

MINUTES OF MEETING  
**THE DELAWARE RIVER AND BAY AUTHORITY**  
**Tuesday, December 16, 2008**  
James Julian Boardroom  
Delaware Memorial Bridge Plaza  
New Castle, Delaware 19720

The meeting convened at 11:30 a.m. with Chairperson Parkowski presiding.

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

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

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

Samuel E. Lathem  
William Lowe  
Gary B. Patterson

ABSENT

Verna W. Hensley

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9889. APPROVAL OF THE NOVEMBER 18, 2008 MINUTES

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

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9890. EXECUTIVE DIRECTOR'S REPORT

Deputy Executive Director Rainear presented the Executive Director's report for the month of November.

***Delaware Memorial Bridge***

Total traffic during the month of November decreased 4.4% compared to the same period in 2007. Non-commercial traffic decreased 2.7% and commercial traffic decreased 14.9%. When compared to the 3-year average, total traffic for November decreased 5.1%. Total traffic year-to-date decreased 4.6% compared to 2007. When compared to the 3-year average, 2008 total traffic year-to-date decreased 4.5%.

E-ZPass traffic for November represented 59.4% of the total overall traffic as compared to 58.7% for the previous year. Total electronic traffic for 2008 represented 59.3%, an increase of 2.4% from 2007.

We hosted the annual Veterans' Day Ceremony at the DRBA War Memorial. Our Police, Maintenance and Cafeteria Departments did a fantastic job in preparation for the event. Vice President-Elect Biden attended, along with Senator Carper, Governor Minner, Lt. Governor Carney, Governor-Elect Markell, Lt. Governor-Elect Denn, and New Castle County Executive Coons.

***Cape May Lewes Ferry***

In November, vehicle and passenger traffic decreased 11.5% and 11.7%, respectively, when compared to November 2007. Year-to-date vehicle and passenger traffic have decreased 7.3% and 6.3% respectively compared to 2007. When compared to the average of the last three years, year-to-date vehicle traffic and passenger traffic decreased 9.5% and 8.2%, respectively. In November, fare revenues decreased 9.0%, when compared to November 2007. Year-to-date fare revenues decreased 1.5% compared to 2007 as a result of the poor showing this month.

In November, CMLF food sales and retail sales decreased 25.9% and 30% respectively, as compared to November 2007. Year-to-date food and retail sales decreased 10.7% and 13.8% respectively when compared to 2007. In light of these poor sales figures, we have tried to minimize its negative impact on the profit/loss statement by reducing our operating expenses. We will continue to minimize operating costs during the CMLF off-season, November 2008 through March 2009.

The M/V Twin Capes and M/V Cape May were secured for the winter layover.

The emergency replacement of the two CMLF pile clusters in Cape May was completed.

***Airports***

After receiving a theft report from one of our tenants at New Castle Airport, our Police participated in an investigation and arrest of an individual that was selling the stolen items from the tenant on eBay. I commend our staff, in particular M/Cpl Joe DiStefano, for working with the eBay Trust & Security Department to recover the stolen items and take the individual into custody.

Staff met with FAA officials in the District regarding the 2009-2013 airport capital improvement program funds. Although Federal funds may be tighter than usual, our program that supports renewed infrastructure, will continue to be supported.

***Finance***

Our Acting Chief Financial Officer conducted credit calls with Moody's and S&P regarding ratings on the 2008 refunding of the 2000B Variable Rate Bonds. The tone of the calls have been challenging with agencies focus, as expected, on the weakness in traffic and revenue throughout all segments of our operations and ongoing concerns on the use of economic development powers. We have maintained that the organization has appropriately prepared ourselves to adjust and manage through the current economic weakness by controlling current expense, maintaining a strong cash position, and maintaining flexibility in capital spending. Moody's and S&P assigned an A1 and A+ rating to this refunding and affirmed the underlying rating of A1 and A+ on our outstanding parity debt of \$247.8 million.

Victor Ferzetti and his staff continued to refine the 2009 Budget, based upon comments from the Committee and other Board members at our November meetings.

