

MINUTES OF MEETING
THE DELAWARE RIVER AND BAY AUTHORITY
Tuesday, April 15, 2008
Biden Center - Cape Henlopen State Park
42 Cape Henlopen Drive
Lewes, Delaware 19958

The meeting convened at 10:00 a.m. with Chairperson Parkowski presiding.

The opening prayer was given by Reverend Dorn, followed by the Pledge of Allegiance led by the Executive Director.

Chairperson Parkowski called on the 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.

Commissioners from Delaware

Commissioners from New Jersey

PRESENT

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

James N. Hogan, Vice-Chairperson
Susan Atkinson DeLanzo
Rev. Edward W. Dorn
Niels S. Favre
Gary F. Simmerman
Ceil Smith

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9760. APPROVAL OF THE MARCH 18, 2008 MINUTES

Commissioner Simmerman motioned for approval of the March 18, 2008 minutes, seconded by Commissioner Lathem, and approved by a voice vote of 12-0.

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9761. EXECUTIVE DIRECTOR'S REPORT

The Executive Director filed the following report for the month of March, 2008. He then deferred the remaining time for discussion on an update of the Authority's DBE Program.

Following are highlights that occurred within the Authority during the month of March.

Delaware Memorial Bridge

Total traffic during the month of March increased 1.8% compared to March 2007. Non-commercial traffic increased 3.9% and commercial traffic decreased 9.1%. Year-to-date total traffic increased 0.1% compared to the same period in 2007. When compared to the 3-year average, 2008 total traffic decreased 0.2%.

E-ZPass traffic for March represented 59.1% of the total overall traffic as compared to 57.6% for the previous year. Year-to-date electronic traffic represented 59.8%, an increase of 2.1% from 2007.

Cape May Lewes Ferry

In March, vehicle and passenger traffic increased 13.5% and 24.4%, respectively, when compared to March 2007. Year-to-date vehicle traffic increased 4.8% and passenger

traffic increased 10.5%, when compared to 2007. When compared to the average of the last three years, year-to-date vehicle traffic and passenger traffic increased 1.6% and 6.3%, respectively.

In March, fare revenues increased 17.3% and reservation fee revenues increased 58.6%, when compared to March 2007. Year-to-date fare and fee revenues increased 7.5%, and 37.6%, respectively when compared to the same period in 2007.

In March, CMLF food sales increased 15.5% and retail sales increased 23.2%, from March 2007. Year-to-date food and beverage revenues are flat and retail revenues increased 9.5%, compared to the same period in 2007.

Airports

Skybus Airlines began service to New Castle Airport with scheduled daily flights from Columbus, Ohio in early March. They increased a week later with two scheduled flights between Greensboro, NC and New Castle Airport. Towards the end of the month, they discontinued one of the flights to Greensboro. On April 4th, Skybus discontinued all service.

Airport Operations staff received wildlife hazard and mitigation training from USDA personnel. This training introduced staff to recognizing wildlife habitats and attractants, and mitigating those hazards that could affect aircraft operations.

The obstruction removal at Delaware Airpark is approximately 33% complete. Tree harvesting will be completed in April, weather permitting.

Employee Happenings

Permanent Full-time staffing levels at the end of March:

Authorized Positions (2008 funded)	456
Positions Filled	414
Positions Filled (on LTD)	9
Total Positions that are Vacant	33

Good luck to Mike Pawlikowski on his retirement after 25 years of service.

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

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The Acting CFO stated that in June 2006 the Board adopted a Disadvantaged Business Enterprise (DBE) policy on a trial basis for all Authority-funded capital construction contracts in excess of \$250,000. He then introduced Michael Schirmer, DBE Program Manager, who updated the Commissioners on the Authority's DBE Program.

Mr. Schirmer briefly discussed his background and the Authority's DBE program citing activities he has performed to make DBE companies aware of business opportunities at the Authority. He referred to his DBE Utilization Tracking Report citing FAA and Authority-funded contracts from 2006-2008 and some of the successes of the program.

