

MINUTES OF MEETING  
THE DELAWARE RIVER AND BAY AUTHORITY  
**Tuesday, March 20, 2007**  
James Julian Boardroom  
Administration Building  
New Castle, Delaware 19720

The meeting convened at 10:32 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 Authority Secretary to read the meeting notice and take roll.

The Secretary announced that a notice of the meeting had been distributed to the offices of the Governor of New Jersey and the Governor of Delaware, to appropriate staff members and consultants, to the press in both States and to any other individuals who had indicated an interest in receiving a copy of the meeting notice.

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Commissioners from Delaware

Commissioners from New Jersey

PRESENT

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

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

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9558

APPROVAL OF THE FEBRUARY 20, 2007 MINUTES

Commissioner Dorn motioned for approval of the February 20, 2007 minutes, seconded by Commissioner Favre, and approved by a voice vote of 12-0.

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9559.

EXECUTIVE DIRECTOR'S REPORT

The Executive Director presented the following highlights that occurred within the Authority during the month of February, 2007.

***Delaware Memorial Bridge***

Total traffic during the month of February decreased 5.7%, compared to the same period in 2006. Non-commercial traffic decreased 6.9% and commercial traffic increased 1.4%. When compared with the 3-year average, February traffic decreased 6.7%. Year-to-date total traffic decreased 2.5%, when compared to the 3-year average.

E-Z Pass traffic for February 2007 represented 58.3% of the total as compared to 56% for the previous year. E-Z Pass traffic year-to-date represents 58% of the total, an increase of 2.4% for the same period last year.

The \$11.7 million expansion joint replacement project continues to proceed as scheduled. We anticipate that two of the four traffic lanes will continue to be closed

(except for weekends) for this work through the winter months. All work is scheduled to be complete by December 2007.

Our Maintenance personnel did a fantastic job handling the February 12<sup>th</sup> through the 14<sup>th</sup> snow and ice storms. Despite these adverse weather conditions, our crews worked around the clock to ensure that our public facilities remained opened. The outside lanes on both bridge structures were closed temporarily due to danger of falling ice.

Staff participated in a teleconference hosted by the OmniAir Consortium regarding the development of a Toll and Payment Concept of Operations (ConOps) for the US Department of Transportation (USDOT) Vehicle-Infrastructure Integration (VII) Program. In layperson terms, this program is looking at future tolling concepts for the United States. Through VII, the USDOT is developing a standards-based, interoperable 5.9GHz DSRC systems for vehicle to roadside communication with estimated deployment in 2012. The ConOps Project is a collaborative effort to determine the needs of the toll industry, the automobile manufacturing industry, and other key stakeholders such as financial institutions, and state DOTs.

Ms. Paula Kelly, a reporter with the News Journal, is writing an article on the history of the Delaware Memorial Bridge. This feature will be presented as a 2-page foldout in the Life Section of the paper. Staff did a wonderful job by providing a tour of the bridge and discussing its history.

#### ***Cape May Lewes Ferry***

In February, vehicle and passenger traffic decreased 13.7% and 14.0%, respectively, when compared to February 2006. Compared to the average of the last three years, February vehicle traffic and passenger traffic decreased 12.4% and 14.0%, respectively. In February, fare revenues decreased 4.4% and fee revenues increased 0.2%, when compared to February 2006.

In February, CMLF food sales decreased 17.2% and retail sales decreased 19.7%, compared to February 2006. Year-to-date food and beverage decreased 0.8% and retail revenues decreased 12.7% when compared to 2006.

#### ***Airports***

Our maintenance employees stationed at New Castle Airport also did an excellent job of clearing snow and ice caused by the February storms. However, because of ripple impacts caused by weather along the East Coast, Delta Air Lines cancelled several flights.

Steve Williams and staff met with the Federal Aviation Administration's (FAA) Harrisburg Airport District Office (ADO) and the New York ADO to discuss the availability FAA grant funding for future capital improvements at our aviation facilities in Delaware and New Jersey.

