

MINUTES OF MEETING

THE DELAWARE RIVER AND BAY AUTHORITY

July 20, 2004

Commissioners from Delaware

Commissioners from New Jersey

PRESENT

F. Michael Parkowski, Chairperson  
Verna W. Hensley  
William E. Lowe, III  
Gary B. Patterson

Warren S. Wallace, Vice Chairperson  
Edward W. Dorn  
Maureen T. Koebig  
Robert Y. McWilliams  
Charles E. Pessagno

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

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

The Chairperson of the Authority called the meeting to order. 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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9076. APPROVAL OF MINUTES:

On motion by Commissioner Hensley and seconded by Commissioner McWilliams, the minutes of the June 15, 2004 meeting were approved by a voice vote of 9-0.

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9077. EXECUTIVE DIRECTOR'S REPORT:

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

AIRPORTS

Operations and maintenance staff assisted 104 aircraft arrivals during the June NASCAR race in Dover.

At Millville Airport, aircraft movement areas, such as, runways, taxiways, and movement lines were repainted to increase night visibility for airfield users. At New Castle Airport, Operations staff, the FAA, and emergency responders completed a triennial review of aircraft emergency procedures, as required by FAA Part 139 airport regulations.

On June 7<sup>th</sup>, the new fuel farm for low-lead and Jet 'A' aviation fuels entered service at the Cape May Airport. This facility includes self-service access for low-lead fuel, allowing our customers to purchase fuel on a 24-hour basis for the first time. Jet "A" aviation fuel is also provided at this facility.

CAPE MAY-LEWES FERRY

In June, vehicle traffic is off 7.7% and passenger traffic down 13.8%, when compared to the 3-year (2001-2003) June averages. The six-day July 4<sup>th</sup> holiday period reflects vehicle and passenger traffic decreases of 2.3% and 4.5% respectively from 2003.

The new Internet Ferry Reservations system entered service on June 7<sup>th</sup>, providing our customers with the ability to make reservations on a 24-hour basis for the first time. In June, 30.7% of all reservations were made on the Internet, with online sales peaking on June 30<sup>th</sup> with 46.5% of the total daily reservations.

For the fifth straight month, the CMLF continued to show favorable employee and customer safety performance trends compared to prior years. The June 2004 employee incident rate declined 38.5% versus June 2003. Employee incidents are down 65.5% year-to-date, and overall year-to-date incidents including customers and visitors are down 51.7% from the previous year.

The M/V Delaware returned from Norfolk Ship Yard on June 25<sup>th</sup> with her bent/damaged wheels replaced and curtain plate painting completed. The M/V Twin Capes successfully completed its annual evacuation chute deployment and abandon ship drill. The M/V Cape Henlopen, M/V New Jersey, and M/V American River completed routine U.S. Coast Guard inspections. Maintenance dredging was completed at the Cape May Terminal turning basin on July 1<sup>st</sup>.

The CMLF completed 40 years of ferry operations across the Delaware Bay at the end of June. The first day of public ferry operations commenced on July 1, 1964.

DELAWARE MEMORIAL BRIDGE

In June, total bridge traffic increased by 3.8% when compared to the 3-year (2001-2003) June average. Total bridge traffic year-to-date increased 5.7% over the 3-year year-to-date average.

E-ZPass traffic continues to rise on the Delaware Memorial Bridge. E-ZPass traffic for June 2004 represented 46.9% of the total. Total E-ZPass traffic year-to-date was 48.2%. E-ZPass account openings have steadily risen over the last three months with the daily average of account openings rising from 16 per day in April to 27 per day in June.

HUMAN RESOURCES

Permanent Full-Time:	Authorized Positions	Filled Positions
	481	442

POLICE

Summary of Police activities:

Enforcement/Activity	June 2003	June 2004
Traffic Summons	404	370
Criminal Arrests	27	28
Traffic Accidents	30	26
Traffic Reprimands	543	435
Aid to Motorists	June 2003	June 2004
Disabled Vehicles	118	153
Public Assists	74	66
Medical Assists	9	8
Acrophobiacs	46	33

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In the absence of Commissioner Lathem, Executive Director Johnson presented the following minutes of the Personnel & Insurance Committee meeting held July 6, 2004.

Commissioners from Delaware

Commissioners from New Jersey

PRESENT

Committee Chair Lathem  
Commissioner Hensley  
Commissioner Lowe  
Commissioner Patterson

Commissioner Koebig, Committee Member  
Commissioner Dorn  
Commissioner McWilliams  
Vice-Chairperson Wallace

Governor's Representatives

Keith Barrack – NJ

Staff

James Johnson, Jr.  
Don Rainear  
Brad Hopkins  
Jim Walls  
Trudy Spence-Parker

Authority Secretary

Tom Pankok

I. Committee Chair Lathem welcomed the Personnel & Insurance Committee and opened the meeting at approximately 9:25 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 may be 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 Lowe, seconded by Commissioner Koebig, the Session was closed.

The following matters of a confidential nature were discussed.

- Personnel Matters

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

There being no further business, the Personnel & Insurance Committee Meeting was adjourned at 10:07 a.m.

