

MINUTES OF MEETING
THE DELAWARE RIVER AND BAY AUTHORITY
Tuesday, June 17, 2008
James Julian Boardroom
Delaware Memorial Bridge Plaza
New Castle, Delaware 19720

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

The opening prayer was given by Father Dupreski, 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.

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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
Rev. Edward W. Dorn
Niels S. Favre
Gary F. Simmerman
Ceil Smith

ABSENT

Susan A. DeLanzo

9793. APPROVAL OF THE MAY 28, 2008 MINUTES

Commissioner Lathem motioned for approval of the May 28 18, 2008 minutes, seconded by Commissioner Lowe, and approved by a voice vote of 11-0.

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9794. EXECUTIVE DIRECTOR'S REPORT

The Executive Director filed the following report for the month of May, 2008.

Delaware Memorial Bridge

Total traffic during the month of May decreased 3.9% compared to May 2007. Non-commercial traffic decreased 3.0% and commercial traffic decreased 9.1%. Year-to-date total traffic decreased 2.1% compared to the same period in 2007. When compared to the 3-year average, year-to-date traffic decreased 2.4%.

In four out of the last five months, we have seen decreases in overall monthly traffic when compared year over year. Commercial traffic has mirrored this trend with decreases as high as 9.1% in two of the four months.

E-ZPass traffic for May represented 59.5% of the total overall traffic as compared to 57.1% for the previous year. Year-to-date electronic traffic represented 59.9%, an increase of 2.5% from 2007.

The DMB war memorial park looked outstanding for the annual Memorial Day ceremony. There were numerous elected officials at the ceremony, many of which spoke during the event. Special thanks to the maintenance, police, and food service employees who helped with the Authority's host mission.

We hosted 30 IBTTA guests for a Technical tour in conjunction with the Organization Management Workshop that was held in Philadelphia. Mr. Felker gave a comprehensive presentation on the Authority's preparation of a business contingency plan to deal with an outbreak of the pandemic flu. Lt. Cawman gave a presentation on the post 9/11 security initiatives to protect the Twin Spans.

Cape May Lewes Ferry

In May, vehicle and passenger traffic decreased 8.1% and 6.0%, respectively, when compared to May 2007. Year-to-date vehicle traffic decreased 4.0% and passenger traffic decreased 2.7%, when compared to the same period in 2007. When compared to the average of the last three years, year-to-date vehicle traffic and passenger traffic decreased 7.3% and 5.0%, respectively.

In May, fare revenues increased 5.7% compared to May 2007. Year-to-date fare revenues increased 3.7% when compared to the same period in 2007.

In May, CMLF food and beverage sales decreased 9.4% and retail sales decreased 1.3%, compared to May 2007. Year-to-date food and beverage revenues decreased 8.0% and retail revenues decreased 2.2%, compared to the same period in 2007.

The Authority received a \$125,000 grant through the Ferry section of the 2008 Port Security Grant Program. The funds will be used to supplement previously approved Capital Improvement Projects, including the installation of close proximity readers, wide screen monitors for CCTV, and an ID Scanner system to aid customer service and police.

And finally, the new CMLF website (www.cmlf.com) was up and running in May.

Airports

The Civil Air Terminal and Delaware Airpark Airports served aircraft associated with the NASCAR races in Dover. The Civil Air Terminal had 105 fixed wing aircraft arrivals, which is slight decline in arrivals from the previous two races. There was however an increase in rental car rentals with 560 cars rented during the week. Steve Williams, Ben Clendaniel and staff from various departments are commended for their hard work in handling this key event for the Authority.

At Cape May Airport, the Flight Deck Diner opened and customer traffic is exceeding the owner's expectations. The diner is open daily for breakfast and lunch, and is open for dinner on Fridays and Saturdays.

Finance

We hosted the *Business Opportunity Breakfast* for the African American & Latino Chamber of Commerce of Delaware. Michael Schirmer did a fantastic presentation for the attendees. Thanks to Vice Chairperson Hogan for attending. Approximately 15-20 members of the chamber attended the event which was well received.

Employee Happenings

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

Authorized Positions	456
Positions Filled	417
Positions Filled (on LTD)	8
Total Positions that are Vacant	31

Our Human Resources staff participated in a CMLF "Seasonal Employment" Job Fair at the Lewes Terminal.

