

MINUTES OF MEETING

THE DELAWARE RIVER AND BAY AUTHORITY

Tuesday, March 15, 2005  
James Julian Board Room  
DRBA Administration Building  
New Castle, Delaware 19720

The meeting convened at 11:00 a.m. with Chairperson Wallace presiding.

The opening prayer was given by Father Stanley Drupieski followed by the Pledge of Allegiance led by Colonel John McCarnan.

Chairperson Wallace called on the Deputy Executive Director to read the meeting notice and take roll.

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

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Commissioners from New Jersey

Commissioners from Delaware

PRESENT

Warren S. Wallace, Chairperson  
Edward W. Dorn  
Niels S. Favre  
John M. Jackson  
Maureen T. Koebig

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

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9196. APPROVAL OF THE FEBRUARY 15 AND FEBRUARY 23, 2005 MINUTES

On motion by Commissioner Koebig and seconded by Commissioner Lowe the minutes of the February 15, 2005 and February 23, 2005 meetings were approved by a roll call vote of 11-0.

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9197. EXECUTIVE DIRECTORS'S REPORT

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

Last month, our employees responded very well to numerous snow and icy weather conditions across the Authority to maintain operations and to ensure the safety of the traveling public. Their outstanding performance and dedication to duty minimized the adverse weather impact to our customers.

AIRPORTS

Staff conducted a series of quarterly on-site airport meetings for tenants of New Castle Airport, Delaware Airpark, Millville Airport, and Cape May Airport. Information related to short and long-term planning initiatives was presented. Airport operations and tenant issues were also raised and addressed at these meetings.

Construction at Delaware Airpark for the new joint Delaware State University-Delaware River and Bay Authority hangar/terminal facility is progressing. The facility is weather-tight and interior activities are underway. This facility should enter service in May.

The Millville Airport security fencing and gating contract is substantially complete with only punch-list items remaining. Construction of the new vehicle storage and operations facility at Millville Airport and the new vehicle storage facility at the Cape May Airport is ongoing and both should enter service in fall 2005.

CAPE MAY-LEWES FERRY

In February, vehicle traffic decreased 10.3% when compared to the 3-year (2002-2004) February average. Passenger traffic decreased 14.2% in comparison to the 3-year average. Compared to the average of the last three years, year-to-date vehicle traffic and passenger traffic have declined 11.7% and 11.0%, respectively.

Internet ferry reservations in February represented 38.9% of total ferry reservations. In February, customer sales of six-trip ferry discount tickets (NT6) increased 20.1% when compared to the 3-year January average.

The Cape May Terminal renovation construction activities have progressed as planned. The project involves the renovation of the "old" public terminal for use as CMLF administration and operations space. The project is on schedule should be completed in July 2005.

DELAWARE MEMORIAL BRIDGE

Total traffic during February increased by 0.8% when compared to the 3-year (2002-2004) February average. Total bridge traffic for February was down 8.24% from the same month in 2004.

E-ZPass traffic continues to increase on the Delaware Memorial Bridge. E-ZPass traffic for February 2005 represented 52.5% of the total overall traffic as compared to 48.7% for the previous year.

Despite cold and adverse winter weather conditions, the contractor working on the electrical renovations of the Delaware Memorial Bridge continued to make good progress. All work is standard and the contractor's safety record has been excellent. This contractor on schedule to complete this work in 2006, as scheduled.

HUMAN RESOURCES

|                             |                      |                  |
|-----------------------------|----------------------|------------------|
| <u>Permanent Full-Time:</u> | Authorized Positions | Filled Positions |
|                             | 481                  | 442              |

POLICE

On Tuesday, February 22, a motor vehicle crash involving a tractor-trailer occurred at the Delaware Memorial Bridge toll plaza. The tractor-trailer was driving at an unsafe speed, was unable to stop due to faulty brakes, struck the concrete abutment prior to the tollbooth, and struck another motor vehicle. Both drivers and the passenger were treated for minor injuries and released. The toll collector, Hugh Sweeney, was uninjured. Immediately following the crash, Mr. Sweeney took quick and decisive action by closing the toll lane and directing traffic around the accident scene until Authority police and maintenance personnel arrived. Four toll lanes were closed for approximately two hours for removal of the damaged vehicles, accident investigation, and clean up of debris. All other lanes remained open and only minor traffic delays occurred. Mr. Sweeney is commended for his excellent performance in the handling of this situation.