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9079. COMMITTEE REPORTS – BUDGET & FINANCE

Commissioner Patterson presented the following minutes of the Budget & Finance Committee meeting held July 6, 2004.

Commissioners from Delaware

Commissioners from New Jersey

PRESENT

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

Committee Vice-Chair McWilliams  
Commissioner Koebig, Committee Member  
Commissioner Dorn  
Vice Chairperson Wallace

Governor's Representative

Keith Barrack - NJ

Staff

Invited Guest



In reviewing the major projected increases for the 2005 Operating Budget, the CFO reported that some of the major increases would be wages, utilities, medical insurance, vessel fuel, pension contributions, and insurance premiums. The majority of the approved 5% increase in the operating budget would be taken by these increases and would not allow for many increases in the individual operating budgets.

Vice-Chairperson Wallace requested that any changes that may result from the November 15<sup>th</sup> meeting be incorporated and distributed in writing and in final form to all Commissioners for their review before adoption at the November 16<sup>th</sup> Board meeting.

- IV. The Deputy Executive Director reviewed and discussed the proposed disposition of an Airport Rescue Fire (ARF) truck located at the Cape May Airport. It was reported that the vehicle was purchased in 1991 with a grant from the FAA and remaining funding from Cape May County. Since the Cape May Airport is no longer a Part 139 Certified Airport, the FAA requirement for this vehicle is not necessary. The vehicle currently is not certified and would require approximately \$25,000 for maintenance and updating. The Authority has received a request, from the Erma Fire Company, which is also located at the Cape May Airport, for the Authority to donate this vehicle for their use. The FAA supports the transfer of title from the Authority to the fire company. The CFO reported that the current Policy on Real Property and Tangible Assets Disposition does not provide for this type of transaction; however, the Board may waive the Policy with Counsel approval. After discussion, on motion by Commissioner McWilliams, the Committee directed staff to obtain a fair market appraisal of the vehicle and review with the Chair and Vice-Chair of the Budget & Finance Committee for further direction.
- V. The CFO presented a Draft License Agreement regarding the Breakwater Lighthouse in Lewes. As an enhancement to the Authority's ferry foot-passenger and educational-outreach programs, the Authority entered into a Lease Agreement for the Breakwater Lighthouse with the State of Delaware. Under the terms and conditions of the Program of Preservation and Utilization of the Lease, the Authority is obligated to preserve and maintain the lighthouse in compliance with federal and state historic preservation standards, as well as to develop an educational program pertaining to the history of the lighthouse and its preservation. Mr. Bob Trapani, Jr., from the Delaware River and Bay Lighthouse Foundation, Inc. was introduced and reported that the Foundation was interested in operating the lighthouse and to lead preservation and educational efforts on behalf of the Authority. The Authority would maintain financial responsibilities for maintenance, preservation and educational materials, while the Foundation would perform the maintenance and preservation, conduct tours, and work in conjunction with the Authority's marketing team to develop an educational program. Essentially, the Delaware River and Bay Lighthouse Foundation would be a professional management service. The Foundation would also work with Authority staff to help to develop a budget for capital improvements. Some improvements would be necessary before any public tours could be conducted by the Foundation. The Foundation would retain all revenues from tours; however, the Foundation would assume all expenses and liability for the tour operations. The CFO also reported that the License Agreement would not change the original Agreement between the Authority and the State of Delaware. After discussion, the Committee recommended approving the Operating Agreement. A Resolution authorizing the Authority to enter into this Agreement will be presented for full Board consideration at the July meeting.
- VI. The Controller reported that he and Commissioner Koebig attended meetings in London, England to meet with lead underwriters and representatives who handle the Authority's Hull and Protection and Indemnity Insurance policies. Meetings

were also held with representatives from the software provider for the Authority's Ferry Reservation system. The trip was from June 6 – 9, 2004. The Authority's Insurance Consultant was also in attendance and his expertise was evident during his presentation. The following meetings were held during the trip.

- Alexander Forbes Risk Services regarding P & I, Hull & Machinery, Bridge Property and Bridge Terrorism coverage.
- ACE European Group regarding Hull & Machinery coverage.
- Anite Systems regarding the Ferry Fare Collection and Reservation System.

The CFO reported that he had been holding the value of the hulls in order to keep premiums lower; however, if the value of the hulls were increased, the premiums would also increase. After discussion, the Committee requested staff to obtain appraisals for the ferry hulls, in order to investigate the possibility of self-insuring the hulls. Commissioner Koebig added that she was very impressed with the Authority's insurance consultant and his experience and professionalism.

There being no further business to discuss, the Budget & Finance Committee meeting was adjourned at 11:30 a.m.

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9080. COMMITTEE REPORT - PROJECTS COMMITTEE

Commissioner Koebig presented the following minutes of the Projects Committee meeting held July 6, 2004.

Commissioners from Delaware

Commissioners from New Jersey

PRESENT

Commissioner Lowe, Vice-Chair	Vice-Chairperson Wallace
Commissioner Hensley, Committee Mbr	Committee Chair Koebig
Commissioner Lathem, Committee Mbr.	Commissioner Dorn, Committee Mbr
	Commissioner McWilliams Committee Mbr.