Congratulations to Sgt. Ken Sheeky. He graduated from the SPI Administrative Officer's course at the University of Louisville, KY.

Good Luck and a well deserved thank you to three new retirees for their many years of dedicated and professional service – Brian McEwing, Bill Farrell and Lee McGaughan.

The Executive Director noted the incident on the DMB on June 16, regarding a suicide attempt by a 72 year old male branding a gun, closing the Bridge for two hours. DRBA police force responded as well as the Delaware and New Jersey state police and New Castle County police. The incident was resolved peacefully.

Commissioner Lathem noted the lack of a police presence over time at the Board meetings.

Vice-Chairperson Hogan stated that a police presence at the Board meetings is important for basic security.

Chairperson Parkowski extended the Commissioners appreciation to Father Drupreski for his service to the Authority when a crisis arises.

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

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9795. COMMITTEE REPORT – BUDGET & FINANCE COMMITTEE

Commissioner Patterson presented the Budget & Finance meeting minutes of June 2, 2008.

BUDGET & FINANCE COMMITTEE MEETING
Monday, June 2, 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, June 2, 2008, at the Delaware Memorial Bridge Complex, New Castle, Delaware.

Commissioners from Delaware

Commissioners from New Jersey

PRESENT

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

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

Governors Representatives

Sonia Frontera – NJ

Staff

Authority Secretary

Jim Johnson
Don Rainear
Victor Ferzetti
Jim Walls
Gerry Owens
Joe Larotonda
Anna Marie Gonnella Rosato
Kelly Phillips Parker

Tom Pankok

John Jones
Heath Gehrke

Committee Chair Patterson welcomed the Budget & Finance Committee and opened the meeting at approximately 10:10 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.

The Committee reviewed the Community Contribution requests for June. After review, each of the requests for Delaware and New Jersey and subject to the finalization of the Cape May County requests, on motion by Commissioner Smith, seconded by Commissioner Simmerman, the Committee recommended approval of the Community Contribution requests. A Resolution authorizing the requests will be presented to the full Board for consideration at the June meeting.

The Acting Chief Financial Officer reviewed the vendors and items included in the proposed Resolution authorizing the Over \$25,000 Vendor list. Commissioner Lathem requested additional information on International Flag Supply and the manufacturer of the flags. Staff will provide the information prior to the June meeting. After review, on motion by Commissioner Smith, seconded by Commissioner Hensley, the Committee recommended approval of the proposed Resolution. The Resolution will be presented to the full Board for consideration at the June meeting.

The Acting Chief Financial Officer reviewed the proposed Resolution adopting the Disadvantaged Business Enterprise (DBE) Policy for all Authority-Funded Capital Construction Contracts in Excess of \$250,000. The Acting CFO reported that the Policy had been instituted in 1996 for airport projects as required by FAA Regulation 49 CFR Part 26 as a condition of accepting FAA funding and subsequently incorporated Disadvantaged, Minority-owned and Women-owned Business Enterprises in all Authority-funded capital construction projects in excess of \$250,000 for a two-year trial basis, resulting in over \$3.0 million in sub-contracts to MBE/WBE companies. This Resolution would adopt the Policy on a permanent basis. After review, on motion by Commissioner Smith, seconded by Commissioner Simmerman, the Committee recommended approval to adopt the DBE Policy on a permanent basis. The Resolution will be presented to the full Board for consideration at the June meeting.

V. The Acting CFO reported that the interest rate re-set on the Authority's variable rate bonds is down to 2.90%.

With no further business to discuss, on motion by Commissioner Simmerman, the Budget & Finance Committee adjourned at 10:19 a.m.

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

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9796. COMMITTEE REPORT – PERSONNEL COMMITTEE

Commissioner Lathem presented the minutes of the Personnel Committee of June 2, 2008.

PERSONNEL COMMITTEE MEETING
Monday, June 2, 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, June 2, 2008, at the Delaware Memorial Bridge Complex, New Castle, Delaware.

Commissioners from Delaware

Commissioners from New Jersey

PRESENT

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

Committee Vice-Chair Dorn
Commissioner Smith
Commissioner Simmerman
Vice-Chairperson Hogan

Governors' Representatives

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 10:21 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 Lowe, seconded by Commissioner Simmerman, 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 Dorn, the Personnel Committee was opened to the public.

With no further business to discuss, on motion by Commissioner Lowe, the Personnel Committee adjourned at 11:10 a.m.