Summary of Police activities:

|                      |                  |                  |
|----------------------|------------------|------------------|
| Enforcement/Activity | February<br>2004 | February<br>2005 |
|----------------------|------------------|------------------|

|                    |     |     |
|--------------------|-----|-----|
| Traffic Summons    | 603 | 184 |
| Criminal Arrests   | 22  | 17  |
| Traffic Accidents  | 18  | 19  |
| Traffic Reprimands | 533 | 277 |

|                   |                  |                  |
|-------------------|------------------|------------------|
| Aid to Motorists  | February<br>2004 | February<br>2005 |
| Disabled Vehicles | 120              | 107              |
| Public Assists    | 50               | 23               |
| Medical Assists   | 4                | 6                |
| Acrophobiacs      | 27               | 30               |

Chairperson Wallace stated that the Board would like to recognize Mr. Hugh Sweeney for his quick action during the February 22, 2005 motor vehicle crash involving the tractor-trailer incident at the DMB toll plaza. Executive Director Johnson concurred.

The Executive Director stated that the next six board meetings will be held offsite at a location within the State of Delaware and within the four jurisdictional counties in New Jersey. The sites are posted on the Authority's website and will be noted on all public notices of Commission meetings.

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9198. COMMITTEE REPORT – BUDGET & FINANCE

Commissioner Jackson presented the following minutes of the Budget & Finance meeting held March 1, 2005.

A public meeting of the Delaware River and Bay Authority's Budget & Finance Committee was held on Tuesday, March 1, 2005, at the Delaware Memorial Bridge Complex, New Castle, Delaware.

Commissioners from New Jersey

Commissioners from Delaware

PRESENT

Committee Chair Jackson  
 Commissioner Koebig, Cmte Mbr, via phone  
 Commissioner Favre, Cmte Mbr, via phone  
 Commissioner Dorn

Committee Vice-Chair Patterson  
 Commissioner Lathem, Committee Member  
 Commissioner Lowe  
 Vice-Chairperson Parkowski, via phone

Staff

Authority Secretary

Jim Johnson  
 Jim Walls  
 Trudy Spence-Parker  
 Gerry DiNicola Owens  
 Victor Ferzetti  
 Joe Larotonda  
 Anna Marie Gonnella Rosato  
 AJ Crescenzi  
 Ken Hynson

Tom Pankok

- I. Committee Chair Jackson welcomed the Budget & Finance Committee and opened the meeting at approximately 10:45 a.m. The Chair reported that the public meeting of the Budget & Finance Committee had been duly noticed in accordance with the Authority's Freedom of Information Regulations, read the Statement of Notice, and called the roll.
- II. The Committee reviewed the Community Contribution requests for March. After review of the requested contributions, on motion by Commissioner Patterson, seconded by Commissioner Dorn, the Committee approved requests from Delaware totaling \$59,500 and requests from New Jersey totaling \$41,300 for a grand total of \$100,800. A Resolution

authorizing the approved requests will be presented for full Board consideration at the March meeting.

III. The Acting Chief Financial Officer reviewed the proposed Resolution listing vendors over \$25,000. On motion by Commissioner Patterson, seconded by Commissioner Dorn, the Committee recommended approval of the vendors. The Resolution authorizing the list of vendors will be presented for full Board consideration at the March meeting.

IV. The Acting Chief Financial Officer gave an update on the 2005 Bond Refunding. The market still remains volatile and the rating agencies and bond insurers have been contacted with responses anticipated by the end of the week. Documents should be in the final format and printed by the end of the week. The Acting Chief Financial Officer will continue to monitor the market. It was further reported that the Authority had not yet received signed meeting minutes from the New Jersey Governor’s Authorities Unit regarding the expedited veto period which would permit the Authority to move forward with this transaction. The expiration of the veto period for the New Jersey Governor is March 10, 2005. If the March 10<sup>th</sup> veto expiration still stands, the transaction will move to the following week. Commissioner Patterson questioned the degree of savings loss before the transaction would be stopped. Staff reported that the Resolution authorizing the transaction obligates the Authority to 3% savings. Staff will continue to update the Committee as necessary.

IV. Miscellaneous Finance Matters:

The Acting Chief Financial Officer reported that the Authority is currently undergoing its annual end-of-year audit process. To date, no problems or issues have been identified.

There being no further business to discuss, on motion by Commissioner Dorn, seconded by Commissioner Lathem, the Budget and Finance Committee adjourned at 11:04 a.m.

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9199. COMITTEE REPORT – PERSONNEL & INSURANCE

Commissioner Dorn presented the following minutes of the Personnel & Insurance meeting held March 1, 2005.

A public meeting of the Delaware River and Bay Authority’s Personnel & Insurance Committee was held on Tuesday, March 1, 2005, at the Delaware Memorial Bridge Complex, New Castle, Delaware.