***Employee Happenings***

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

Authorized Positions	456
Positions Filled	412
Positions Filled (on LTD)	5
Total Positions that are Vacant	39

We hosted the 38<sup>th</sup> Eastern States Transportation Network Annual meeting in Philadelphia. This organization, which is a network of regional authorities, meets annually to compare notes and discuss topics of ranging interest. In addition to several speakers in the general session, breakout sessions were held with topics focused in the areas of Toll Operations, Police & Public Safety,

Maintenance, Purchasing, Safety, and Human Resources. Thank you to Andrew Ritchie, HR Manager for his involvement with this organization.

I want to commend all of our employees that helped participate in the delivery of Thanksgiving food baskets, containing a turkey dinner with all the trimmings, to needy families in both states. Their efforts are a true reflection of the compassion that they feel for others in the communities we serve.

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

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9891. COMMITTEE REPORT – BUDGET & FINANCE COMMITTEE

Commissioner Patterson presented the following Budget & Finance meeting minutes of December 1, 2008.

**BUDGET & FINANCE COMMITTEE MEETING  
& PUBLIC HEARING  
Monday, December 1, 2008  
Delaware Memorial Bridge Complex  
New Castle, Delaware**

A public meeting of The Delaware River and Bay Authority’s Budget & Finance Committee and Public Hearing was held on Monday, December 1, 2008, at the Delaware Memorial Bridge Complex, New Castle, Delaware.

Commissioners from Delaware

Commissioners from New Jersey

**PRESENT**

Committee Chair Patterson  
Commissioner Hensley, Committee Member  
Commissioner Cooper, Committee Member  
Commissioner Lowe

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

Governors Representatives

Rebecca Byrd – DE

Sonia Frontera - NJ

Staff

Jim Johnson  
Don Rainear  
Victor Ferzetti  
Jim Walls  
Gerry Owens  
Anna Marie Gonnella Rosato  
Joe Larotonda  
Kelly Phillips Parker  
John Sarro  
John Jones  
Ken Hynson

Authority Secretary

Tom Pankok

Committee Chair Patterson welcomed the Budget & Finance Committee and Public Hearing and opened the meeting at approximately 9:53 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.

Committee Chair Patterson reported that the Budget & Finance Committee would not be taking any action on the Proposed 2009 Operating Budget at this time, pending further direction from the Chairperson; however, the Acting Chief Financial Officer was asked to present the proposed

Budget since the Committee meeting Notice included a Public Hearing on the Proposed Budget as well.

#### Proposed Resolutions

- The Committee reviewed and recommended the Community Contribution requests for December. Committee Vice-Chair Simmerman noted that Delaware's portion, totaling \$5,000, of the 2008 Habitat for Humanity request in the amount of \$10,000, would be funded entirely by New Jersey. Delaware's contribution would be provided on loan from Cumberland County with the expectation of repayment in 2009. Commissioner Favre stressed that there was uncertainty among the Commissioners as to the commitment, and in this economic environment, he could not support a long-term commitment to Habitat, that Habitat should be notified accordingly. Committee Chair Patterson reported that he understood and hoped that the next Committee Chair would be able to straighten out the commitment going forward. After review, and subject to finalization of requests from Chairperson Parkowski, on motion by Commissioner Simmerman, seconded by Commissioner Smith, the Committee recommended approval of the Community Contribution requests for December. A Resolution will be presented to the full Board for consideration at the December meeting.

- The Acting CFO presented the Over \$25,000 Vendor List for review. The Acting CFO reported an RFP for Vessel Broker Services had been conducted with no responses received. At the November Budget & Finance Committee, the Director-Ferry Operations noted that he would contact and research potential brokers if the Committee was interested in waiving the procurement procedure under Resolution 98-31. After conducting interviews and researching references, it was determined that Marcon International was best qualified. The Vessel Broker Services Agreement is to be reviewed by Authority Counsel and any final sale would be subject to Board approval. The fee of 5% on the first million and 2.5% on the remainder will only be paid if there is an agreement and sale. After discussion, on motion by Commissioner Smith, seconded by Commissioner Hensley, the Committee recommended waving Resolution 98-31 and for the Executive Director to enter into an Agreement with Marcon International for Vessel Broker Services for the sale of the M/V Cape May.