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

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9797. COMMITTEE REPORT – PROJECTS

Commissioner Lowe presented the Projects Committee meeting minutes of June 2 and 17, 2008.

PROJECTS COMMITTEE
Monday, June 2, 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, June 2, 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 Lathem

Commissioner Dorn, Committee Mbr
Commissioner Simmerman, Committee Mbr
Commissioner Smith
Vice-Chairperson Hogan

Governors' Representative

Sonia Frontera – NJ

Staff

Jim Johnson
Don Rainear
Jim Walls
Gerry DiNicola-Owens
Victor Ferzetti
John Jones
Kelly Phillips-Parker
Anna Marie Gonnella Rosato
John Sarro
A.J. Cresczeni
Steve Williams
Heath Gehrke

Authority Secretary

Tom Pankok

- I. The Projects Committee meeting convened at approximately 11:12 a.m. Those in attendance were provided an informational package consisting of an Agenda, three Bid Tabulations, four Contract Close-Out Actions, and the Monthly Contractor Payment Chart with associated change order information.
- II. Resolutions: None
- III. Bid Openings/Award Actions:
 - CMA-07-02, Drainage Improvements, Phase II, Cape May Airport: A public bid opening was held on May 28, 2008 in which seven bids were received. The COO recommended award of the Base Bid plus Add Alternate Nos. 1, 2, and 3 to the responsive low bidder, K.E. Seifert, Inc. as follows: Base Bid (\$452,675.00) plus Add Alternate No. 1 (\$33,335.00), Add Alternate No. 2 (\$17,914.00), and Add Alternate No. 3 (\$38,562.50) for a total of \$542,486.50. The Federal Aviation Administration (FAA) supports this project and will provide funding via a grant at the 95% level. The Projects Committee concurred with the recommendation and authorized the action be presented at the June board meeting.
 - NCA-06-02, Runway 9-27 Reconstruction and Safety Area Improvements, New Castle Airport: A public bid opening was held on May 30, 2008 in which five bids were received. The COO recommended award of the Base Bid (\$7,998,934.50) plus Add Alternate No. 1 (\$1,267,781.00) for a total of \$9,266,715.50 to the responsive low bidder, Diamond Material. The Federal Aviation Administration (FAA) supports this project and will provide funding via a grant at the 95% level. The Projects Committee concurred with the recommendation and authorized the action be presented at the June board meeting.
 - NCA-06-03, Obstruction Removal-Phase I, New Castle Airport: A public bid opening was held on May 28, 2008 in which two bids were received. The COO recommended that the award be delayed until the FAA has had time to review the bid results and determine if funding is available via a grant. Discussions with the FAA indicate that they should be able to decide on this project within 30 days. The Projects Committee concurred with the recommendation and authorized the action be delayed until the FAA's input is received.

IV. Contract Close-Out Actions:

- Contract No. DMB-04-04, Rehabilitation of Expansion Joints, Delaware Memorial Bridge: The COO made the recommendation to close this contract out and that final payment be made to the contractor, J.D. Eckman, Inc., of Atglen, Pennsylvania. The final price for this project is \$11,969,110.36. The Projects Committee concurred with the recommendation.
- Contract No. NCA-01-04, Construction Hangars 9 & 10, New Castle Airport: The COO made the recommendation to close this contract out and that final payment be made to the contractor, EDIS of Wilmington, Delaware. The final price for this project is \$4,891,711.68. The Projects Committee concurred with the recommendation.
- Contract No. MVA-04-02, Rehabilitation of Taxiway “J”, Millville Airport: The COO made the recommendation to close this contract out and that final payment be made to the contractor, Glasgow, Inc. of Glenside, Pennsylvania. The final price for this project is \$1,544,139.75. The Projects Committee concurred with the recommendation.
- Contract No. CMLF-07-05, Drydocking, Repairs and HVAC Installation, M/V New Jersey, Cape May-Lewes Ferry: The COO made the recommendation to close this contract out and that final payment be made to the contractor, Lyon’s shipyard, Inc. of Norfolk, Virginia. The final price for this project is \$1,485,433.00. The Projects Committee concurred with the recommendation.

V. Contractor Payment (through May): The COO informed the Committee of the monthly construction contractor payments to be made in June.