Commissioners from New Jersey

Commissioners from Delaware

PRESENT

Committee Chair Dorn  
Commissioner Jackson, Committee Member  
Commissioner Koebig, CmteMbr via phone  
Commissioner Favre, via phone

Committee Vice-Chair Lathem  
Commissioner Lowe, Committee Member  
Commissioner Patterson  
Commissioner Hensley, via phone

Staff

Authority Secretary

James Johnson, Jr.  
Jim Walls  
Trudy Spence-Parker  
Gerry DiNicola Owens  
Victor Ferzetti

Tom Pankok

I. Committee Chair Dorn welcomed the Personnel & Insurance 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. The meeting was preceded by an Executive Session, closed to the public to discuss matters of a confidential nature.

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

The following matters of a confidential nature were discussed.

- CONTRACT NEGOTIATIONS:
  - MEBA Update
  - Local 542 Update
- LONG TERM PLANNING ALTERNATIVES:
  - Healthcare Expense Update  
The Chief Human Resource Officer reviewed steps the Authority has already undertaken to begin to manage increased healthcare costs; recommendations for discussion and possible implementation during 2005; and comparable healthcare data to other Authorities and State Governments.

There being no further business in the Executive Session, on motion by Commissioner Lathem, seconded by Commissioner Jackson, the session was opened to the public.

DRBA Story Update:

The Executive Director gave an historical background, process, and update regarding the development of Strategic Planning for the Delaware River and Bay Authority. This process of establishing the mission, strategic objectives, and values has become known as The DRBA Story. As a result of conducting interviews with every employee who wished to participate, four issues were identified by employees. Employee Task Teams were established to address Communication, Chain of Command, Employee Recognition & Social Activities, and the establishment of a Leadership Institute. As the process has progressed, an off-site meeting was conducted with the Executive Director’s direct reports and the Chief Operations Officer’s direct reports. The purpose of that meeting was to establish departmental goals for 2005. An additional meeting has been scheduled to incorporate into the goals for 2005, some of the implementable recommendations resulting from the four Task Teams. In moving the organization forward, the Executive Director reported that he would utilize this master schedule of goals to develop and present issues to the Board for consideration. After discussion, the Committee supported the Executive Director’s initiative and direction.

There being no further business, Committee Chair Dorn requested an Executive Session for Commissioners only. On motion by Commissioner Lowe, seconded by Commissioner Lathem, the Personnel & Insurance Committee Meeting adjourned at 9:53a.m.

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9200. COMMITTEE REPORT – PROJECTS COMMITTEE

Commissioner Hensley presented the following minutes of the Projects Committee meeting held March 1, 2005.

A public meeting of the Delaware River and Bay Authority’s Projects Committee was held on Tuesday, March 1, 2005, at the Delaware Memorial Bridge Administration Building, New Castle, Delaware.

Commissioners from New Jersey

Commissioners from Delaware

PRESENT

Commissioner Vice Chair Dorn  
Commissioner Koebig, Comm. Mbr, via phone  
Commissioner Favre, Comm. Mbr, via phone  
Commissioner Jackson

Committee Chair Hensley, via phone  
Commissioner Patterson, Comm. Mbr  
Commissioner Lowe, Comm. Mbr  
Commissioner Lathem

Staff

Jim Johnson  
Jim Walls  
Victor Ferzetti  
Trudy-Spence Parker  
Gerry DiNicola-Owens  
John Jones  
Anna Marie Gonnella-Rosato

Authority Secretary

Tom Pankok

- I. The Projects Committee meeting convened at approximately 10:15 a.m. Those in attendance were provided an informational package consisting of an agenda and monthly contractor payment chart.
- II. Bid Openings/Award Actions: None
- III. Contract Close-Out Actions: None
- IV. Resolutions: Discussion was held regarding continuing the existing prevailing wage policy on a trial basis for all Authority funded capital projects in excess of \$2 million, in addition to all projects where the Authority is in receipt of Federal or State funds. Staff conveyed that some special circumstances might arise pertaining to shipyard work, but that when these situations occur, there are procedural mechanisms already in- place to do what is in the best interest of the Authority. After discussion regarding length of time for continuance of existing policy, it was determined that the current policy be continued for another two (2) years until April 2007. Staff was directed to draft and present a resolution for the March Board meeting.
- V. Miscellaneous Actions and Discussion Items: Staff briefed the committee that the bid opening for DMB-04-04, DMB Expansion Joint Rehabilitation, a multi-year construction project, was held and that two (2) firms submitted bids. Staff reported that this project is a prevailing wage project. Staff also recommended that award of this contract be placed on the April board agenda to allow staff time to conduct further due diligence. It was reported that the contract documents allow the Authority ninety (90) calendar days to award after opening proposals. The Projects Committee concurred with the recommendation.
- VI. Contractor Payment (through February): Staff briefed the Committee on monthly construction contractor payments.
- VII. There being no further business for the Projects Committee, the public meeting was adjourned at approximately 10:45 a.m.