Mr. Schirmer fielded questions from Commissioner Dorn. He said that he relies on the federal and state DOT's to manage DBE certifications noting that they have a good performance rating in qualifying companies. He attends conferences and distributes information at expo's to attract small businesses.

Commissioner Dorn stated that he would like to work with Mr. Schirmer with the DBE Program and requested that they schedule a meeting.

Vice-Chairperson Hogan asked if there were any artificial barriers that deter small companies from participating in the Program.

Mr. Schirmer stated that there may be two reasons. One is the bonding requirements and the other involves our purchasing procedures.

The Executive Director stated that the DBE Program will be scheduled for further discussion at the next Committee meeting.

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9762. COMMITTEE REPORT – BUDGET & FINANCE COMMITTEE

Commissioner Patterson presented the Budget & Finance meeting minutes of April 7, 2008.

BUDGET & FINANCE COMMITTEE MEETING
Monday, April 7, 2008
Delaware Memorial Bridge Complex
New Castle, Delaware

A public meeting of The Delaware River and Bay Authority’s Budget & Finance Committee was held on Monday, April 7, 2008, at the Delaware Memorial Bridge Complex, New Castle, Delaware.

Commissioners from Delaware

PRESENT

Committee Chair Patterson
Commissioner Cooper, Committee Member
Commissioner Lathem
Commissioner Lowe
Chairperson Parkowski
Governors Representatives
Bernard Pepukayi-DE

Commissioners from New Jersey

Committee Vice-Chair Simmerman
Commissioner Favre, Committee Member
Commissioner Smith, Committee Member
Commissioner Dorn
Vice-Chairperson Hogan

Sonia Frontera – NJ

Staff

Jim Johnson
Don Rainear
Victor Ferzetti
Jim Walls
Gerry Owens
Joe Larotonda
Anna Marie Gonnella Rosato
Ken Hynson
AJ Crescenzi
Michelle Griscom-Collins
John Jones
Steve Williams
Heath Gehrke

Authority Secretary

Tom Pankok

Committee Chair Patterson welcomed the Budget & Finance Committee and opened the meeting at approximately 9:03 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.

The Acting Chief Financial Officer reviewed the proposed Resolution authorizing the Over \$25,000 Vendor list. The following information was provided.

- Kent Oil Company, LLC has been providing fuel for the Delaware Air Park; however, in an attempt to bring competition and to secure a long-term contract, the Authority conducted an RFP. The Authority received no bids. Kent Oil has been purchasing fuel wherever it can be found and is unwilling to enter into a long-term commitment on delivery costs given the uncertainty of a source. With the Committee's consent, the Authority will continue to purchase fuel from Kent Oil. Commissioner Patterson questioned whether there was a similar situation at the Cape May or Millville Airports. The Acting CFO reported that FBO's are located at those airports providing fuel sales.
- Tim O'Connell & Sons provided an emergency roof repair at the Delaware City Post Office.
- Jackson Cross Partners, LLC provided brokerage services as part of the XO Jet location search. Jackson Cross's services were \$200,000; however, in an attempt to finalize negotiations with XO Jet the Authority agreed to pay half the fee of Jackson Cross and amortize the cost as part of the Lease Agreement with XO Jet.

The remaining vendors were considered routine. On motion by Commissioner Favre, seconded by Commissioner Simmerman, the Committee recommended approval of the Resolution. The Resolution will be presented to the full Board for consideration at the April meeting.

- III. The Acting CFO presented a proposed a one-year extension with Lion Tours to provide shuttle bus services to Cape May and to the Cape May County Zoo at the 2007 prices under the same terms and conditions as the existing contract. On motion by Commissioner Favre, seconded by Commissioner Simmerman, the Committee recommended approval of the one-year extension of the shuttle bus services for 2008. A Resolution will be presented to the full Board for consideration at the April meeting.

The Acting CFO provided an update on the positive changes that have recently occurred in the bond market. It was reported that the Authority's rates had improved from 5.25% three weeks ago to a most recent re-set of 2.90% and the bonds held in inventory by the bank have been remarketed. Staff is conducting due diligence to determine future options should the market change again. The Acting CFO added that we are currently are 100 basis points above where we should be; however, below the 300 basis points previously. Staff will continue to update the Committee as necessary.