#### ***Safety***

Bob Young continues to lead the charge with the help of his staff and supervisors throughout the Authority to reduce work-related injuries. Through February 2007, year-to-date injuries have decreased 33% compared to the same period in 2006.

#### ***Employee Happenings***

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

Authorized Positions	481
Positions Filled	431
Positions Filled (on LTD)	11
Total Positions that are Vacant	39

Michael Schirmer attended the Alliance Mid-Atlantic Small Business Procurement Fair in Atlantic City, NJ for the purpose of providing information and guidance to small firms interested in doing business with the Authority. In addition, Michael attended a working group meeting in Trenton, New Jersey concerning Minority/Women Business Enterprise advancement.

Sandra McKinney participated as a “judge” for the Salem Community College Science Fair sponsored by the DuPont Company. The Science Fair included submissions from over 300 Middle School students from grades 5 through 9 in seven South Jersey School Districts.

Andrew Ritchie and Joe Zecca participated in a career expo for the Brandywine School District. Approximately 800 students participated in the event at the Mount Pleasant High School in Wilmington. The event showcased local companies and organizations and the career areas they offer in an effort to raise awareness of possible future vocations.

Commissioner Patterson inquired about the Police department statistics that are no longer included in the report.

The Executive Director said that he will provide the Commissioners with this information in his bi-monthly updates.

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

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9560. COMMITTEE REPORT – BUDGET & FINANCE

Commissioner Patterson presented the following minutes of the Budget & Finance Committee meeting held on March 5, 2007.

**BUDGET & FINANCE COMMITTEE MEETING**  
**Monday, March 5, 2007**  
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, March 5, 2007, 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 Lowe

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

Governors’ Representatives

Bernard Pepukayi – DE

Sonia Frontera - NJ

Staff

Jim Johnson, Jr.  
Don Rainear  
Victor Ferzetti  
Jim Walls  
Trudy Spence-Parker  
Gerry DiNicola Owens  
Joe Larotonda  
Anna Marie Gonnella Rosato  
AJ Crescenzi  
John Jones  
Michelle Griscom-Collins

Authority Secretary

Tom Pankok

I. Committee Chair Patterson welcomed the Budget & Finance Committee and opened the meeting at approximately 9:05 a.m. The Authority Secretary reported

that the public meeting of the Budget & Finance Committee had been duly noticed in accordance with the Authority's Freedom of Information Regulations, read the Statement of Notice, and called the roll.

II. The Acting Chief Financial Officer provided a year-end review of the Operations for FY 2006.

- Expense and Revenue Comparison of Budget vs Actual for FY 2006
- Statements of Operating Income and Expense by Division

Committee Vice-Chair Simmerman questioned the estimated forecast for investment earnings for 2007. The Acting CFO reported that, on a percentage basis, we anticipated about a 5% return; however, on a dollar basis, we anticipate fewer earnings due to lower forecasted fund balances

The Acting Chief Financial Officer provided a review of the Operations for FY 2007.

- Expenditure Analysis by Division for the Period 2003-2007
- Expenditure Analysis by Category for the Period 2003-2007
- Major Increases and Decreases for FY 2007
- Proposed Budget Recommendations which transitions a 4.2% budget growth to a 1.5% growth scenario for 2007.

The Committee asked several questions which staff answered to their satisfaction. Commissioner Favre noted that it would be helpful to investigate concessions to evaluate how to best provide service in the future.

Commissioner Hensley questioned the status of controlling Authority legal fees. Staff reported that approximately \$900,000 was spent on legal fees for FY 2006. It was reported that staff met with both Delaware and New Jersey Legal Counsel to discuss the development of a plan to identify items which would not need legal review. Suggested items were Professional Services or Construction Contracts which had been bid and reviewed within the last 24 months. In addition, one principal attorney or technical expert per area as a point of contact had been discussed. Currently, the Authority Chair and Vice-Chair do not execute documents without the review and initialing of legal counsel from their respective States. The Chair and Vice-Chair would have to agree to execute certain documents without the legal review. Commissioner Hensley stressed that if the employees of the Authority are being impacted by reductions, the Authority's legal counsels should be willing to reduce costs as well. Committee Vice-Chair Simmerman suggested that Legal Fees be included on the Agenda for the Budget & Finance Committee on a more regular basis.