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9201. COMMITTEE REPORT – ECONOMIC DEVELOPMENT

Commissioner Koebig presented the following minutes of the Economic Development meetings held February 23, 2005 at the Lewes Ferry Terminal building in Lewes, DE. and March 1, 2005 at the Delaware Memorial Bridge in New Castle, DE.

ECONOMIC DEVELOPMENT COMMITTEE  
**Wednesday, February 23, 2005**  
Lewes Ferry Terminal  
Lewes, Delaware

A public meeting of the Economic Development Committee of the Delaware River and Bay Authority was held on Wednesday, February 23, 2005 at the Lewes Ferry Terminal, Lewes, Delaware.

Commissioners from New Jersey

Commissioners from Delaware

PRESENT

Committee Chair Koebig  
Commissioner Favre

Committee Vice-Chair Lowe

Staff

James Johnson , Jr.  
Don Rainear  
A.J. Crescenzi

I. Committee Chair Koebig welcomed the Economic Development Committee and opened the meeting at approximately 2:30 p.m. The Deputy Executive Director reported that the public meeting of the Economic Development Committee had been duly noticed in accordance with the Authority’s Freedom of Information Regulations and read the Statement of Notice. Chairperson Koebig called the roll. It was determined that a quorum of the Committee was not present. The Commissioners present asked the staff for an update on certain projects and an informal discussion ensued.

The Commissioners present discussed the following items.

- II. Resolutions that set out procedures for analyzing and approving potential economic development projects.
- III. Status of current projects including South Jersey Technology Park, Delaware State University, Port of Wilmington, and Dessault Falcon.
- IV. Long term planning for the development of future projects in both states.
- V. Support for legislation that would provide Urban Enterprise Zone (UEZ) status to portions of Lower Township in Cape May County.

There being no further discussion, the meeting ended at approximately 4:15 p.m.

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ECONOMIC DEVELOPMENT COMMITTEE  
**Tuesday, March 1, 2005**  
 Delaware Memorial Bridge Complex  
 New Castle, Delaware

A public meeting of the Delaware River and Bay Authority’s Economic Development Committee was held on Tuesday, March 1, 2005, at the Delaware Memorial Bridge Complex, New Castle, Delaware.

Commissioners from New Jersey

Commissioners from Delaware

PRESENT

Committee Chair Koebig, via phone  
Commissioner Jackson, Committee Member  
Commissioner Dorn  
Commissioner Favre, via phone

Committee Vice-Chair Lowe  
Commissioner Lathem  
Commissioner Patterson  
Vice-Chairperson Parkowski, via phone

Staff

James Johnson, Jr.  
Jim Walls  
Trudy Spence-Parker  
Gerry DiNicola Owens  
AJ Crescenzi  
Anna Marie Gonnella Rosato

Authority Secretary  
Tom Pankok

Michelle Griscom-Collins  
Victor Ferzetti

- II. Committee Chair Koebig welcomed the Economic Development Committee and opened the meeting at approximately 11:05 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.

The Committee reviewed and discussed the following items.

- II. Airport Economic Development Projects:

New Castle Airport Action Items:

Resolutions:

- Lease Agreement with Fixed Base Operators – Staff reported that this Resolution authorizes Lease Agreements for short-term use of hangar facilities with a list of specified users pursuant to the attached fee schedule. Rates shall be effective for a one-year period and will be increased by the Consumer Price Index (CPI) annually.
- Amendment to the New Castle Airport Ground Lease – Staff reported that the initial Lease Agreement with New Castle County for the New Castle Airport has twenty years remaining on the original term. This Resolution authorizes a Lease Amendment to allow the Authority to enter into long-term leases with tenants, and would obligate the County to honor those leases. Commissioner Patterson questioned why a new term date with New Castle County was not negotiated. Staff reported that the initial term of the Lease Agreement with the County was for thirty years with two thirty-year renewable options. This amendment is necessary because the Initial Term of the Ground Lease has approximately twenty years remaining and it will be increasingly difficult to attract investment in the Airport as the length of the Initial Term continues to decrease.

Cape May Airport Action Items:

- Lease Agreement with Cornerstone Grill – Staff reported that this Resolution authorizes a Lease Agreement for a new food service tenant at the Cape May Airport.
- Lease Agreement with Cape-Atlantic Marble & Granite, LLC – Staff reported that this Resolution authorizes a Lease Agreement for two condo-type units at the Cape May Airport.