- The Acting CFO presented a Draft Resolution Authorizing a Duct Lease Agreement with Fibre Technologies Networks, LLC for the Use of a Duct System on the Delaware Memorial Bridge for a term of twenty-five years and increases incrementally from \$3.00 per lineal foot beginning January 1, 2009 to \$7.00 per lineal foot by January 1, 2012. The off-structure rent is set at \$1.00 per lineal foot for the term of the Lease. This will be the first tenant since the duct had been installed. The Committee questioned how the Acting CFO determined the Lease amount and it was reported that it is difficult to determine the market for this type of Agreement, but that the on-structure terms were similar to the existing AT&T Lease which is much higher than a traditional Verizon lease. After discussion, on motion by Commissioner Favre, seconded by Commissioner Smith, the Committee recommended approval of the Lease Agreement. The final Resolution will be presented for full Board consideration at the December meeting.

#### Proposed 2009 Operating Budget

The Acting CFO provided an additional review of the Major Increases/Decreases. The total \$2.3 million proposed Budget, as presented, reflects a 3.08% increase over FY 2008. Without the cost of funding the OPEB Liability at 40% of ARC, the total operational budget increase would only be approximately 1.56%. The following was detail to the Budget was presented, reviewed, and included the following information.

- Wage Related Recommendations – 14 positions eliminated bringing the total authorized and funded positions to 451, including 9 permanent part/time positions.
- Vessel Fuel Cost Analysis
- Insurance Cost Comparison – 2006-2009
- Breakdown of Remaining Categories – Includes FICA/Medicare; Professional Services; Food, Beverage & Liquor Supplies; Vessel Operations & Maintenance (excludes fuel & drydocking); Novelty Items; Maintenance & Repair (Buildings, Grounds/Equipment); Uniforms & Safety Equipment; Education & Training; Copier Leases, Office Supplies, & Postage; Vacant Property Costs (NCA); Bus Services (Cape May/Lewes-excluding wages and insurance); DMB Cafeteria (excluding wages); and Miscellaneous Items.

- Expenditure Analysis by Division and by Category for the Period 2005-2009
- 2008/2009 Revenue Review – The Acting CFO added that it may be time to reconsider the recommendation, made by the Marine Master Plan consultant, to add a fuel surcharge to the CMLF. Commissioner Hensley questioned the process and timing and suggested adding a message to schedules should it be necessary to implement the surcharge. The COO reported that he plans to make fare and surcharge recommendations at the January Committee meeting for an effective April 1, 2009.
- Financial Model – The Acting CFO reported that the Financial Model presented did not include any assumptions for toll increases and the Model signals that 2010 is the proper time for a toll increase due to the 1.33x Debt Service Coverage, still above the 1.25x requirement of the Trust Indenture; however, 2011 would fall to 1.14x coverage. Staff will develop a cash flow analysis in an effort to determine the approximate time frame in 2010 for the toll increase.

Commissioner Cooper questioned the declining Net Airports Income. The Acting CFO reported that two income producing properties had been sold and decreasing fuel flowage. The Acting CFO reviewed each airport's Revenue and Expense, noting that New Castle Airport is the only airport with positive Net Revenue. The Committee continued to discuss the necessity to take a hard look at a reduction in operating costs. The Deputy Executive Director added that many of the general aviation airports reported similar reductions to landing fees and fuel flowage. He further questioned whether the Board desired to take risk and build hangars. Vice-Chairperson Hogan added that corporate business could increase noise at night; however, suggested building t-hangars which may be able to be built for a lower price due to the economy. He further added that both Delaware and New Jersey congressional delegations should be more aggressive to obtain business from the Philadelphia Airport. The Deputy Executive Director added that he plans to make Airport rate increase recommendations at the January Committee meeting.

Committee Vice-Chair Simmerman questioned whether the Delaware Commissioners would be in a position to recommend the Budget at the December meeting. Committee Chair Patterson reported that he did not know.