After discussion, the Committee gave no further direction regarding approval of the FY 2007 Operations Budget.

III. Miscellaneous Financial Matters

The Deputy Executive Director reported that, as a result of discussions with some of the Commissioners, a broader look at the Cape May-Lewes Ferry and the impact to the region was desired. It was further reported that the direction received from the Ad Hoc Committee decision was to conduct an Economic Impact Study for the Cape May-Lewes Ferry in conjunction with Rowan University and the University of Delaware. A Proposal and Scope of Work was developed; however the cost of the Study will exceed the \$50,000 threshold, requiring an RFP process pursuant to Procurement Resolution 98-31. The Deputy Executive Director requested that the Budget & Finance Committee waive the requirement to publicly bid. Resolution 98-31, Section III, gives the Budget & Finance Committee the ability to increase the \$50,000 threshold, thereby waiving the requirement to publicly bid due to special circumstances.

The Committee questioned the frequency of use of waiving the threshold. Staff reported that this has been used infrequently in the past and was used most recently for the purchase of a used bilge truck at a cost of \$56,000 and resulted in a savings of approximately \$100,000 for the cost of a new truck. The Deputy Executive Director also discussed the estimated 8 months to go through an RFP process and would like this Study to be completed simultaneously with the Hornblower Ferry Master Plan, which is expected to be completed in October, 2007.

After discussion, the Committee took no action at this time; however, requested copies of the previous Economic Impact Study and information regarding the process by which the professional services was procured, to be provided for review. In addition, staff was directed to provide the Proposal and Scope of Work for the new study in order to evaluate whether an RFP process should be conducted. Committee Vice-Chair Simmerman requested the materials be provided as soon as possible in order to evaluate and provide timely direction to staff.

With no further business to discuss, on motion by Commissioner Smith, the Budget & Finance Committee adjourned at 9:45 a.m.

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

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9561. COMMITTEE REPORT – PROJECTS

Commissioner Lowe presented the following minutes of the Projects Committee meeting held March 5, 2007.

**PROJECTS COMMITTEE**  
**Monday, March 5, 2007**  
Delaware Memorial Bridge Complex  
New Castle, Delaware

A public meeting of the Delaware River and Bay Authority’s Projects Committee was held on Monday, March 5, 2007, 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  
Vice-Chairman Parkowski  
Commissioner Patterson

