ON THE RESOLUTIONS BEFORE THE BOARD.

The Executive Director presented the following Resolutions:

**RESOLUTION 05 - 36 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 October, 2005; and

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

Community Contributions

New Jersey

Elmer Harvest Festival	\$ 1,000
Rowan University	\$ 10,000
<b>Total</b>	<b><u>\$ 11,000</u></b>

Delaware

Eastlawn Area Human Services Incorporated	\$ 4,000
Epilepsy Foundation of Delaware	\$ 2,000
First Night Dover	\$ 5,000
National Coalition of 100 Black Women Incorporated Delaware Chapter	\$ 1,000
Mom's House Incorporated Wilmington	\$ 1,000
Delaware Youth Opportunities, Inc. ( Formerly known as Slam Dunk to the Beach)	\$ 5,000
<b>Total</b>	<b><u>\$ 18,000</u></b>

**Grand Total (New Jersey and Delaware) \$ 29,000**

Resolution 05-36 was moved by Commissioner Patterson, seconded by Commissioner Favre. With Commissioner Patterson abstaining from voting on all of the Delaware contributions, Resolution 05-36 was approved by a roll call vote of 10-0 with the above noted abstentions where such votes were 9 in favor and 1 abstention.

\* \* \* \* \*

**RESOLUTION 05-37 - AUTHORIZING AUTHORITY EXPENDITURES PURSUANT TO RESOLUTION 01-84 FOR THE PERIOD, JANUARY 1 THROUGH DECEMBER 31, 2005.**

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 staff 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 1/1/05 THROUGH 12/31/05

VENDOR	SERVICE DESCRIPTION	DETERMINATION
AT&T	Network Circuit between New Castle and Cape May	State Contract
Conam Inspection & Engineering Services	API 653 Inspection of 49 above ground tanks	Lowest Bidder
Norfolk Bearings & Supply Co.	Repair Parts for M/V Delaware	Lowest Bidder

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

Resolution 05-37 was moved by Commissioner Cooper, seconded by Commissioner Patterson and was approved by a roll call vote of 10-0.

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**RESOLUTION 05-38 – AUTHORIZES A CONTRACT BETWEEN THE AUTHORITY AND BOWMAN COMPANY, LLP TO PROVIDE AUDITING 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's 1993 Trust Agreement and Supplemental Trust Agreements require an independent annual audit and opinion by a qualified certified public accounting firm; and

WHEREAS, the Authority desires to retain the professional services of an outside independent certified public accounting firm for the purpose of auditing its financial statements for the fiscal years ending December 31, 2005, 2006 and 2007, with the option for two additional years; and

WHEREAS, the Authority publicly advertised and issued a Request for Proposal (RFP) for the required audit 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 Audit Committee reviewed the written 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 Bowman and Company, LLP 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.

Resolution 05-38 was moved by Commissioner Simmerman, seconded by Commissioner Cooper and was approved by a roll call vote of 10-0.

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**RESOLUTION 05-39 - LEASE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND CAPE AVIATION, INC.**

WHEREAS, The Delaware River & Bay Authority (the “Authority”), is the operator of Cape May Airport; and

WHEREAS, Cape Aviation, Inc. desires to amend and re-state its lease for approximately 30,000 square feet of land in order to house a hangar condominium and to provide for four additional five (5) year option periods; and

WHEREAS, Cape Aviation, Inc. has agreed to pay the Authority annual rent during option periods based upon the Fair Market Value of the land which is currently \$0.18/square foot ; and

WHEREAS, rent during each option shall adjust annually 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 amended and revised lease agreement with Cape Aviation, Inc. and, with the advice and consent of counsel, to have such Agreement executed by the Chairperson, Vice Chairperson, and the Executive Director.

Resolution 05-39 was moved by Commissioner Cooper, seconded by Commissioner Lathem and was approved by a roll call vote of 10-0.

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**RESOLUTION 05-40 - LEASE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND ROSE OVERTON d/b/a VICTORIA’S TAX SERVICE.**

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

WHEREAS, Victoria’s Tax Service desires to lease approximately 1,500 square feet of office space in Building #21 in order to operate a tax preparation service; and

WHEREAS, Victoria’s Tax Service has agreed to pay the Authority an annual Fair Market Value (FMV) rent in the amount of \$4,800 during the initial term of the Lease Agreement; and

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

WHEREAS, Victoria’s Tax Service shall have the option of renewing this Lease Agreement for three (3) periods of one (1) year; and

WHEREAS, rent during the option periods shall be adjusted 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 Victoria's Tax Service and, with the advice and consent of counsel, to have such agreement executed by the Chairperson, Vice Chairperson, and the Executive Director.

Resolution 05-40 was moved by Commissioner Favre, seconded by Commissioner Lathem and was approved by a roll call vote of 10-0.

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**RESOLUTION 05-41 - LEASE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND MILLVILLE ARMY AIRFIELD MUSEUM (MAAM)**

WHEREAS, The Delaware River & Bay Authority (the "Authority"), is the operator of Millville Airport; and

WHEREAS, MAAM desires to renew it's lease on approximately 8,500 square feet of office space in Buildings #1 & #25 in order to continue to operate as an aviation museum; and

WHEREAS, MAAM desires to lease an addition 2,000 square feet of space in Building #23 in an "as-is" condition with the intent to rehabilitate and utilize said space as an aviation museum; and

WHEREAS, Building #23 is in a state of deterioration and dilapidation, including the need for structural repairs; and

WHEREAS, Building #23 is in the proposed Historic District, which obligates the Authority to repair and maintain said building; and

WHEREAS, the MAAM is a non profit organization that provides a level of business activity at the Airport that benefits the future development of the Airport; and

WHEREAS, MAAM has agreed to pay the Authority annual rent in the amount of \$1 during the initial term of the Lease Agreement; and

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

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

WHEREAS, rents during the option periods shall be \$1 annually.