#### V. Bond Refunding Update

The Acting CFO reported that Moody's gave an A1-Stable and S&P gave an A+ with a Negative Outlook rating. S&P will review again in one year as to whether the Authority has completed the scheduled 2010 toll increase or risk downgrading. The Acting CFO added that it had been difficult, in the current environment, to maintain the ratings. Commissioner Cooper suggested a few relationship building trips to the agencies may be in order; however, Committee Vice-Chair Simmerman added that, unless there is something positive to report it would make no sense and suggested inviting the agencies to the Authority to meet with the Committee or Board in order to answer any questions. The Acting CFO added that the fiscal policies of the Board have allowed the Authority the flexibility to adjust to this crisis by being in a position to make decisions.

With no further business to discuss, on motion by Commissioner Smith, the Budget & Finance Committee adjourned at 10:52 a.m.

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

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#### 9892. COMMITTEE REPORT – PERSONNEL COMMITTEE

Commissioner Lathem presented the following Personnel Committee meeting minutes of December 1, 2008.

**PERSONNEL COMMITTEE MEETING**  
**Monday, December 1, 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, December 1, 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 Lowe, Committee Member  
Commissioner Hensley

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

Governors' Representatives

Rebecca Byrd - 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 12:12 p.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 Favre, the Session was closed.

The following matters of a confidential nature were discussed.

- PERSONNEL MATTERS
- LEGAL UPDATE

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

With no further business to discuss, on motion by Commissioner Favre, the Personnel Committee adjourned at 12:22 p.m.

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

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9893. COMMITTEE REPORT – PROJECTS

Commissioner Lowe presented the following Projects Committee meeting minutes of December 1, 2008.

**PROJECTS COMMITTEE**  
**Monday, December 1, 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, December 1, 2008, at the Delaware Memorial Bridge Administration Building, New Castle, Delaware.

Commissioners from Delaware

Commissioners from New Jersey

PRESENT

Commissioner Lowe, Committee Chair  
Commissioner Hensley, Committee Mbr  
Commissioner Patterson, Committee Mbr  
Commissioner Cooper

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

Governors' Representative

Rebecca Byrd - DE

Sonia Frontera – NJ

Staff

Jim Johnson  
Don Rainear  
Jim Walls  
Gerry DiNicola-Owens  
Victor Ferzetti  
John Jones  
Heath Gehrke  
John Sarro  
Anne Marie Gonnella-Rosato  
Kelly Phillips-Parker

Authority Secretary

Tom Pankok

I. The Projects Committee meeting convened at approximately 10:55 a.m. Those in attendance were provided an informational package consisting of an agenda, a draft of the 2009-2013 Capital Improvement Program (CIP) Budget (Crossings) with two associated draft CIP resolutions (one (1) year and five (5) year), a bid tabulation, and the monthly contractor payment chart with associated change orders (through November).

II. Resolutions: The Director of Engineering and Maintenance reviewed the draft Capital Improvement Program (CIP) document (2009-2013) for Crossings. He reviewed the new format of the document that provides for more detailed information regarding committed and uncommitted projects as well as delineation between pre-construction and construction phases. He then reviewed all annual and one-time projects at the Delaware Memorial Bridge, Cape May-Lewes Ferry System, and Three Forts operations. Vice Chair Hogan asked about the possibility of delaying some projects (i.e. two vehicle storage facilities) based upon a tight money scenario. Staff responded that if it was necessary to delay these two projects by a year, operationally, we could bridge the gap. The Director of Engineering and Maintenance discussed the scope reduction of the Freeman Highway Bridge rehabilitation project delaying approximately \$1 million worth of pavement work until after 2013 based on pavement condition. He also discussed that the Authority will utilize grant money to help with the financing of a portion of the Cape May Approach Roads project scheduled to begin in 2009. Discussion was held regarding the CMLF motor vessel program with all answers being answered to the satisfaction of the Committee. Vice Chair Hogan asked whether the \$7.5 million sale price assumption for the sale of one of our existing vessels was too high. Staff responded that it may be and we'll know better once the Authority tests the market with the sale of the MV Cape May. After all questions were answered to the satisfaction of the Committee, the Committee recommended that the One (1) Year (2009) CIP (Crossings) budget resolution in the amount of \$34,670,000 and the Five (5) Year (2009-2013) CIP (Crossings) budget resolution in the amount of \$185,685,000 be presented at the December board meeting.