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

Governors’ Representative

Bernard Pepukayi – DE

Sonia Frontera – NJ

Staff

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

Authority Secretary

Tom Pankok

Anne Marie Gonnella-Rosato

- I. The Projects Committee meeting convened at approximately 9:45 AM. Those in attendance were provided an informational package consisting of an agenda, contract close-out letters, and the monthly contractor payment chart.
- II. Resolutions/Bid Openings/Award Actions: None
- III. Contract Close-Out Actions:
  - CMLF-06-04, Miscellaneous Repairs and Reduction Gears Removal, Repairs and Reinstallation M/V New Jersey at the Cape May-Lewes Ferry was approved for final payment to the contractor, Lyon's Shipyard, Inc. of Norfolk, Virginia. The total price for this project is \$580,358.00.
  - CMLF-06-06, Bow Thruster Repairs M/V Cape May at the Cape May-Lewes Ferry was approved for final payment to the contractor, Lyon's Shipyard, Inc. of Norfolk, Virginia. The total price for this project is \$96,500.00.
  - MVA-01-01, Multi-purpose/Multi-tenant Hangar at Millville Airport was approved for final payment to the contractor, Stanker & Galetto, Inc. of Vineland, New Jersey. The total price for this project is \$4,433,732.87.
  - DAP-04-02, New Multipurpose Terminal/Hangar Building at Delaware Airpark was approved for final payment to the contractor, EDIS of Wilmington, Delaware. The total price for this project is \$2,598,505.98.
- IV. Miscellaneous Items/Updates: Staff provided an update on the following items.
  - Emergency Repair, Three Forts Crossing, Fort Mott – The COO reported that on February 5<sup>th</sup>, one of two steel piles that stabilize the Fort Mott floating barge was reported as damaged, resulting in the barge being unstable and causing significant damage to the timber finger pier. Since the repair was time sensitive due to the costly damage that could occur to either the timber finger pier or the floating barge if quick action wasn't taken, the Director of Engineering and Maintenance declared the situation a critical need (in accordance with Resolution 98-31) which authorized emergency repair. The Commerce Construction Company (Bridgeport, NJ) was mobilized to effect stabilization and immediate repair. Work was completed by February 23<sup>rd</sup>. Although invoices are not finalized, final costs are estimated to be \$190,000.
  - MVA-04-02, Taxiway "J" Rehabilitation, Millville Airport – Staff briefed the committee that the executed Federal Aviation Administration (FAA) project grant includes Add Alternate #2 (removal and reconstruction of pavement located in the vicinity of taxiway's "C" and "K") for this project. The cost of this additional work is \$192,490. The COO recommended that the executed contract with Glasgow, Inc be modified to accomplish this additional work (95% funding by FAA). The Committee concurred with the recommendation.
  - Prevailing Wage Policy Discussion – The COO briefed the Committee that the 2-year trial period regarding implementing a prevailing wage policy for all Authority funded capital projects in excess of \$2 million will expire in April 2007. Staff conducted a policy evaluation and briefed the Committee on its findings. After discussion, it was determined that this action would be tabled until the April meeting.
- V. Contractor Payment (through February): The COO informed the Committee of monthly construction contractor payments to be made in March.
- VI. There being no further business for the Projects Committee, the public meeting was adjourned at approximately 10:20 AM.

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

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9562. COMMITTEE REPORT – ECONOMIC DEVELOPMENT

Commissioner Smith presented the following minutes of the Economic Development Committee meeting held March 5, 2007.

**ECONOMIC DEVELOPMENT COMMITTEE**  
**Monday, March 5, 2007**  
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, March 5, 2007, at the Delaware Memorial Bridge Complex, New Castle, Delaware.

Commissioners from Delaware

PRESENT

Committee Vice-Chair Hensley  
Commissioner Patterson, Committee Member  
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 Rinear  
Victor Ferzetti  
Jim Walls  
Trudy Spence-Parker  
Gerry Owens  
Steve Williams  
Michelle Griscom-Collins  
Anna Marie Gonnella Rosato  
AJ Crescenzi

Authority Secretary

Tom Pankok

- I. The Committee Chair Smith welcomed the meeting of the Economic Development Committee and opened the meeting at approximately 10:39 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 Lease Agreements for Committee consideration.
  - Amendment to Resolution 05-28 Authorizing a Lease Agreement Between the Delaware River and Bay Authority and Lower Township Municipal Utilities Authority in the Township of Lower, New Jersey. The Amendment reflects the actual square footage after the completion of the construction of a water tower at the Cape May Airport. On motion by Commissioner Hensley, seconded by Commissioner Dorn, the Committee recommended approval of the Lease Amendment. A Resolution will be presented to the full Board for consideration at the March meeting.

- Citicorp Lease of 5,309 square feet of warehouse space in Building 6002-A for storage purposes at the New Castle Airport. On motion by Commissioner Dorn, seconded by Commissioner Hensley, the Committee recommended approval of the Lease Agreement. A Resolution will be presented to the full Board for consideration at the March meeting.