Miscellaneous Items:

- The Executive Director reported that he has been notified by the City of Lewes that one of the current land leases for the Lewes Terminal is due to expire. The Resolution authorizes the Executive Director to execute a new land lease. Delaware Legal Counsel is also currently working to compile and organize all land leases at the Lewes Terminal.
- Staff reported that Lower Township and Woodbine Borough, New Jersey are currently seeking authorization to become an Urban Enterprise Zone. In an effort to improve economic conditions in those areas, which would include the Cape May Airport, Senator Asselta and Assemblyman Gibson, requested the Authority's support. This support would be in the form of a Resolution, similar to the support shown for the Millville area. The Committee requested that a copy of the legislation be reviewed by New Jersey Legal Counsel to ensure that a Resolution would be consistent with the action taken.

The Committee gave a unanimous voice vote in support of the five Resolutions presented for full Board consideration.



There being no further business, on Motion by Commissioner Lowe, seconded by Commissioner Jackson, the Economic Development Committee was adjourned at 11:21 a.m.

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9202. DELAWARE RIVER AND BAY AUTHORITY – TRAFFIC AND REVENUE SUMMARY.

The Acting Chief Financial Officer (CFO) presented a chart showing Actual versus Projected Revenues for the Delaware Memorial Bridge, the Cape May-Lewes Ferry, Airports, Three Forts Ferry Crossing, and Food Services for the month of January.

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

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9203. DELAWARE RIVER AND BAY AUTHORITY – STATEMENT OF INCOME AND EXPENSE.

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

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

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9204. DELAWARE RIVER AND BAY AUTHORITY – OPERATING EXPENSE BY DIVISION.

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

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

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9205. DELAWARE RIVER AND BAY AUTHORITY – CAPITAL IMPROVEMENT PROGRAM.

The Acting CFO presented a chart 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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9206. DELAWARE RIVER AND BAY AUTHORITY – CASH POSITION (MARKET VALUE) AS OF FEBRUARY 28, 2005.

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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9207. PUBLIC COMMENT ON ACTION ITEMS.

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

Resolution 05-08 Approval of Community Contribution Requests  
 Resolution 05-09 Authorizes Authority Expenditures At Or Over \$25,000  
 Resolution 05-10 Continues Prevailing Wage Policy On A Trial Basis  
 Resolution 05-11 Lease Agreement With Cornerstone Grill at Cape May Airport  
 Resolution 05-12 Lease Agreement With Cape-Atlantic Marble & Granite At Cape  
 May Airport  
 Resolution 05-13 Lease Agreement With Fixed Base Operators At New Castle Airport  
 Resolution 05-14 Amends The Ground Lease With New Castle County Relating To  
 The New Castle Airport  
 Resolution 05-15 Authorizes A Renewal Of Various Leases With The City Of Lewes  
 In Connection With Parcels Of Land Comprising The Lewes  
 Ferry Terminal And Surrounding Land

There were no public comments.

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9208. SUMMARY OF AUTHORIZED CONTRACT PAYMENTS.

The Chief Operating Officer (COO) reviewed the following Summary of Authorized Contract Payments for February.

| <u>Contractor</u> |                              | <u>Payment</u> |
|-------------------|------------------------------|----------------|
| DMB-01-06         | Cianbro Corporation          | \$623,214.40   |
| CMLF-01-06        | Stanker & Galetto            | \$322,575.30   |
| CMLF-04-07        | PKF-Mark III, Inc.           | \$310,906.80   |
| DAP-04-02         | EDIS                         | \$131,990.49   |
| MVA-01-01         | Stanker & Galetto, Inc.      | \$ 48,566.42   |
| MVA-02-02         | State Hi-Way Safety          | \$ 7,339.50    |
| MVA-04-01         | Delta Line Construction      | \$ 22,987.35   |
| MVA-04-03         | Stanker & Galetto, Inc.      | \$ 47,436.30   |
| CMA-02-02         | Highway Safety Systems, Inc. | \$ 2,750.00    |
| CMA-04-01         | Delta Line Construction      | \$ 7,157.97    |
| CMA-04-02         | Delta Line Construction      | \$256,472.15   |
| CMA-04-03         | TNT Construction Co., Inc.   | \$ 54,810.00   |

A motion to approve the authorized contract payments was made by Commissioner Dorn, seconded by Commissioner Lowe and approved by a voice vote of 11-0.

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9209. CHAIRPERSON'S CALL FOR ACTION ON THE RESOLUTIONS BEFORE THE BOARD

The Executive Director presented the following Resolutions.