VI. Miscellaneous Items/Updates:

- Airport Business Plans Update: The Director of Airports briefed the Projects Committee regarding status of business plan development for Millville and Cape May airports in New Jersey, as well as Delaware Airpark and Civil Air Terminal in Delaware.
- Three-Forts Ferry Crossings Update: The Director of Ferry Operations briefed the Projects Committee on the proposed renewal of the Three-Forts Ferry Crossing contract agreement with the State of Delaware. The briefing covered various topics in the new proposed agreement including fare structure, cost sharing, marketing, and maintenance. The Projects Committee requested that a special Projects Committee meeting be held prior to the June Board meeting to discuss further.
- Cape May-Lewes Ferry Marine Master Plan Action Item Update: The COO and Director of Ferry Operations updated the Projects Committee on the Marine Master Plan and advised the committee that staff would be visiting Australia to take a tour of the latest model of a motor vessel that is being considered for the Authority’s future use.

VII. There being no further business for the Projects Committee, the public meeting was adjourned at approximately 11:54 a.m.

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

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PROJECTS COMMITTEE
Tuesday, June 17, 2008
Delaware Memorial Bridge Complex
New Castle, Delaware

A public meeting of the Delaware River and Bay Authority's Projects Committee was held on Tuesday, June 17, 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 Hensley, Committee Mbr
Chairperson Parkowski
Commissioner Lathem
Commissioner Cooper

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

Governors' Representative

Sonia Frontera – NJ

Counsel

Mike Houghton, Esq, DE Counsel
Phil Norcross, Esq, NJ Counsel

Staff

Jim Johnson
Don Rainear
Jim Walls
Gerry DiNicola-Owens
John Jones
Anna Marie Gonnella Rosato

Authority Secretary

Tom Pankok

- IV. The Projects Committee meeting convened at approximately 9:15 a.m. Those in attendance were provided an informational package consisting of a memorandum from the Executive Director summarizing the existing Three Forts Operating Agreement and an associated draft resolution.
- V. Three Forts Ferry Operating Agreement Resolution: The Executive Director provided information to the Projects Committee on the proposed renewal of the Three-Forts Ferry Crossing Operating Agreement with the State of Delaware. The Executive Director stated that recent discussions with the State of Delaware (DNREC) included the extension of the agreement's termination clause to one (1) year, which would allow the State of Delaware to prepare for assuming the operation in an efficient manner if the DRBA opts out of the service. The Executive Director also mentioned that DRBA will not be involved in ticket sales or providing marketing money for the service. The Executive Director suggested continuance of operations through 2009 with full transition to the State of Delaware occurring for the 2010 operations season. The Executive Director also mentioned that he has asked staff to look at the possible sale of DRBA property in Delaware City. Commissioner Simmerman suggested that staff also evaluate the impact on New Jersey as well as reviewing the New Jersey agreement with the same focus. Staff was also asked to evaluate transition details regarding capital assets and personnel associated with the existing crossing. After all questions were answered to the satisfaction of the Committee, the Projects Committee recommended the resolution be presented at the June Board meeting.
- VI. There being no further business for the Projects Committee, the public meeting was adjourned at approximately 9:35 a.m.

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9798. COMMITTEE REPORT – ECONOMIC DEVELOPMENT

Commissioner Smith noted a quorum was not present at the June 17, 2009 Economic Development Committee meeting; however, the following discussion took place.

ECONOMIC DEVELOPMENT COMMITTEE

Monday, June 2, 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, June 2, 2008, at the Delaware Memorial Bridge Complex, New Castle, Delaware.

Commissioners from Delaware

PRESENT

Commissioner Lathem
Commissioner Lowe
Chairperson Parkowski

Commissioners from New Jersey

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

Governors Representatives

Sonia Frontera - NJ

Staff

Jim Johnson
Don Rainear
Victor Ferzetti
Jim Walls
Gerry Owens
Anna Marie Gonnella Rosato
AJ Crescenzi
John Jones
John Sarro
Steve Williams

Authority Secretary

Tom Pankok

- I. Committee Chair Smith welcomed the Economic Development Committee and opened the meeting at approximately 11:50 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. It was determined that a quorum of the Committee was not present; however, the Deputy Executive Director provided an update on the following project.
 - Isogen – The Deputy Executive Director reported that he met with representatives of Isogen to review the new appraisals for the property at 12 Penns Way. The Deputy Executive Director will update the Committee as necessary.