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

Resolution 05-41 was moved by Commissioner Simmerman, seconded by Commissioner Favre and was approved by a roll call vote of 10-0.

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**RESOLUTION 05-42 - LEASE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND BLACKBIRD MICRO MIDGET RACING CLUB, INC.**

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

WHEREAS, Blackbird Micro Midget Racing Club, Inc. desires to renew its lease for approximately 9.42 acres of land in order to continue to operate a dirt track racing club; and

WHEREAS, Blackbird Micro Midget Racing Club has agreed to pay the Authority an annual Fair Market Value (FMV) rent during the first term of the Lease Agreement in the amount of \$13,200 annually; and

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

WHEREAS, Blackbird Micro Midget Racing Club shall have the option of renewing this Lease Agreement for three (3) periods of five (5) years; and

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

WHEREAS, rent at the beginning of each term shall adjust to the Fair Market Value (FMV).

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

Resolution 05-42 was moved by Commissioner Dorn, seconded by Commissioner Cooper and was approved by a roll call vote of 10-0.

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**RESOLUTION 05-43 - LEASE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND SLEEP AIR, LLC.**

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

WHEREAS, Sleep Air, LLC desires to renew its lease for 50% of a corporate hangar located at 10 DRBA Way in order to house a corporate flight department; and

WHEREAS, Sleep Air, LLC has agreed to pay the Authority an annual Fair Market Value (FMV) rent during the first term of the Lease Agreement in the amount of \$123,600 annually; and

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

WHEREAS, Sleep Air LLC shall have the option of renewing this Lease Agreement for one (1) period of three (3) years; and

WHEREAS, rent during the first year of the option shall be \$129,000 annually and during the second year of the option shall be \$135,000 annually; and

WHEREAS, rent during the third year of the option shall be based upon a Consumer Price Index (CPI) increase.

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

Resolution 05-43 was moved by Commissioner Favre, seconded by Commissioner Lathem and was approved by a roll call vote of 10-0.

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**RESOLUTION 05-44 – AUTHORIZES A CONTRACT BETWEEN THE AUTHORITY AND THE JENNINGS GROUP AND THE TOUCHSTONE PARTNERSHIP, LTD.**

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 services of an outside independent consulting firm to provide consulting services for supervisory training; and

WHEREAS, the Authority publicly advertised and issued a Request for Proposal (RFP) for consulting services for supervisory training and received a total of nine (9) responses; and

WHEREAS, the Authority evaluated these nine proposals pursuant to adopted requirements and regulations; and

WHEREAS, the Authority, based upon the results of the interviews, desires to bifurcate this contract into two (2) contracts; and

WHEREAS, the Authority’s Personnel and Insurance Committee reviewed the proposed vendor selections 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 for an initial term of one (1) year with two (2) additional one year options, with the following vendors, and to have such agreements, upon review and advice of counsel, executed by the Chairperson, Vice-Chairperson and Executive Director.

VENDOR

SCOPE

The Jennings Group

Supervisory Training Consulting

The Touchstone Partnership, Ltd.

Executive Recruiting Consulting

There was a discussion on the amount of dollars that would be spent. The Executive Director stated that monies incurred would be on a separate line item in the Education and Training budget and that it would be monitored on an on-going basis.

Commissioner Patterson amended the Scope of Services under The Jennings Group to supervisory training and moved Resolution 05-44 with the appropriate amendment, seconded by Commissioner Favre and was approved by a roll call vote of 10-0.

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9301.

COMMISSIONERS PUBLIC FORUM

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

Frank Bankard, Local 542, approached the Board. He noted that Local 542 recently submitted a counter proposal and is waiting for a response from the Authority. He also wanted to clarify his stand on the last contract vote in that he did not believe it would pass and if he was a voting member, he would not vote to ratify the contract.

Vice-Chairperson Parkowski stated that the Board put in considerable amount of time on the last proposal and wanted assurance that the communications between the union and the workers have improved.

Chairperson Wallace noted that the Authority received the counter proposal and will get back to the union.

Vincent Ascione, Local 542, spoke. He noted that he has been before the Commissioners two years and six months. He foresees larger problems if there is a failure to reach a fair agreement between the Authority and Local 542.

Chairperson Wallace stated that this is a priority item with the Commissioners and that the Authority will get back to the union.

Corinne Sernyak, Vice-President of Elcorta, Inc. spoke. She stated that Mr. van Dyk, co-owner of Elcorta and is also present, has held FBO rights option at the New Castle Airport since 1965. Elcorta submitted a request and plans to the Authority to install a fuel farm with no responses until recently when the Authority asked Elcorta to comply with minimum standards. She believes that, since Elcorta's lease existed prior to the minimum standards, Elcorta should not be subject to these restrictions and that imposing restrictions would increase expenses and have an adverse affect. Elcorta would like to work with the Authority in this matter.

Chairperson Wallace thanked Ms. Sernyak for her comments and that the Authority will be in contact with her.

Commissioner Patterson wanted to thank staff for the great job they performed in handling the crowds during the Dover Downs race weekend in September. He also wanted to welcome everyone to Downtown Dover and highlighted some areas of interest.

Commissioner Simmerman thanked the acting Governor of New Jersey and the New Jersey Senate for his appointment to the Board. He is looking forward to serving as Commissioner.

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

The meeting was adjourned 12:10 p.m.

Respectfully submitted,  
THE DELAWARE RIVER AND BAY AUTHORITY

Thomas A. Pankok  
Secretary