III. Bid Openings/Award Actions:

- DMB-06-04 Purchase of Lane Signal Indicators, Delaware Memorial Bridge. A public bid opening was held on November 21, 2008 in which two bids were received. The COO recommended that the award be given to the lowest responsive bidder, George Sparks, Inc. in the total amount of \$403,200.00. The Projects Committee concurred with the recommendation and authorized the action be presented at the December board meeting.

IV. Contractor Payment (through November): The COO informed the Committee of the monthly construction contractor payments to be made in December.

V. Miscellaneous Items/Updates:

- Update on Security Upgrades, Lewes Terminal: The Director of Engineering and Maintenance provided an update on the Lewes security gates project. He indicated that this project went out to bid twice without success and that the grant funding for the project was set to expire in January 2010. Staff recommended that the Authority solicit quotes in lieu of publicly advertising for a third time in an attempt to ensure that the Authority would not lose the grant money and that the work would be completed before the heavy summer season. Staff stated that this work would likely be in excess of \$50,000 and would require the Budget and Finance Committee to waive the threshold requirement for public advertising under Resolution 98-31 and submit the purchase for Board approval via an "Over \$25K" resolution pursuant to Resolution 01-84. The Projects Committee concurred with the recommended course of action to preclude any chance of losing grant money for this work.

- European Ferry Trip Report: The Director of Ferry Operations provided a presentation to the Projects Committee on "Observations of Netherlands and Scotland Ferry Operations" based on a recent field trip by Authority staff. The stated purpose of the trip was to observe, verify, and compare capabilities of the Sea Transport Solutions (STS) vessels which was the design recommended from the recently completed marine master plan done by Hornblower Marine. The Director of Ferry operations discussed positive and negative observations regarding interior seating, loading/unloading, maneuverability, bridge electronics, food service, mooring and docking, fuel usage, speed of vessels, vertical movement, vehicle and passenger carrying capability. Next steps were discussed which included creating a timeline of marine master plan implementation, further vessel visits, hiring an independent surveyor to measure fuel consumption and vertical motion, hiring a naval architect to develop performance specifications, and developing a food and retail mater plan and schedule. All questions were answered to the satisfaction of the Committee.

VI. There being no further business for the Projects Committee, the public meeting was adjourned at approximately 12:10 p.m..

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9894. COMMITTEE REPORT – ECONOMIC DEVELOPMENT

Commissioner Smith presented the following Economic Development Committee meeting minutes of December 1, 2008.

**ECONOMIC DEVELOPMENT COMMITTEE**  
**Monday, December 1, 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, December 1, 2008, at the Delaware Memorial Bridge Complex, New Castle, Delaware.

Commissioners from Delaware  
PRESENT

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

Commissioners from New Jersey

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

Governors Representatives  
Rebecca Byrd – DE

Sonia Frontera - NJ

Staff

Jim Johnson  
Don Rainear  
Victor Ferzetti  
Jim Walls  
Gerry Owens  
Anna Marie Gonnella Rosato  
John Jones  
AJ Crescenzi  
Michelle Griscom-Collins  
Kelly Phillips Parker  
Joe Larotonda  
Ken Hynson  
John Sarro

Authority Secretary

Tom Pankok

I. Committee Chair Smith welcomed the Economic Development Committee and opened the meeting at approximately 9:10 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 a proposed Lease Agreement for Committee Consideration.

- Lease Agreement between the Delaware River and Bay Authority and Consultants Unlimited, LLC, at the New Castle Airport to provide approximately 10 acres of vacant land for the use of secured storage of automotive vehicles at \$1.00 per car per day on a short-term basis. On motion by Commissioner Dorn, seconded by Commissioner Patterson, the Committee recommended approval of the Lease Agreement. A Resolution will be presented to the full Board for consideration at the December meeting.

III. The Deputy Executive Director requested an Executive Session. On motion by Commissioner Dorn, seconded by Commissioner Hensley, 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 Dorn, seconded by Commissioner Smith, the Economic Development Committee was opened to the public.

IV. The Deputy Executive Director reported that he has been in discussions with interested parties regarding the Multi-Tenant Hangar at the Millville Airport.