The Economic Development Committee discussion ended at 11:10 a.m.

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

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9799. 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 April.

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

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9800. 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 April 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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9801. DELAWARE RIVER AND BAY AUTHORITY – OPERATING EXPENSE BY DIVISION.

The Acting CFO presented a chart for May 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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9802. DELAWARE RIVER AND BAY AUTHORITY – CAPITAL IMPROVEMENT PROGRAM.

The Acting CFO presented a chart for the month of May 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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9803. DELAWARE RIVER AND BAY AUTHORITY – CASH POSITION (MARKET VALUE) AS OF MAY 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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9804. PUBLIC COMMENT ON ACTION ITEMS.

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

- Contract #CMA-07-02 Drainage Improvements (Phase II)
- Contract # NCA-06-03 Obstruction Removal
- Contract # NCA-06-02 Runway 9-27 Reconstruction and Safety Area Improvements
- Close-out Contract #DMB-04-04 Rehabilitation of Expansion Joints
- Close-out Contract NCA-01-04 Hangars 9 & 10
- Close-out Contract MVA-04-02 Rehabilitation of Taxiway “J”
- Close-out Contract CMLF-07-05 Dry-docking, Repairs & HVAC Installation M/V New Jersey
- Resolution 08-32 Approval of the Community Contribution Requests
- Resolution 08-33 Authorizing Authority Expenditures \$25,000 and over
- Resolution 08-34 Adopts a Disadvantaged Business Enterprise Police for all Authority-

funded Capital Construction Contracts in Excess of \$250,000
 Resolution 08-35 Authorizes the Execution of a New DE Ferry Landing and Operating
 Agreement that Supersedes the Agreement signed on April 15, 1997

There were no public comments.

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9805. SUMMARY OF AUTHORIZED CONTRACT PAYMENTS.

<u>Contractor</u>		<u>Payment</u>
DMB-07-02	Marinis Brothers	\$301,828.27
DMB-07-01	Eastern Highway Specialists, Inc.	\$150,824.00
DMB-06-03	J.D. Eckman, Inc.	\$683,851.68
DMB-04-04	J.D. Eckman, Inc.	\$ 21,855.00
CMLF-07-08	Colonna's Shipyard	\$945,305.70
CMLF-07-07	Walt's Professional Painting	\$ 19,306.25
CMLF-07-05	Lyons Shipyard, Inc.	\$ 10,700.00
NCA-04-01	Diamond Materials	\$118,343.00
NCA-01-04	EDIS	\$ 1,992.00
MVA-06-02	South State, Inc.	\$ 10,828.95
MVA-04-02	Glasgow, Inc.	\$ 5,000.00
CAT-07-01	Joseph T. Hardy & Sons	\$ 33,690.02

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9806. DRAINAGE IMPROVEMENTS – PHASE II CAPE MAY AIRPORT – CONTRACT # CMA-07-02

The Chief Operating Officer (COO) noted that a public bid opening was held on May 28, 2008 in which seven bids were received. He recommended award of the Base Bid plus Add Alternate Nos. 1, 2, and 3 to the responsive low bidder, K.E. Seifert, Inc. of Langhorne, PA, as follows: Base Bid (\$452,675.00) plus Add Alternate No. 1 (\$33,335.00), Add Alternate No. 2 (\$17,914.00), and Add Alternate No. 3 (\$38,562.50) for a total of \$542,486.50. The Federal Aviation Administration (FAA) supports this project and will provide funding via a grant at the 95% level. The Projects Committee concurred with the recommendation of the COO.

Commissioner Lowe motioned to award Contract CMA-07-02 to the aforementioned in the amount of \$542,486.50, seconded by Commissioner Favre, and unanimously approved by voice vote.

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9807. OBSTRUCTION REMOVAL – PHASE I – CONTRACT # NCA-06-03

The COO noted that a public bid opening was held on May 28, 2008 in which two bids were received. He recommended that the award be delayed until the FAA has had time to review the bid results and determine if funding is available via a grant. Discussions with the FAA indicate that they should be able to decide on this project within 30 days. The Projects Committee concurred with the recommendation of the COO.

Commissioner Dorn motioned to table the award of Contract CMA-07-02 until the FAA has time to review the bid results and determine if a federal grant is available, seconded by Commissioner Smith, and unanimously approved by voice vote.