**RESOLUTION 05 - 08 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 March, 2005; and

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

Community Contributions

New Jersey

|   |                         |
|---|-------------------------|
| Boys Scouts of America Southern New Jersey Council Incorporated | \$ 10,100               |
| Center for Community Arts                                       | \$ 2,500                |
| Elmer Library Association Incorporated                          | \$ 2,200                |
| HomeCare and HospiceCare of South Jersey                        | \$ 5,000                |
| Salem Community College Foundation                              | \$ 18,000               |
| The Arc of Salem County   | \$ 2,500                |
| Volunteer Center of Gloucester County                           | \$ 1,000                |
| <b>Total</b>  | <b><u>\$ 41,300</u></b> |

Delaware

|  |                         |
|--|-------------------------|
| American Red Cross of the Delmarva Peninsula   | \$ 5,000                |
| Beebe Medical Foundation Incorporated (For Beebe Medical Center Incorporated         | \$ 10,000               |
| Delaware Coalition for Literacy Incorporated   | \$ 500                  |
| Delaware Technical and Community College Educational Foundation (Owens Campus)       | \$ 5,000                |
| Delaware Technical and Community College Educational Foundation (Stanton/Wilmington) | \$ 5,000                |
| Friends of the Georgetown Public Library Incorporated                                | \$ 2,500                |
| Metropolitan Wilmington Urban League   | \$ 10,000               |
| National Multiple Sclerosis Society  | \$ 1,500                |
| Nature Conservancy Incorporated  | \$ 4,000                |
| New Castle County Community Partnership Incorporated                                 | \$ 3,000                |
| Ronald McDonald House of Delaware Incorporated                                       | \$ 2,000                |
| St. Patrick's Center Incorporated  | \$ 5,000                |
| The Grand Opera House  | \$ 5,000                |
| YWCA of New Castle County Delaware   | \$ 1000                 |
| <b>Total</b>   | <b><u>\$ 59,500</u></b> |

**Grand Total (New Jersey and Delaware) \$ 100,800**

Resolution 05-08 was moved by Commissioner Jackson and seconded by Commissioner Lowe. With Commissioner Parkowski abstaining from the Nature Conservancy Incorporated and Commissioner Wallace abstaining from Volunteer Center of Gloucester County, Resolution 05-08 was approved by a roll call vote of 11-0 with the above noted abstentions where such votes were 10 in favor and 1 abstention.

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**RESOLUTION 05-09 - AUTHORIZING AUTHORITY EXPENDITURES PURSUANT TO RESOLUTION 01-84 FOR THE PERIOD, JANUARY 1 THROUGH DECEMBER 31, 2005**

WHEREAS, The Delaware River and Bay (the "Authority") adopted Resolution 01-84 requiring Commission 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 1/1/05 THROUGH 12/31/05

| <u>VENDOR</u> | <u>SERVICE DESCRIPTION</u>       |
|---------------|----------------------------------|
| Brennan's     | Office Furniture: Cape May/Lewes |

|                             |   |
|-----------------------------|---|
| Colonial Electric           | Electrical Supplies                               |
| Cryotech Deicing Technology | Runway Deicer                                     |
| Eagle Fence Co.             | Cantilever Gate and Operator Installation, NC A/P |
| Nico Products               | Vessel Stair Treads                               |
| Red The Uniform Tailor      | Police Uniforms                                   |
| Rocal                       | Signs   |
| United Electric             | Electrical Supplies                               |

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

Resolution 05-09 was moved by Commissioner Dorn, seconded by Commissioner Lathem and unanimously approved by a roll call vote of 11-0.

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**RESOLUTION 05-10 – CONTINUES A PREVAILING WAGE POLICY ON A TRIAL BASIS FOR ALL AUTHORITY FUNDED CAPITAL PROJECTS IN EXCESS OF \$2 MILLION.**

WHEREAS, The Delaware River and Bay Authority (the “Authority”) is a bi-state Public Authority created by compact for the purpose of owning and operating both crossing and non-crossing facilities; and

WHEREAS, the Authority currently incorporates prevailing wage requirements in all projects of the Authority receiving any Federal or State funding; and

WHEREAS, the Authority did adopt a prevailing wage policy for a one-year trial period, via Resolution 04-17, for all Authority funded projects in excess of \$2 million which expires April 2005; and

WHEREAS, the Authority desires to extend the one-year trial period for two (2) additional years, through April 2007, for all Authority funded projects in excess of \$2 million; and

WHEREAS, the Authority will evaluate this policy at the conclusion of the extended trial period and determine if it meets its public policy initiatives and is in the best interest of the public and the Authority; and

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director, working with the advice and consent of Counsel, is hereby authorized and directed to continue to incorporate the current prevailing wage policy into contract specification documents for all Authority funded projects in excess of \$2 million for two (2) additional years, through April 2007.