With no further business to discuss, on motion by Commissioner Patterson, seconded by Commissioner Dorn, the Economic Development Committee adjourned at 9:27 a.m.

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

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9895. DELAWARE RIVER AND BAY AUTHORITY – TRAFFIC AND REVENUE SUMMARY.

The Acting Chief Financial Officer (CFO) presented charts 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 October.

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

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9896. DELAWARE RIVER AND BAY AUTHORITY – STATEMENT OF INCOME AND EXPENSE.

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

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

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9897. DELAWARE RIVER AND BAY AUTHORITY – OPERATING EXPENSE BY DIVISION.

The Acting CFO presented charts for November 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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9898. DELAWARE RIVER AND BAY AUTHORITY – CAPITAL IMPROVEMENT PROGRAM.

The Acting CFO presented charts for the month of November showing the capital budget for crossing and economic development projects and dollars committed to date for the projects. The charts also include 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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9899. DELAWARE RIVER AND BAY AUTHORITY – CASH POSITION (MARKET VALUE) AS OF NOVEMBER 30, 2008.

The Acting CFO presented charts 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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9900. PUBLIC COMMENT ON ACTION ITEMS.

Chairperson Parkowski noted that Resolutions 08-57 and 08-58 were placed on hold and then presented the following action items that were being considered and asked for public comment.

- Contract #DMB-06-04 Purchase of Lane Signal Indicators
- Resolution 08-55 Approval of the Community Contribution Requests
- Resolution 08-56 Authorizing Authority Expenditures \$25,000 and over
- Resolution 08-59 Duct Lease Agreement with Fiber Technologies Networks at the DMB
- Resolution 08-60 Lease Agreement with Consultants Unlimited at New Castle Airport

There were no public comments.

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9901. SUMMARY OF AUTHORIZED CONTRACT PAYMENTS.

<u>Contractor</u>		<u>Payment</u>
DMB-08-01	Allied Painting, Inc.	\$ 378,748.80
DMB-08-02	Marinis Brothers, Inc.	\$ 169,860.33
DMB-07-01	Eastern Highway Specialists, Inc.	\$ 188,583.92

DMB-07-02	Marinis Brothers, Inc.	\$ 114,802.11
DMB-07-04	Schlosser & Associates, Inc.	\$ 84,647.44
DMB-06-03	J.D. Eckman, Inc.	\$ 374,301.75
DMB-04-01	Mumford and Miller	\$ 996,034.74
NCA-04-01	Diamond Materials	\$ 81,280.68
NCA-06-02	Diamond Materials	\$ 404,857.98
CMA-07-02	K.E. Seifert, Inc.	\$ 100,024.58

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9902. APPROVAL OF PURCHASE OF LANE SIGNAL INDICATORS,  
DMB- CONTRACT #DMB-06-04

The Director of Engineering and Maintenance (DEM) stated that a public bid opening was held on November 21, 2008 in which two bids were received. The DEM recommended that the award be given to the lowest responsive bidder, George Sparks, Inc. in the total amount of \$403,200.00. The Projects Committee concurred with the recommendation.

A motion to award Contract DMB-06-04 to the aforementioned bidder in the total amount of \$403,200.00 was made by Commissioner Cooper, seconded by Commissioner Favre, and unanimously approved by a roll call vote of 11-0.

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9903. CHAIRPERSON’S CALL FOR ACTION ON THE RESOLUTIONS  
BEFORE THE BOAD

Commissioner Patterson requested that Resolution 08-55 be amended to include Delaware Futures for \$1,400.

**RESOLUTION 08 - 55 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 December 08.

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

Community Contributions

<u>New Jersey</u>	
Habitat for Humanity of New Castle County	\$ 10,000 *
Historical and Educational Lodge Hall Preservatory Incorporated	\$ 5,000
YMCA of Salem County	\$ 6,450
<b>Total</b>	<b>\$ 21,450</b>
<u>Delaware</u>	
Delaware Breast Cancer Coalition Incorporated	\$ 2,650
Delaware Futures Incorporated	\$ 1,400
<b>Total</b>	<b>\$ 4,050</b>
<b>Grand Total (New Jersey and Delaware)</b>	<b>\$ 25,500</b>

\* \$5,000 of the 2008 Habitat for Humanity request is a loan to Delaware from the Cumberland County New Jersey 2008 Community Contribution funds given with the expectation of repayment to Cumberland County in 2009.