In accordance with the Authority's Real Property and Tangible Assets Disposition Policy, the Acting CFO requested the following items be declared surplus property and provided the required information.

- Soft Serve Ice Cream Machine – purchased in 2006 for approximately \$5-6K. The soft serve ice cream concept was not as successful as anticipated and will not be used in the future. The machine was reported in good condition and recommended to be sold. The Committee concurred with staff's recommendation.
- Police Accident Reconstruction Equipment – the Authority Police received a 90% grant and purchased new equipment. The Authority would have to pay to have this equipment disposed; however, Middletown, Delaware is currently in the process of opening a new Police Department and it is recommended that this equipment be donated to the Middletown Police Department. The Committee concurred with staff's recommendation.

- V. The Acting CFO reported on the current Vessel Fuel prices and the potential impact on the budget. Currently, the 2008 average for fuel has been \$3.00/gallon and if maintained would result in a \$1 million shortfall. The CMLF has not yet begun the peak season with increased fuel usage. The current price of \$3.41/gallon if maintained would result in a shortfall of \$1.5 million. The Acting CFO reported that one year ago, the Authority paid \$1.81 in Cape May and \$1.99 in Lewes for fuel. Commissioner Favre questioned why all fueling could not be done on the Cape May side as a cost savings measure. Staff reported that this could potentially delay the load time; however, staff is currently investigating the feasibility. The Acting CFO informed the Committee to make them aware of the current market conditions in case they desired to enact a fuel surcharge in advance of the upcoming peak season.
- VI. The Committee Chair Patterson requested a motion to recommend the Community Contribution requests for April. On motion by Commissioner Favre, seconded by Commissioner Smith, the Committee recommended approval of the Community Contribution requests. A Resolution will be presented to the full Board for consideration at the April meeting.

With no further business to discuss, on motion by Commissioner Favre, the Budget & Finance Committee adjourned at 9:25 a.m.

Without objection, the reports were ordered filed with the permanent records of the Authority.

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9763. COMMITTEE REPORT – PERSONNEL COMMITTEE

Commissioner Lathem presented the minutes of the Personnel Committee of April 7, 2008.

PERSONNEL COMMITTEE MEETING
Monday, April 7, 2008
 Delaware Memorial Bridge Complex
 New Castle, Delaware

A public meeting of The Delaware River and Bay Authority’s Personnel Committee was held on Monday, April 7, 2008, at the Delaware Memorial Bridge Complex, New Castle, Delaware.

Commissioners from Delaware

Commissioners from New Jersey

PRESENT

Committee Chair Lathem
 Commissioner Cooper, Committee Member
 Commissioner Patterson
 Commissioner Lowe
 Chairperson Parkowski

Committee Vice-Chair Dorn
 Commissioner Favre, Committee Member
 Commissioner Smith
 Commissioner Simmerman
 Vice-Chairperson Hogan

Governors’ Representatives

Bernard Pepukayi-DE

Sonia Frontera-NJ

Staff

Jim Johnson, Jr.
 Don Rainear
 Victor Ferzetti
 Jim Walls
 Gerry DiNicola Owens

Authority Secretary

Tom Pankok

- I. Committee Chair Lathem welcomed the Personnel Committee and opened the meeting at 10:25 a.m. The Authority Secretary reported that the public meeting

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

The following matters of a confidential nature were discussed.

• PERSONNEL MATTERS

With no further business to discuss in Executive Session, on motion by Commissioner Lowe, seconded by Commissioner Favre, the Personnel Committee was opened to the public.

With no further business to discuss, on motion by Commissioner Favre, the Personnel Committee adjourned at 11:20 a.m.

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

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9764. COMMITTEE REPORT – PROJECTS

Commissioner Lowe presented the Projects Committee meeting minutes of April 7, 2008.

PROJECTS COMMITTEE
Monday, April 7, 2008
Delaware Memorial Bridge Complex
New Castle, Delaware

A public meeting of the Delaware River and Bay Authority's Projects Committee was held on Monday, April 7, 2008, at the Delaware Memorial Bridge Administration Building, New Castle, Delaware.