Resolution 05-10 was moved by Commissioner Jackson, seconded by Commissioner Cooper and unanimously approved by a roll call vote of 11-0.

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**RESOLUTION 05-11 - LEASE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND CORNERSTONE GRILL**

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

WHEREAS, Cornerstone Grill, desires to lease approximately 1,425 square feet of restaurant space in the Cape May Airport Terminal Building; and

WHEREAS, Cornerstone Grill agrees to pay the Authority annual rent in the amount of \$256.00 during the initial term of the Lease Agreement; and

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

WHEREAS, Cornerstone Grill shall have the option of renewing this Lease Agreement for two (2) periods of one (1) year; and

WHEREAS, the rental rate during the first renewal period shall be \$3,000 annually and during the second renewal term shall be \$6,000 annually; and

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

Resolution 05-11 was moved by Commissioner Koebig, seconded by Commissioner Hensley and unanimously approved by a roll call vote of 11-0.

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**RESOLUTION 05-12 - LEASE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND CAPE-ATLANTIC MARBLE & GRANITE, LLC**

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

WHEREAS, Cape-Atlantic Marble & Granite, LLC, desires to lease approximately 3,000 square feet of office and shop space in Building 96, units 9A and 10 on Hornet Road; and

WHEREAS, Cape-Atlantic Marble & Granite, LLC has agreed to pay the Authority annual rent in the amount of \$14,400 during the initial term of the Lease Agreement; and

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

WHEREAS, Cape-Atlantic Marble & Granite, LLC. shall have the option of renewing this Lease Agreement for three (3) periods of five (5) years with the annual rent being adjusted to current fair market value at the time of each renewal; and

WHEREAS, the rental rate shall be adjusted annually by the Consumer Price Index (CPI); and

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

Resolution 05-12 was moved by Commissioner Favre, seconded by Commissioner Hensley and unanimously approved by a roll call vote of 11-0.

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**RESOLUTION 05-13 - LEASE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND FIXED BASE OPERATORS (FBOs) AT NEW CASTLE AIRPORT**

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

WHEREAS, the Authority currently has unoccupied hangar space; and

WHEREAS, the Authority has received multiple requests from several FBOs desiring to occupy available hangar space for overnight and short term periods; and

WHEREAS, the requests have been reviewed by appropriate Authority staff; and

WHEREAS, the Authority currently has no legal means to make space available for such uses; and

WHEREAS, the staff recommends that the Authority enter into short term facility leases based upon the attached fee structure; and

WHEREAS, the rates shall be effective for a one (1) year period and will be increased by the Consumer Price Index (CPI) annually; and

WHEREAS, the following is a list of entities that are eligible to enter into the above mentioned Lease Agreements; and

1. Aero-Taxi
2. Av-Center Wilmington
3. Dassault Falcon Jet Wilmington

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of such lease agreements with the entities listed above and, with the advice and consent of counsel, to have such agreements executed by the Chairperson, Vice Chairperson, and the Executive Director.

Resolution 05-13 was moved by Commissioner Jackson, seconded by Commissioner Lowe and unanimously approved by a roll call vote of 11-0.

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**RESOLUTION 05-14 AMEND THE GROUND LEASE BETWEEN NEW CASTLE COUNTY AND THE DELAWARE RIVER & BAY AUTHORITY RELATING TO THE NEW CASTLE AIRPORT**

WHEREAS, The Delaware River and Bay Authority (the “Authority”) is the operator of the New Castle Airport (“Airport”) pursuant to that certain Ground Lease, dated June 30, 1995, between New Castle County (the “County”) and the Authority, a Memorandum of which was recorded in the Office of the Recorder of Deeds in and for New Castle County to give notice of the existence of the Lease (the “Ground Lease”); and

WHEREAS, the Authority has determined that in order to encourage growth and economic development at the Airport, it is necessary to promote investment in the Airport by private investors and develop relationships with long term tenants and users of the Airport; and

WHEREAS, the Authority has further determined that to promote investment in the Airport by private entities and ensure the economic viability of the Airport during the term of the Ground Lease and thereafter, it is necessary to enter into long term leasing and other arrangements with such private entities in order to provide them with the ability to recoup their investment and realize a reasonable return on that investment; and

WHEREAS, the initial term of the Ground Lease has approximately twenty years (“Initial Term”) remaining and the Authority has begun to encounter reluctance on the part of the financial and investment communities to invest in the Airport given the limited number of years remaining in the Initial Term; and