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9808. RUNWAY 9-27 RECONSTRUCTION AND SAFETY AREA IMPROVEMENTS- NEW CASTLE AIRPORT – CONTRACT #NCA-06-02

The COO noted that a public bid opening was held on May 30, 2008 in which five bids were received. Diamond Material of Wilmington, DE, was the lowest responsive bidder. The COO recommended award of the Base Bid (\$7,998,934.50) plus Add Alternate No. 1 (\$1,267,781.00) for a total of \$9,266,715.50. The Federal Aviation Administration (FAA) supports this project and will provide funding via a grant at the 95% level. The Projects Committee concurred with the recommendation of the COO.

Commissioner Simmerman motioned to award Contract #NCA-06-02 to the aforementioned in the total amount of \$9,266,715.50, seconded by Commissioner Dorn, and unanimously approved by voice vote.

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9809. CONTRACT CLOSE-OUT: REHABILITATION OF EXPANSION JOINTS 1ST AND 2ND STRUCTURE– DMB, CONTRACT #DMB-04-04

On August 1, 2005 Contract No. DMB-04-04, Rehabilitation of Expansion Joints 1st and 2nd Structure, was awarded to J.D. Eckman, Inc. of Atglen, Pennsylvania for the bid price of \$11,428,550.00.

During the contract period, Change Order No.'s 1-23 were approved for the project.

1. May 19, 2008 Adjustment in quantities to reflect actual field conditions.
Add: \$540,560.36.

It is recommended that the Authority accept the project and make final payment to the contractor. The total price for this project is \$11,969,110.36.

A motion was made by Commissioner Lowe to close-out Contract #DMB-04-04, seconded by Commissioner Dorn, and unanimously approved by voice vote.

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9810. CONTRACT CLOSE-OUT – DRYDOCKING, REPAIRS AND NVAC INSTALLATION M/V NEW JERSEY

On November 05, 2007 Contract No. CMLF-07-05, Drydocking, Repairs and HVAC Installation M/V New Jersey, was awarded to Lyon's Shipyard, Inc. of Norfolk, Virginia for the bid price of \$1,492,310.00.

During the contract period, Change Order No.'s 1-4 were approved for the project.

1. April 28, 2008 Adjustments in quantities to reflect actual field conditions.
Subtract: \$6,877.00

It is recommended that the Authority accept the project and make final payment to the contractor. The total price for this project is \$1,485,433.00.

A motion was made by Commissioner Simmerman to close-out Contract #CMLF-07-05, seconded by Commissioner Favre, and unanimously approved by voice vote.

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9811. CONTRACT CLOSE-OUT – REHABILITATION OF TAXIWAY “J”, MILLVILLE AIRPORT – CONTRACT # MVA-04-02

On April 1, 2007 Contract No. MVA-04-02, Rehabilitation of Taxiway “J”, was awarded to Glasgow, Inc. of Glenside, Pennsylvania for the bid price of \$1,329,286.25.

During the contract period, Change Order No’s.1-4 were approved for the project.

- 1. May 21, 2008 Adjustments in quantities to reflect actual field conditions.
Add: \$214,853.50

It is recommended that the Authority accept the project and make final payment to the contractor. The total price for this project is \$1,544,139.75.

A motion was made by Commissioner Favre to close-out Contract #DMB-04-04, seconded by Commissioner Simmerman, and unanimously approved by voice vote.

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9812. CONTRACT CLOSE-OUT: CONSTRUCT HANGARS 9 & 10 – NEW CASTLE AIRPORT – CONTRACT #NCA-01-04

On August 19, 2002 Contract No. NCA-01-04 Runway 1-19 Construct Hangars 9 & 10, was awarded to EDIS of Wilmington, Delaware for the bid price of \$5,000,000.00.

During the contract period, Change Order No. 1-Final was approved for the project.

- 1. May 21, 2008 Adjustment in quantities to reflect actual field conditions.
Subtract: \$108,288.32.

It is recommended that the Authority accept the project and make final payment to the contractor. The total price for this project is \$4,891,711.68.

A motion was made by Commissioner Patterson to close-out Contract #DMB-04-04, seconded by Commissioner Simmerman, and unanimously approved by voice vote.