Commissioners from Delaware

Commissioners from New Jersey

PRESENT

Commissioner Lowe, Committee Chair
Commissioner Patterson, Committee Mbr
Commissioner Parkowski, Chair
Commissioner Cooper
Commissioner Lathem

Commissioner Favre, Committee Vice Chair
Commissioner Dorn, Committee Mbr
Commissioner Simmerman, Committee Mbr
Commissioner Hogan, Vice Chair
Commissioner Smith

Governors' Representative

Bernard Pepukayi – DE

Sonia Frontera – NJ

Staff

Jim Johnson
Don Rainear
Jim Walls
Gerry DiNicola-Owens
Victor Ferzetti
John Jones
Anna Marie Gonnella Rosato
Steve Williams
Heath Gehrke

Authority Secretary

Tom Pankok

- I. The Projects Committee meeting convened at approximately 10:08 a.m. Those in attendance were provided an informational package consisting of an agenda and the monthly contractor payment chart with associated change orders.
- II. Resolutions: None
- III. Bid Openings/Award Actions: None
- IV. Contract Close-Out Actions: None
- V. Contractor Payment Review (through March): The COO informed the Projects Committee of the construction contractor payments to be made in April.
- VI. Miscellaneous Items/Updates: An update was provided on Skybus Airlines. The COO reported that Skybus Airlines ceased all flight operations effective April 5, primarily due to rising fuel costs and the economic environment. The COO also reported that Skybus is expected to file for bankruptcy later today, April 7, 2008. Staff answered all related questions to the satisfaction of the Committee.
- VII. There being no further business for the Projects Committee, the public meeting was adjourned at approximately 10:19 a.m.

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

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9765. COMMITTEE REPORT – ECONOMIC DEVELOPMENT

Commissioner Smith presented the minutes of the Economic Development Committee meeting of April 7, 2008.

ECONOMIC DEVELOPMENT COMMITTEE
Monday, April 7, 2008
 Delaware Memorial Bridge Complex
 New Castle, Delaware

A public meeting of The Delaware River and Bay Authority’s Economic Development Committee was held on Monday, April 7, 2008, at the Delaware Memorial Bridge Complex, New Castle, Delaware.

Commissioners from Delaware

PRESENT
 Commissioner Cooper, Committee Member
 Commissioner Patterson, Committee Member
 Commissioner Lathem
 Commissioner Lowe
 Chairperson Parkowski

Commissioners from New Jersey

Committee Chair Smith
 Commissioner Dorn, Committee Member
 Commissioner Favre
 Commissioner Simmerman
 Vice-Chairperson Hogan

Governors Representatives

Bernard Pepukayi-DE

Sonia Frontera - NJ

Staff

Jim Johnson
 Don Rainear
 Victor Ferzetti
 Jim Walls
 Gerry Owens
 Anna Marie Gonnella Rosato
 AJ Crescenzi
 Michelle Griscom-Collins
 Steve Williams

Authority Secretary

Tom Pankok

John Jones
Heath Gehrke

- I. Committee Chair Smith welcomed the meeting of the Economic Development Committee and opened the meeting at approximately 9:26 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 provided information regarding the following proposed Service Agreement for Committee consideration.
 - Atlantic Aviation Service Agreement to provide fuel and aircraft ground handling at the Civil Air Terminal and to pay a fuel flowage fee of \$0.05 per gallon on the first 10,000 gallons until permanent tanks are installed, afterward to pay a fuel flowage fee of \$0.15 per gallon of fuel pumped. The initial term of the Service Agreement is for three (3) years with an option to renew for two (2) one year renewal periods. On motion by Commissioner Cooper, seconded by Commissioner Patterson, the Committee recommended approval of the Service Agreement. A Resolution will be presented to the full Board for consideration at the April meeting.
- III. The Deputy Executive Director provided updates on the following projects.
 - Cape May Airport Restaurant – The Deputy Executive Director reported that he is in discussions with two interested potential operators for the Cape May Airport restaurant. Staff is currently conducting the due diligence and should be able to make a recommendation at the May Committee meeting. Commissioner Simmerman questioned the importance of a restaurant to the Cape May Airport. The Director-Airport Operations responded that there currently are 39-40 thousand landings per year at the Cape May Airport. A restaurant would bring transient activities including the sale of fuel. It is incumbent upon the operator to find the best scenario for their business. Two successful restaurants operate at the Millville Airport. Commissioner Favre also added that there are visitors to the Air Museum who would also benefit from having a restaurant located at Cape May.
 - Tom War Building – The Deputy Executive Director reported that this building had been involved in litigation due to an attempt by the owner to sell the building while there were two outstanding long-term leases with Cape May County. Due to the owners having not conducting a viable business for the past several years, the owners relinquished all rights and the DRBA should have possession after a 30-day waiting period. The ability to lease the building should produce a positive revenue stream.