A motion to approve Resolution 08-55, as amended to include the addition of Delaware Futures for \$1,400.00 was made by Commissioner Patterson, seconded by Commissioner Favre, and unanimously approved by a roll call vote of 11-0.

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**RESOLUTION 08-56 - 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
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Marcon International	Brokerage Fee to Sell the M/V Cape May	
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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 08-56 was made by Commissioner Favre, seconded by Commissioner Simmerman, and unanimously approved by a roll call vote of 11-0.

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**RESOLUTION 08-59 - AUTHORIZING THE EXECUTION OF A DUCT LEASE AGREEMENT WITH FIBER TECHNOLOGIES NETWORKS, L.L.C. FOR THE USE OF A DUCT SYSTEM ON THE DELAWARE MEMORIAL BRIDGE.**

WHEREAS, The Delaware River and Bay Authority (the "Authority") is the owner and operator of the Delaware Memorial Bridge (the "Bridge"); and

WHEREAS, the Authority has constructed fiber optic conduit ducts on the Bridge; and

WHEREAS, the Authority desires to lease one fiber optic conduit duct to Fiber Technologies Networks, L.L.C.; and

WHEREAS, the term of the Duct Lease Agreement (the "Lease") shall be Twenty-five (25) years; and

WHEREAS, the Lease shall contain such terms and conditions establishing a yearly premium rate for both on-structure and off-structure rent; and

WHEREAS, the on-structure rent for approximately 10,750 lineal feet will begin at three dollars (\$3.00) per-lineal-foot for the term beginning January 1, 2009, increasing to seven dollars (\$7.00) per-lineal-foot by January 1, 2012; and

WHEREAS, the off-structure rent for approximately 16,300 lineal feet will be set at one dollar (\$1.00) per-lineal-foot for the term of the Lease.

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to negotiate the terms and conditions of a Duct Lease Agreement on the Delaware Memorial Bridge with Fiber Technologies Networks, L.L.C. and to have such Lease, with the advice and consent of Counsel, executed by the Chairperson, Vice Chairperson, and the Executive Director.

A motion to approve Resolution 08-59 was made by Commissioner Favre, seconded by Commissioner Lowe, and approved by a roll call vote of 11-0.

\* \* \* \* \*

**RESOLUTION 08-60 LEASE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND CONSULTANTS UNLIMITED, LLC. AT THE NEW CASTLE AIRPORT**

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

WHEREAS, Consultants Unlimited, LLC desires to lease approximately ten 10 acres commonly referred to as 49 and 50 Schley Rd.; and

WHEREAS, the property will be utilized for the secured storage of automotive vehicles; and

WHEREAS, Consultants Unlimited, LLC has agreed to pay the Authority rent for the space of \$1.00 per car per day during the term of the Lease Agreement; and

WHEREAS, the term of the Lease Agreement shall be six (6) months and the Authority shall have the right to terminate the Lease Agreement at any time upon thirty (30) days prior written notice ; and

WHEREAS, the determination of rent shall be based on monthly storage reports provided by Consultants Unlimited, LLC.

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

A motion to approve Resolution 08-60 was made by Commissioner Smith, seconded by Commissioner Lowe, and unanimously approved by a roll call vote of 11-0.

\* \* \* \* \*

9904. COMMISSIONERS PUBLIC FORUM

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

There were no public comments.

Chairperson Parkowski noted that the Board would like to declare December 26, 2008 a holiday.

A motion to declare December 26, 2008 an Authority holiday was made by Commissioner Dorn, seconded by Commissioner Lowe, and unanimously approved by a roll call vote of 11-0.

Commissioner Dorn wished everyone a happy holiday season.

\* \* \* \* \*

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

The meeting was adjourned 11:55 a.m.

Respectfully submitted,

THE DELAWARE RIVER AND BAY AUTHORITY

Thomas A. Pankok  
Secretary