WHEREAS, the Authority has determined that it will become increasingly difficult to attract investment in the Airport by private entities as the length of the Initial Term of the Ground Lease continues to decrease; and

WHEREAS, the Authority has further determined that it is necessary to enter into leases and other arrangements with tenants at the Airport that extend beyond the Initial Term of the Ground Lease and into the renewal terms granted to the Authority but not yet exercised by the Authority; and

WHEREAS, the County has agreed to amend the Ground Lease to allow the Authority to enter into leases and other arrangements with tenants of the airport that extend beyond the Initial

Term and into the renewal terms granted to the Authority but not yet exercised by the Authority; and

WHEREAS, the Department of Transportation of the State of Delaware (“DelDOT”) is in the process of constructing improvements at the Airport Road and Churchmans Road intersection (“Highway Project”) and in connection with the Highway Project, DelDOT has determined that it must acquire fee simple title to two (2) parcels of land containing approximately 1.33 acres, in the aggregate (the “Fee Property”), which are subject to the Lease, and certain permanent and temporary easements (collectively, the “Easements”); and

WHEREAS, the Authority and the County have agreed to amend the Ground Lease to delete the land needed by DelDOT from the definition of the Demised Premised and to provide for the grant by the County to DelDOT of the easements necessary for the Highway Project; and

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

Resolution 05-14 was moved by Commissioner Lowe, seconded by Commissioner Dorn and unanimously approved by a roll call vote of 11-0.

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**RESOLUTION 05-15 – AUTHORIZES A RENEWAL OF VARIOUS LEASES BETWEEN THE CITY OF LEWES AND THE DELAWARE RIVER AND BAY AUTHORITY IN CONNECTION WITH PARCELS OF LAND COMPRISING THE LEWES FERRY TERMINAL AND SURROUNDING LAND**

WHEREAS, The Delaware River and Bay Authority (the “Authority”) is the operator of the Cape May Lewes Ferry which has terminal buildings and other facilities in Cape May, New Jersey and Lewes, Delaware, and

WHEREAS, several parcels of land which are occupied or utilized by the Authority in Lewes, Delaware in connection with the Lewes ferry operation are owned by the City of Lewes (the "City") and leased to the Authority pursuant to long term leases between the City and the Authority (collectively, the "Leases"); and

WHEREAS, the Leases provide that upon the expiration of the initial forty (40) year term, the Authority may renew these Leases for an additional forty (40) year term; and

WHEREAS, the Authority desires to remain in possession of all land currently occupied or utilized in Lewes, Delaware in connection with the Cape May Lewes Ferry.

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is authorized and directed to take such actions and to execute and deliver any such documents, certificates, notices, agreements and other instruments as he, with the advice of counsel, may deem necessary or appropriate to evidence the Authority's intention to renew the Leases; and

NOW THEREFORE BE IT FURTHER RESOLVED that the Executive Director is authorized to negotiate and finalize, with the advice of counsel, the terms and conditions of any renewal to the Leases and to have such documentation executed by the Chairperson, Vice Chairperson and Executive Director.

Resolution 05-15 was moved by Commissioner Favre, seconded by Commissioner Cooper and unanimously approved by a roll call vote of 11-0.

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Chairperson Wallace asked if any member of the public requested to address the Commission.

There were none.

Commissioner Patterson stated that Airports Director Steve Williams spoke before a group in Cheswold and that he was impressed with Mr. Williams' presentation.

Commissioner Patterson referred to a recent newspaper article that indicated that he had a conflict of interest involving a liquefied natural gas (LNG) project being proposed by British Petroleum and his responsibility as a DRBA Commissioner. He stated that there is no conflict and that he took an Oath of Allegiance to this Authority and the Constitution of the State of Delaware and that he will continue to abide it.

Chairperson Wallace stated that the newspaper misquoted him on this issue.

Vice Chairperson Parkowski stated that he and Chairperson Wallace have had an open dialog regarding any conflict that might arise regarding the proposed British Petroleum project and the business of the Authority. He indicated that the proposed LNG project did not involve the DRBA and there is no conflict of interest at this time with Commissioners as it related to their duties as Commissioners of the Authority.

Commissioner Lathem referred to a recent newspaper article regarding losses at the Ferry that have offended some employees. He said that the employees are working hard and that he supports their efforts.

Vice Chairpeson Parkowski stated that the Ferry has significant regional economic benefit and that a response to the Ferry article should be made.

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

The meeting was adjourned 11:45 a.m.

Respectfully submitted,  
THE DELAWARE RIVER AND BAY AUTHORITY

Donald H. Rainear  
Deputy Executive Director