The Deputy Executive Director requested an Executive Session. On motion by Commissioner Cooper, seconded by Commissioner Patterson, the session was closed.

The following matters of a confidential nature were discussed.

- LONG TERM PLANNING ALTERNATIVES

With no further business to discuss in Executive Session, on motion by Commissioner Patterson, seconded by Commissioner Dorn, the session was opened to the Public.

With no further business to discuss, on motion by Commissioner Patterson, Economic Development Committee adjourned at 10:10 a.m.

Deputy Executive Director Rainear updated the Board on the Tom War building stating that a settlement agreement had been reached and that the building will be valuable to the Authority.

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

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9766. COMMITTEE MEETING – AD HOC BY-LAWS

Commissioner DeLanzo stated that a meeting of the Ad Hoc By-Laws Committee took place earlier this morning. She then presented the following minutes.

AD HOC BY-LAWS COMMITTEE MEETING

Tuesday, April 15

Biden Center

Cape Henlopen State Park

42 Cape Henlopen Drive

Lewes, Delaware

A public meeting of the Delaware River and Bay Authority’s Ad Hoc By-Laws Committee was held on Tuesday, April 15, 2008, at the Biden Center, Cape Henlopen State Park, 42 Cape Henlopen Drive, Lewes, Delaware.

Commissioners from Delaware

Commissioners from New Jersey

PRESENT

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

Committee Chair DeLanzo
Commissioner Simmerman, Committee Member
Commissioner Smith, Committee Member
Commissioner Dorn
Commissioner Favre
Vice-Chairperson Hogan

Governors’ Representatives

Bernard Pepukayi-DE

Legal Counsel

Mike Houghton-DE

Phil Norcross-NJ

Staff

Jim Johnson
Don Rainear
Victor Ferzetti
Jim Walls
Gerry Owens
Anna Marie Gonnella Rosato
Ken Hynson
Mike Schirmer
Jim Salmon

Authority Secretary

Tom Pankok

- I. Committee Chair DeLanzo welcomed the Ad Hoc By-Laws Committee and opened the meeting at approximately 9:15 a.m. The Authority Secretary reported that the public meeting of the Ad Hoc By-Laws 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. In light of the difficulty in meeting quorum requirements for Committees, Delaware Legal Counsel presented two proposals to reduce Committee quorum requirements for consideration and subsequent Amendment to the By-Laws. Currently, the Authority’s By-Laws require a majority of the regular members of the Committee (provided at least one Commissioner from each State is present).

Options considered were as follows.

1. To require one half of the regular Committee members (provided at least one Commissioner from each State shall be present), lowering the requirement from four members to 3 members (provided one Commissioner from each State is present).
2. To require one-third of the regular Committee members (provided at least one Commissioner from each State shall be present), lowering the requirement from four members to two members (provided one Commissioner from each State is present).

The Committee discussed the advantages and disadvantages of each proposal and supported the second recommendation, to require one-third of the regular Committee members, lowering the requirement from four members to two members (provided one Commissioner from each State is present). On motion by Commissioner Simmerman, seconded by Commissioner Smith and with Commissioner Patterson voting no, the Committee recommended approval to the full Board to lower the quorum requirement to one-third.

In accordance to Article XII, Amending By-Laws, this proposal will be presented during the Public Session, immediately following the Committee meeting, recorded in the Minutes, and mailed to all Commissioners at least ten (10) days before the next regular meeting.