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9813. CHAIRPERSON’S CALL FOR ACTION ON THE RESOLUTIONS BEFORE THE BOAD

RESOLUTION 08 – 32 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

<u>New Jersey</u>	
Cape Regional Medical Center, Inc.	\$10,000
Court Appointed Special Advocates of New Jersey, Inc.	\$3,000
Pennsville Township Historical Society, Inc.	\$1,000
People for People Foundation of Gloucester County, Inc.	\$5,000
Swedesboro Economic Development Committee	\$5,000
Wheaton Arts and Cultural Center, Inc.	\$5,000
Woodstown Rotary Foundation, Inc.	<u>\$1,000</u>
Total	\$30,000
<u>Delaware</u>	
Beebe Medical Center, Inc.	\$10,000
Delaware Aviation Hall of Fame, Inc.	\$900
First State Roundball	\$4,000
Georgetown Historical Society	\$2,000
Junior Achievement, Inc.	\$6,500
National Multiple Sclerosis Society	\$1,000
Transportation Management Association of DE	\$3,000
Wellness Community Delaware	\$3,300
Total	<u>\$30,700</u>
Grand Total (New Jersey and Delaware)	\$60,700

A motion to approve Resolution 08-32 was made by Commissioner Simmerman, seconded by Commissioner Patterson and approved by a roll call vote of 11-0.

Commissioner Lowe noted that the Beebe Medical Center contribution is the last payment to a 5-year commitment to the Center.

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Commissioner Patterson noted that additional information on the purchase of flags from International Flag Supply was given and that the flags will be manufactured in the United States.

RESOLUTION 08-33 - 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
International Flag Supply	U.S.and Military Flags	Quotes

Kustom Signals, Inc.	In-Car Digital Camera Systems and Laser Radar Units	Proprietary
Red The Uniform Tailor, Inc.	Police Uniforms	State Contract
United Electric	Electric Supplies	Quotes

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 08-33 was made by Commissioner Patterson, seconded by Commissioner Simmerman and approved by a roll call vote of 11-0.

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RESOLUTION 08-34 – ADOPTS A DISADVANTAGED BUSINESS ENTERPRISE (DBE) POLICY FOR ALL AUTHORITY-FUNDED CAPITAL CONSTRUCTION CONTRACTS IN EXCESS OF \$250,000.

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 instituted a Disadvantaged Business Enterprise (“DBE”) Program Policy in 1996, as required by the Federal Aviation Administration (“FAA”) under Regulation 49 CFR Part 26, as a condition of accepting FAA funding for airport projects; and

WHEREAS, the Authority currently incorporates Federal DBE requirements in all Airport Improvement Projects of the Authority that receive FAA funding in excess of \$250,000; and

WHEREAS, the Authority implemented and completed a two year trial policy incorporating this same methodology to include Disadvantaged, Minority-owned and Women-owned Business Enterprises in all Authority-funded capital construction projects in excess of \$250,000; and

WHEREAS, the Authority DBE Policy for all Authority-funded capital construction contracts in excess of \$250,000 has resulted in over \$3.0 million in subcontracts with Disadvantaged, Minority-owned and Women-owned Business Enterprises since its inception in 2006; and

WHEREAS the Authority has evaluated this policy at the conclusion of the trial period and has determined that it continues to meet its public policy initiatives and is otherwise in the best interest of the public and the Authority; and

WHEREAS, the Authority, as a matter of policy, desires to incorporate this same policy in all Authority-funded capital construction projects in excess of \$250,000 on a permanent basis.

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director, with the advice and consent of counsel, is hereby authorized and directed to incorporate a DBE policy into contract specification documents for all Authority-funded capital construction contracts in excess of \$250,000.

Vice-Chairperson asked if the Resolution specifying \$250,000 is a barrier to small businesses.

Chairperson Parkowski stated that Resolution 08-34 permanently adopts the Authority's two (2) year trial policy on DBE and Women-owned businesses. A Task Force is being established to identify any hindrances that could limit small businesses from participating in the Authority's bid process.

A motion to approve Resolution 08-34 was made by Commissioner Patterson, seconded by Commissioner Dorn.

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RESOLUTION NO. 08-35, AUTHORIZES THE EXECUTION OF A NEW DELAWARE FERRY LANDING AND OPERATING AGREEMENT THAT SUPERCEDES THE AGREEMENT SIGNED ON APRIL 15, 1997.