III. The Deputy Executive Director provided an update on the negotiations with the New Castle County Chamber of Commerce and the Lease of 12 Penns Way, formerly known as the DEMA building. AJ Crescenzi reported that a DRAFT Lease had been forwarded to the Chamber; however, negotiations continue regarding Termination of the Lease and additional requirements that NCCC has requested. It was reported that the Authority did not agree with or sign off on the Chamber's requested terms. Staff assured the Committee that the Authority's position had been conveyed to the Chamber during negotiations. The Executive Director reported that he had been receiving conflicting reports and requested a conference call with all parties to resolve the issue and to finalize negotiations.

III. There being no further business to discuss in Public Session, Committee Chair Smith 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

There being no further business to discuss, on motion by Commissioner Dorn, the Economic Development Committee adjourned at 11:20 a.m.

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

Chairperson Parkowski asked the status of the negotiations with the New Castle County Chamber of Commerce for lease of 12 Penns Way (DEMA building).

Authority Counsel Houghton stated that it was 99% negotiated. The Chamber agreed to the Authority's position and that he expects the Agreement will be completed in a matter of days.

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9563. COMMITTEE REPORT – PERSONNEL & FINANCE

Commissioner Lathem noted his absence at the March 5, 2007 Personnel Committee meeting and asked Commissioner Dorn to present the minutes. After Commissioner Dorn's briefing, Commissioner Lathem presented the minutes of today's Personnel Committee meeting held here in the Administrative Building. Commissioner Lathem noted that the Committee forwarded to the full Board Resolution 07-14 authorizing the Executive Director to extend an offer of employment for the Director of Ferry Operations.

**PERSONNEL COMMITTEE MEETING**  
**Monday, March 5, 2007**  
 Delaware Memorial Bridge Complex  
 New Castle, Delaware

A public meeting of The Delaware River and Bay Authority's Personnel Committee was held on Monday, March 5, 2007, at the Delaware Memorial Bridge Complex, New Castle, Delaware.

Commissioners from Delaware

Commissioners from New Jersey

PRESENT

Commissioner Lowe, Committee Member  
Commissioner Patterson  
Commissioner Hensley  
Chairperson Parkowski

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

Governors' Representatives

Bernard Pepukayi – DE

Sonia Frontera - NJ

Staff

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

Authority Secretary

Tom Pankok

- I. Committee Vice-Chair Dorn welcomed the Personnel Committee and opened the meeting at approximately 10:22 a.m. The Authority Secretary reported that the public meeting of the Personnel & Insurance Committee had been duly noticed in accordance with the Authority's Freedom of Information Regulations, read the Statement of Notice, and called the roll.

The Committee Vice-Chair 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

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

There being no further business to discuss, on motion by Commissioner Lowe, seconded by Commissioner Favre, the Personnel Committee adjourned at 10:37 a.m.

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**PERSONNEL COMMITTEE MEETING**

**Monday, March 20, 2007**

Delaware Memorial Bridge Complex  
New Castle, Delaware

A public meeting of The Delaware River and Bay Authority's Personnel Committee was held on Monday, March 20, 2007, 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  
Commissioner Patterson  
Chairperson Parkowski

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

Legal Counsel

Mike Houghton – DE

Phil Norcross - NJ

Governors' Representatives

Sonia Frontera - NJ

Staff

Jim Johnson

Don Rainear

Victor Ferzetti

Jim Walls

Trudy Spence-Parker

Gerry DiNicola Owens

Authority Secretary

Tom Pankok

- II. Committee Chair Lathem welcomed the Personnel Committee and opened the meeting at approximately 9:05 a.m. The Authority Secretary reported that the public meeting of the Personnel & Insurance Committee had been duly noticed in accordance with the Authority's Freedom of Information Regulations, read the Statement of Notice, and called the roll. Committee Members Cooper and DeLanzo, as well as Commissioners Hensley and Simmerman, arrived after the roll call.

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

The following matters of a confidential nature were discussed.