- II. Committee Chair DeLanzo requested a discussion regarding Section X, Subsection 1(c), Gifts and Favors. New Jersey Legal Counsel reported that since the Authority By-Laws had been adopted, New Jersey law has been changed eliminating the acceptance of gifts by public officials. Commissioner DeLanzo reviewed the proposed changes. Chairperson Parkowski reported that the proposed changes to the By-Laws were extreme. Vice-Chair Hogan added that this is a requirement for all New Jersey public officials to live by and New Jersey Commissioners who serve in a dual capacity need to consider this law. New Jersey Legal Counsel added that, currently, the Commissioners are governed by the Authority's By-Laws in their capacity as a Commissioner. However if they are also an elected or appointed public official they need to be very careful not to violate the law.

After the discussion, Delaware Legal Counsel advised the Committee not to endorse the proposal. Committee Vice-Chair Patterson added that he understood the spirit in which these changes were proposed; however, requested time to clearly understand all potential implications. On motion by Committee Vice-Chair Patterson, second by Commissioner Smith, and a unanimous roll call vote, the Committee recommended that the proposed changes to Section X, Sub-section 1(c), Gifts and Favors, be tabled.

There being no further business, on motion by Commissioner Lathem, seconded by Commissioner Simmerman, the Ad Hoc By-Laws Committee Meeting adjourned at 9:55 a.m.

With no objection, the minutes were ordered filed with the permanent records of the Authority.

Commissioner DeLanzo stated that the Committee recommended forwarding to the full Board the change to Section 8.12 of the By-Laws to lower the quorum requirements for committees from 4 members to 2 members (provided 1 member from each State is present).

Commissioner Favre motioned to amend Article VIII, Section 8.12 of the By-Laws to read: "A quorum of any committee shall consist of a number equal to one-third (1/3) of the regular members of the committee, provided that at least one (1) Commissioner from

each State shall be present. A committee shall not take action on Authority business in the absence of a quorum”. The motion was seconded by Commissioner Smith. With Commissioner Patterson voting no, the motion was approved by a roll call vote of 11-1.

Commissioner DeLanzo noted that the introduction and passage of the amendment to Section 8.12 today will be considered the first of two readings. All procedures described in Article XII, 12.01 for amending the By-Laws will be followed.

9767. 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 February.

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

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9768. DELAWARE RIVER AND BAY AUTHORITY – STATEMENT OF INCOME AND EXPENSE.

The Acting CFO presented a chart showing statements of income and expenses for the month of February with comparisons to the same periods last year.

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

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9769. DELAWARE RIVER AND BAY AUTHORITY – OPERATING EXPENSE BY DIVISION.

The Acting CFO presented a chart for March showing expenses by division for the quarter to date vs. the projected quarter and for year to date vs. total budget.

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

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9770. DELAWARE RIVER AND BAY AUTHORITY – CAPITAL IMPROVEMENT PROGRAM.

The Acting CFO presented a chart for the month of March 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 chart was ordered filed with the permanent records of the Authority.

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9771. DELAWARE RIVER AND BAY AUTHORITY – CASH POSITION (MARKET VALUE) AS OF MARCH 31, 2008.

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

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

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9772. PUBLIC COMMENT ON ACTION ITEMS.

Chairperson Parkowski presented the following action items that were being considered and asked for public comment.

- Resolution 08-20 Approval of the Community Contribution Requests
- Resolution 08-21 Authorizing Authority Expenditures \$25,000 and over
- Resolution 08-22 Authorizes Renewal of Shuttle Bus Services in Cape May
- Resolution 08-23 Authorizes a Fuel and Aircraft Ground Handling Service Agreement with Atlantic Aviation at the Civil Air Terminal

There were no public comments.

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9773. SUMMARY OF AUTHORIZED CONTRACT PAYMENTS.