WHEREAS, the Delaware River and Bay Authority (the "Authority") was created as a body politic and an agency of government of the State of Delaware and the State of New Jersey, by virtue of Chapters 145 and 146, Volume 53, Laws of Delaware, approved by the Governor of the State of Delaware, July 21, 1961, and Chapter 66 of the Pamphlet Laws of 1961, of the State of New Jersey, approved by the Governor of the State of New Jersey, June 31, 1961 (said Chapters 145 and 146, and said Chapter 66 issuing material being hereinafter sometimes collectively called the "Original Enabling Legislation"), pursuant to which the State of Delaware and the State of New Jersey entered, subject to the consent of the Congress of the United States of America, into a compact (hereinafter sometimes called the "Original Compact") creating the Authority; and

WHEREAS, the consent of the Congress of the United States of America was given to the States of Delaware and New Jersey to enter into the Original Compact by a Joint Resolution of the Congress, approved September 20, 1962 (Public Law 87-678, 87th Congress); and

WHEREAS, by virtue of Chapter 252, Volume 67, Laws of Delaware, approved by the Governor of the State of Delaware June 28, 1990, and Chapter 192 of the Pamphlet Laws of 1989 of the State of New Jersey, approved by the Governor of the State of New Jersey, October 18, 1989 (said Chapter 252 and said Chapter 192, together with the Original Enabling Legislation being hereinafter sometimes collectively called the "Enabling Legislation"), the State of Delaware and the State of New Jersey entered, subject to the consent of the Congress of the United States of America, into certain amendments to the Original Compact (as so amended and as may be further amended from time to time hereinafter sometimes called the "Compact"); and

WHEREAS, the consent of the Congress of the United States of America was given to the States of Delaware and New Jersey to enter into the Compact by a Joint Resolution of the Congress, approved November 15, 1990 (Public Law 101-565, 101st Congress); and

WHEREAS, by virtue of the Compact and the Enabling Legislation, the Authority's powers include authorization to plan, finance, develop, construct, purchase, lease, maintain, improve and operate (i) crossings between Delaware and New Jersey, (ii) transportation or terminal facilities in Delaware or certain New Jersey counties and (iii) commerce facilities or developments in Delaware or certain New Jersey counties; and

WHEREAS, the Authority and the State of Delaware acting by and through the Department of Natural Resources and Environmental Control and the State of New Jersey acting by and through the Department of Environmental Protection, Division of Parks and Forestry, established via Resolution 97-20 an additional crossing between Fort Mott, New Jersey, Delaware City, Delaware, and Pea Patch Island, Delaware to provide transportation between these facilities and to promote tourism for the region and economic development of both States; and

WHEREAS, the Authority entered into the Delaware Ferry Landing and Operating Agreement with the State of Delaware, Department of Natural Resources and Environmental Control, Division of Parks and Recreation on April 15, 1997; and

WHEREAS, it is in the best interest of the Authority to enter into a new Agreement that supercedes the prior agreement signed on April 15, 1997; and

NOW THEREFORE BE IT RESOLVED, that the Executive Director is hereby authorized and directed to negotiate the final terms and conditions of the new Delaware Ferry Landing and Operating Agreement with the State of Delaware, Department of Natural Resources and Environmental Control, Division of Parks and Recreation; and to have such agreement, upon the advice and consent of counsel, executed by the Chairperson, the Vice Chairperson and the Executive Director.

A motion to approve Resolution 08-35 was made by Commissioner Lowe, seconded by Commissioner Favre, and approved by a roll call vote of 11-0.

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9814. COMMISSIONERS PUBLIC FORUM

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

Charity Irving, former employee, spoke. She stated that she spoke at the last meeting on the Authority's treatment and hiring practices and asked if there has been any progression on resolving her issues. She said that she received a copy of the Authority's response letter to IMAC from the Board responding to questions brought before the Commissioners last month but felt unsatisfied.

Chairperson Parkowski said that the response letter took a lot of his and staff time and that the Commissioners stand by the conclusion in the letter. He said that he and Vice-Chairperson Hogan, along with the other Commissioners, agreed to formulate a Task Force to address diversity issues and easy access to DRBA business. Chairperson Parkowski noted that the Authority has been making strides in that direction. He then thanked Ms Irving for her comments.

There were no other comments.

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

The meeting was adjourned 10:45 a.m.

Respectfully submitted,

THE DELAWARE RIVER AND BAY AUTHORITY

Thomas A. Pankok
Secretary