- PERSONNEL MATTERS

On motion by Commissioner Favre, seconded by Commissioner Lowe, the Personnel Committee was opened to the public. At the request of Authority Vice-Chair Hogan, Committee Chair Lathem called for a motion to recess.

After the brief recess, the Personnel Committee reconvened in public session. Committee Chair Lathem reported that, although he had not participated in the interviews for Director-Ferry Operations, the majority of the Personnel Committee had been able to participate. Committee Chair Lathem presented the proposed Resolution to Authorize the Executive Director to Extend an Offer of Employment. The Resolution was motioned by Commissioner Lowe and seconded by Commissioner Cooper. Authority Vice-Chair Hogan noted that specific working conditions (i.e. that the job is based in New Jersey) will need to be addressed in the offer letter. The Committee then recommended approval of Resolution 07-14. The Resolution will be presented to the full Board for consideration during the public session.

There being no further business to discuss, on motion by Commissioner Lowe, the Personnel Committee adjourned at 10:28 a.m.

Without objection, the March 5 and 20, 2007 Personnel Committee reports were ordered filed with the permanent records of the Authority.

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9564. 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 January.

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

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9565. 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 January 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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9566. DELAWARE RIVER AND BAY AUTHORITY – OPERATING EXPENSE BY DIVISION.

The Acting CFO presented a chart for February 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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9567. DELAWARE RIVER AND BAY AUTHORITY – CAPITAL IMPROVEMENT PROGRAM.

The Acting CFO presented a chart for the month of February 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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9568. DELAWARE RIVER AND BAY AUTHORITY – CASH POSITION (MARKET VALUE) AS OF FEBRUARY 28, 2007.

The Controller 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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9569. PUBLIC COMMENT ON ACTION ITEMS.

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

- Contract Close-out CMLF-06-04 Misc Repairs and Reduction Gears Removal M/V New Jersey
- Contract Close-out CMLF-06-06 Bow Thruster Repairs M/V Cape May
- Contract Close-out DAP-04-02 New Multipurpose Terminal/Hangar Building DE Airpark
- Contract Close-out MVA-01-01 Multi-purpose/Multit-tenant Hangar Millville Airport
- Resolution 07-12 Authorizes a Lease Agreement with Citicorp at New Castle Airport
- Resolution 07-13 Amends Resolution 05-28 Lease Agreement with Lower Township MUA
- Resolution 07-14 Authorizing the Executive Director to Extend an Offer of Employment

There were no comments from the public.

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9570. SUMMARY OF AUTHORIZED CONTRACT PAYMENTS.

<u>Contractor</u>		<u>Payment</u>
DMB-04-04	J.D. Eckman, Inc.	\$198,662.95
CMLF-06-06	Lyon's Shipyard, Inc.	\$ 96,500.00
CMLF-06-01	TTI Environmental, Inc.	\$ 8,235.00
CMLF-06-04	Lyon's Shipyard, Inc.	\$ 22,280.00
NCA-01-02	Diamond Materials	\$ 30,000.00
DAP-04-02	EDIS	\$ 1,000.00
MVA-01-01	Stanker and Galetto, Inc.	\$ 1,000.00

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9471. APPROVAL OF FINAL PAYMENT OF CONTRACT NO. CMLF-06-04, MISCELLANEOUS REPAIRS AND REDUCTION GEARS REMOVAL, REPAIRS AND REINSTALLATION M/V NEW JERSEY

On November 30, 2006 Contract No. CMLF-06-04, Miscellaneous Repairs and Reduction Gears Removal, Repairs and Re-installation M/V New Jersey, was awarded to Lyon's Shipyard, Inc. of Norfolk, Virginia for the bid price of \$649,200.00.

During the contract period, Change Order No.'s 1-2 were approved for the project.

1. February 16, 2007 Adjustments in quantities to reflect actual field conditions.  
Subtract: \$68,842.00.

It is recommended that the Authority accept the project and make final payment to the contractor. The total price for this project is \$580,358.00.