<u>Contractor</u>		<u>Payment</u>
DMB-07-01	Eastern Highway Specialists	\$ 16,109.10
DMB-06-03	J.D. Eckman, Inc.	\$394,016.40
DMB-04-04	J.D. Eckman, Inc.	\$429,265.00
CMLF-07-05	Lyons Shipyard, Inc.	\$558,685.10
CMLF-06-07	Barnegat Bay Dredging Co., Inc.	\$113,724.50
NCA-04-01	Diamond Materials	\$564,189.61
MVA-06-02	South State, Inc.	\$ 51,500.00

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9774. CHAIRPERSON’S CALL FOR ACTION ON THE RESOLUTIONS BEFORE THE BOAD

Commissioner Hensley noted that Parents Information Center, Inc., was tabled last month and was scheduled to be placed on this month’s Community Contribution Resolution but was inadvertently left out.

Commissioner Patterson motioned to add Parents Information Center, Inc., in the amount of \$3,500 to the Delaware list of contributions, seconded by Commissioner Simmerman and unanimously approved.

Commissioner Favre noted that \$2,500 of the \$10,000 contribution to the Make A Wish Foundation of New Jersey was given by Commissioner Cooper.

RESOLUTION 08 - 20 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 April 08; and

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

Community Contributions

New Jersey

Access to Art Incorporated	\$ 3,000
Cape May Stage	\$ 3,000
Cumberland County College Foundation	\$ 5,000
Friends of Cape May Jazz	\$ 3,000
Naval Air Station Wildwood Foundation	\$ 5,000
Make A Wish Foundation of New Jersey	\$ 10,000
Shadow Equestrian Incorporated	\$ 3,500
Southern New Jersey Council, Boy Scouts of America Incorporated	\$ 7,500
The Arc of Salem County	\$ 7,000
The Wetlands Institute	\$ 3,000
Total	<u>\$ 50,000</u>

Delaware

Alzheimer's Association and Related Disorders Association	\$ 2,000
Duffy's Hope Incorporated	\$ 2,000
Kinfolk Limited	\$ 3,500
La Esperanza Incorporated	\$ 3,500
Mom's House Incorporated (Dover)	\$ 7,500
Parents Information Center Incorporated	\$ 3,500
Peoples Settlement Association	\$ 1,500
Ronald McDonald House of Delaware	\$ 2,000
Seamen's Center of Wilmington Incorporated	\$ 3,000
Special Olympics Delaware Incorporated	\$ 2,500
Sussex County Animal Association Incorporated	\$ 2,500
Total	<u>\$ 33,500</u>

Grand Total (New Jersey and Delaware) \$ 83,500

A motion to approve Resolution 08-20 was made by Commissioner Simmerman, seconded by Commissioner Lathem. With Commissioner Verna abstaining on Parents Information Center, Inc., Resolution 08-20 was approved by a roll call vote of 12-0 except with the above noted abstention where such vote was 11 in favor and 1 abstention.

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RESOLUTION 08-21 - AUTHORIZING AUTHORITY EXPENDITURES PURSUANT TO RESOLUTION 01-84 FOR THE PERIOD, JANUARY 1 THROUGH DECEMBER 31, 2008.

WHEREAS, The Delaware River and Bay Authority (the "Authority") adopted Resolution 01-84 requiring Commissioner review and approval of all Authority expenditures in excess of \$25,000; and

WHEREAS, the Authority anticipates expenditures at or over the \$25,000 amount to the following vendors:

DELAWARE RIVER & BAY AUTHORITY
PROJECTED VENDORS TO BE PAID OVER \$25,000
OPERATION EXPENDITURES
FOR THE PERIOD 1/1/08 THROUGH 12/31/08

VENDOR	SERVICE DESCRIPTION	DETERMINATION
The Brickman Group	Groundskeeping/Landscaping Carney's Point Business Park	Quotes

Kent Oil Company, LLC.	Supplier of 110LLAV Fuel for DAP	Sole Source
Kut Kwik	Slope Mower (approved CIP Purchase)	GSA Pricing
Mars Graphic Services	2008-09 CMLF Schedule Brochure	Quotes
Rodio Tractor Sales	Three Kubota F-3680 mowers (approved CIP purchase)	Quotes
Tim O’Connell & Sons	Delaware City Emergency Roof Repair	Quotes
Jackson Cross Partners, LLC	Brokerage Services	Lease Agreements
New Castle County Department Of Land Use	Stormwater Management, Erosion and Sediment Control	Government

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

A motion to approve Resolution 08-21 was made by Commissioner Favre, seconded by Commissioner Smith and approved by a roll call vote of 12-0.