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9472. APPROVAL OF FINAL PAYMENT OF CONTRACT NO. CMLF-06-06, BOW THRUSTER REPAIRS M/V CAPE MAY

On January 30, 2007 Contract No. CMLF-06-06, Bow Thruster Repairs M/V Cape May, was awarded to Lyon's Shipyard, Inc. of Norfolk, Virginia for the bid price of \$94,000.00.

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

1. February 21, 2007 Adjustments in quantities to reflect actual field conditions.  
Add: \$2,500.00.

It is recommended that the Authority accept the project and make final payment to the contractor. The total price for this project is \$96,500.00.

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9473. APPROVAL OF FINAL PAYMENT OF CONTRACT NO. MVA-01-01, MULTIPURPOSE/MULTI-TENANT HANGAR, MILLVILLE AIRPORT

On October 1, 2002 Contract No. MVA-01-01, Multi-purpose/Multi-tenant Hangar, was awarded to Stanker & Galetto, Inc. of Vineland, New Jersey for the bid price of \$3,976,435.00.

During the contract period, Change Order No's.1-11 were approved for the project.

1. February 23, 2007 Adjustments in quantities to reflect actual field conditions.  
Add: \$457,297.87.

It is recommended that the Authority accept the project and make final payment to the contractor. The total price for this project is \$4,433,732.87.

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9474. APPROVAL OF FINAL PAYMENT OF CONTRACT NO. DAP-04-02, NEW MULTIPURPOSE TERMINAL/HANGAR BUILDING

On July 1, 2004 Contract No. DAP-04-02, New Multipurpose Terminal/Hangar Building, was awarded to EDIS of Wilmington, Delaware for the bid price of \$2,355,413.00.

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

1. February 23, 2007 Adjustments in quantities to reflect actual field conditions.  
Add: \$243,092.98.

It is recommended that the Authority accept the project and make final payment to the contractor. The total price for this project is \$2,598,505.98.

On motion by Commissioner Favre, seconded by Commissioner Simmerman, the recommendation of the COO and the Projects Committee to closeout Contracts CMLF-06-04, CMLF-06-06, MVA-01-01 and DAP-04-02 were unanimously approved by a roll call vote of 12-0.

Chairperson Parkowski stated that the Delaware Airpark Multi Hangar project has been a success story in the Authority's economic development efforts.

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9575. CHAIRPERSON'S CALL FOR ACTION ON THE RESOLUTIONS BEFORE THE BOARD.

**RESOLUTION 07-12 - LEASE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND CITICORP AT THE NEW CASTLE AIRPORT.**

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

WHEREAS, Citicorp desires to lease Building 6002-A at the Airport, containing 5,309 square feet of rentable space; and

WHEREAS, Citicorp has agreed to pay the Authority Two Thousand Seven Hundred and Eighty-Five dollars (\$2,785.00) monthly rent during the initial during of the Lease Agreement ("Lease Agreement"); and

WHEREAS, the initial term of the Lease Agreement is for six (6) months; and

WHEREAS, Citicorp shall have the option of renewing the Lease Agreement for two periods of three (3) months.

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

A motion to approve Resolution 07-12 was made by Commissioner Cooper, seconded by Commissioner Dorn and approved by a roll call vote of 12-0.

\* \* \* \* \*

**RESOLUTION 07-13 - AMENDING RESOLUTION 05-28  
AUTHORIZING A LEASE AGREEMENT BETWEEN THE DELAWARE RIVER  
AND BAY AUTHORITY AND LOWER TOWNSHIP MUNICIPAL UTILITIES  
AUTHORITY IN THE TOWNSHIP OF LOWER, NEW JERSEY**

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

WHEREAS, the Lower Township Municipal Utilities Authority (“MUA”) desires to construct a water tower at the Airport; and

WHEREAS, the MUA desires to lease approximately 12,000 square feet of land at the Airport upon which the water tower will be constructed; and

WHEREAS, the MUA has agreed to pay the Authority \$0.18 per square foot of land; and

WHEREAS, the initial term of the Lease Agreement is for twenty-two (22) years; and

WHEREAS, rent during the initial term shall be adjusted annually by the Consumer Price Index (CPI) and shall be adjusted to the FMV at years 10 and 20.