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RESOLUTION 08-22 – AUTHORIZES THE RENEWAL OF SHUTTLE BUS SERVICES FROM THE CAPE MAY FERRY TERMINAL TO DOWNTOWN CAPE MAY AND TO THE CAPE MAY COUNTY ZOO WITH LION TOURS

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 under its federal interstate authority, previously issued an RFP and after a review of its technical qualifications entered into an Agreement with Lion Tours to provide said services; and

WHEREAS, the Authority desires to extend the current contract with Lion Tours for one additional year; and

WHEREAS, the Authority negotiated with Lion Tours to continue the service at the 2007 prices and under the same terms and conditions as the existing contract; and

WHEREAS, the Budget & Finance Committee reviewed the recommendation and concurs with the evaluation; and

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to extend the terms and conditions of the Agreement with Lion Tours to provide shuttle bus service for Cape May for the 2008 season and to have such Agreement, upon review and advice of counsel.

A motion to approve Resolution 08-22 was made by Commissioner Favre, seconded by Commissioner Simmerman and approved by a roll call vote of 12-0.

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RESOLUTION 08-23 - FUEL AND AIRCRAFT GROUND HANDLING SERVICE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND ATLANTIC AVIATION AT THE CIVIL AIR TERMINAL

WHEREAS, The Delaware River and Bay Authority (the "Authority"), is the operator of the Civil Air Terminal; and

WHEREAS, Atlantic Aviation ("Atlantic") desires to engage in the provision of fuel and ground handling services at the Civil Air Terminal; and

WHEREAS, Atlantic has agreed to pay a fuel flowage fee of \$0.05 per gallon after the first 10,000 gallons pumped until permanent tanks have been installed. Once the permanent tanks have been installed, Atlantic has agreed to pay a fuel flowage fee of \$0.15 per gallon of fuel pumped; and

WHEREAS, Atlantic has agreed to collect landing fees for the Authority less a 4% processing fee; and

WHEREAS, the initial term of the Service Agreement is for three (3) years; and

WHEREAS, Atlantic shall have the right to renew this Service Agreement for two (2) 1-year renewal periods.

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of the Fuel and Aircraft Ground Handling Service Agreement with Atlantic Aviation and, with the advice and consent of counsel, to have such Agreement executed by the Chairperson, Vice Chairperson, and the Executive Director.

A motion to approve Resolution 08-23 was made by Commissioner Simmerman, seconded by Commissioner Patterson, and approved by a roll call vote of 12-0.

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9775. COMMISSIONERS PUBLIC FORUM

Chairperson Parkowski asked if any members of the public would like to address the Commissioners.

There were no public comments.

Chief Information Officer (CIO), fielding a question from Commissioner DeLanzo, stated that the new Cape May-Lewes Ferry reservation software will be operational at the beginning of the season. Kiosks, turnstiles and gates are expected in the fall. The Authority must go through a learning process before any consideration can be given to reducing staff. The new system is faster and will allow for more advanced ferry bookings.

Commissioners Lathem and Hensley thanked staff for their time and materials presented at yesterday's Executive Session.

Commissioner Dorn was pleased that the DBE contracting program was operational.

Chairperson Parkowski stated that he and Vice-Chairperson Hogan will meet to further discuss the agenda of the last two days.

Commissioner Favre noted that during the two days Commissioners and staff were very constructive .

The Executive Director thanked everyone for their cooperation and time. He stated that, at the next Committee meetings, a marketing presentation will be made by the Deputy Executive Director.

Commissioner Lathem noted the hiring of Dana Herbert, Chef Manager of the DRBA Café, and requested that he be introduced at the next regular meeting.

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

The meeting was adjourned 11:06 a.m.

Respectfully submitted,

THE DELAWARE RIVER AND BAY AUTHORITY

Thomas A. Pankok
Board Secretary