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

A motion to approve Resolution 07-13 was made by Commissioner Smith, seconded by Commissioner Dorn and approved by a roll call vote of 12-0.

\* \* \* \* \*

**RESOLUTION 07-14 – AUTHORIZING THE EXECUTIVE DIRECTOR  
TO EXTEND AN OFFER OF EMPLOYMENT**

WHEREAS, The Delaware River and Bay Authority (the “Authority”) adopted Resolution 01-85 at its October 16, 2001 public meeting; and

WHEREAS, Resolution 01-85 amended Section I entitled, “Employment Procedure of the Authority’s Personnel Manual”; and

WHEREAS, that amendment requires that persons being hired, transferred or promoted into specific positions require written recommendation of the Personnel Committee and the Chair and Vice-Chair; and

WHEREAS, that amendment further requires that persons being hired, transferred or promoted into specific positions shall be expressly approved by a vote of the Commissioners taken at a regular meeting of the Commissioners; and

WHEREAS, the Authority has duly advertised, recruited and interviewed for the position of Director of Ferry Operations; and

WHEREAS, the Board of Commissioners hereby authorizes and directs the Executive Director to make this offer of employment; and

WHEREAS, the adoption of this Resolution hereby approves such offer of employment and meets all applicable requirements of Resolution 01-85; and

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized and directed to make an offer of employment to the designated candidate for the position of Director of Ferry Operations.

Commissioner Favre added that the offer letter of employment shall be based on two conditions (1) the job is based in New Jersey and (2) the office is based in New Jersey and that there be monitoring of the position by the Executive Director.

A motion to approve Resolution 07-14 with the conditions noted by Commissioner Favre was made by Commissioner Lathem, seconded by Commissioner Lowe. With Commissioner Patterson voting no, Resolution 07-14 was approved by a roll call vote of 11-1.

Commissioner Parkowski commended all who worked on filling this position.

\* \* \* \* \*

9576. COMMISSIONERS PUBLIC FORUM

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

Dr. Eric Powell, Director, Haskin Shellfish Research Laboratory, updated the Board on the Shell-planting Program that the DRBA has contributed economic dollars to. He noted that in the two (2) years of the Program, the Authority's cash contribution of \$150,000 along with \$3.3M federal and \$1M in other contributions has added \$70M in the regions economy. Dr Powell is anticipating an additional \$2M in federal grants to continue the Program and that he is requesting the Authority consider supporting the Program for another year.

Chairperson Parkowski asked Dr. Powell how much support is needed and the timing of the commitment.

Dr. Powell stated that the resources need to be received by early May and that the cash match requested of the Authority is \$134,000. This is the last cash match requirement because a new funding program will not require it.

Dr. Powell, responding to a question from Commissioner Simmerman, stated that the DRBA provided the full cash match of \$150,000 during the 2-year program and that state agencies cannot write checks.

Chairperson Parkowski thanked Dr. Powell for the update.

There were no further public comments.

Commissioner Patterson noted that at the April Budget & Finance Committee meeting a year end review will be given by the Authority's auditors and that all are welcome to attend.

Commissioner Dorn thanked the Authority for the flowers sent to him on the passing of his sister.

Vice-Chairperson Hogan stated that there are two issues that he would like to discuss with the Board at a future meeting. One is the RFP for an analysis of the economic impacts of the Ferry and (2) litigation issues.

\* \* \* \* \*

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

The meeting was adjourned 11:06 a.m.

Respectfully submitted,

THE DELAWARE RIVER AND BAY AUTHORITY

Thomas A. Pankok  
Secretary