Staff

Governor's Office

Jim Johnson  
Don Rainear  
Jim Walls  
Brad Hopkins  
Trudy Spence-Parker  
A.J. Crescenci  
Anna Marie Gonella-Rosato  
Thomas Pankok

Keith D. Barrack (NJ)

I The Projects Committee meeting convened at approximately 11:00 a.m. Those in attendance were provided an informational package consisting primarily of an agenda, bid opening/award actions, project related information and the monthly contractor payment chart.

II Bid Openings/Award Actions:

- Drainage Improvements, Cape May Airport (CMA-02-01): This project primarily includes drainage ditch clearing, installation and/or rehabilitation of seven catch basins and 850 linear feet of storm water piping. Two bidders submitted bids at the June 30<sup>th</sup> bid opening. This project is eligible for FAA funding at the 90% level. Staff recommended award to Agate Construction, the responsive low bidder. The Projects Committee concurred with staff and authorized the award action be presented at the July Board meeting.
- Perimeter/Deer Fence, Cape May Airport (CMA-02-02): This project primarily includes installation of approximately 14,000 linear feet of 10-foot

chain link fence and four gates. Four bidders submitted bids at the June 23<sup>rd</sup> bid opening. This project is eligible for FAA funding at the 90% level. Staff recommended award to Highway Safety Systems, the responsive low bidder. The Projects Committee concurred with staff and authorized the award action be presented at the July Board meeting.

III. Contract Close-Out:

- Deck Resurfacing, Delaware Memorial Bridge (DMB-02-02): This contract was awarded to Eastern Highway Specialists for the bid price of \$696,755.00. Additional work (\$88,981.82) was required primarily due to worse than expected winter conditions resulting in additional deck repairs. Staff recommended that the contract be closed at the final contract price of \$785,736.82. The Projects Committee directed that a contract close-out recommendation be presented at the July Board meeting.

III. Miscellaneous Actions:

- CMLF-01-06, Cape May Terminal Renovation: This project primarily involves the renovation of the old Cape May Terminal into office and administrative space. At the last board meeting, the Authority rejected all bids for this work and directed that the project be re-bid incorporating a prevailing wage requirement in the new bid documents. On July 12<sup>th</sup>, the new bid documents will be made available to the public. The plan is to award this project at the September Board meeting and begin work in November. The project budget has been adjusted to reflect prevailing wage requirements. Capital funding was identified based on savings and/or cost reductions from other approved crossings projects in order to accommodate the project budget adjustment. The Committee concurred with the recommendation.
- Emergency Repair, MV Delaware: The emergency dry-docking on the MV Delaware was completed on June 24<sup>th</sup> and the vessel returned to service. Final cost for the work was \$61,307.00.
- Dredging, Cape May Terminal: Maintenance dredging at the Cape May Terminal turning basin was completed on July 1<sup>st</sup>. Although final dredge material quantities have not been finalized (via post-dredge survey), it is estimated that costs will be approximately \$225,000.00.

IV. Contractor Payment Review (through June): Staff provided the Committee with summation of payments that will be paid toward construction contracts in July.

V. There being no further business for the Projects Committee, the public meeting was adjourned at approximately 11:55 a.m.

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9081. COMMITTEE REPORT – ECONOMIC DEVELOPMENT

Commissioner Hensley presented the following minutes of the Economic Development Committee meeting held July 6, 2004. She further noted that staff is working with the Authority’s consultant on the Minimum Standards for Aeronautical Activities at the New Castle Airport and that they will be prepared for the September meeting.

Commissioners from Delaware

Commissioners from New Jersey

PRESENT

Committee Chair Hensley  
Commissioner Lowe

Committee Vice-Chair Koebig  
Commissioner Dorn, Committee Member  
Commissioner McWilliams

Governors' Representatives

Keith Barrack-NJ

Staff

James Johnson, Jr.  
Don Rainear  
Brad Hopkins  
Jim Walls  
Trudy Spence-Parker  
AJ Crescenzi  
Anna Marie Gonnella Rosato  
Michelle Griscom-Collins

Authority Secretary

Tom Pankok

II. Committee Chair Hensley welcomed the Economic Development Committee and opened the meeting at approximately 12:13 p.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 reviewed the following Lease Agreements for consideration.

- Lease Agreement Between the Delaware River and Bay Authority and White Cloud, Inc. This Lease Agreement is for an existing tenant, who needed less space, at the Cape May Airport.
- Lease Agreement Between the Delaware River and Bay Authority and Consultants Unlimited, LLC. This Lease Agreement is a short-term lease through December 31, 2004, for the storage of automotive vehicles on property at the New Castle Airport.
- Lease Agreement Between the Delaware River and Bay Authority and Blue Water Aviation, Inc. This Lease Agreement is for a portion of hangar space at the New Castle Airport.

The Committee recommended approving all three Lease Agreements. Resolutions will be presented to the full Board for consideration at the July meeting.

III. The Deputy Executive Director reviewed and discussed the proposed adoption by the Board, of Minimum Standards for the New Castle Airport. It was reported that the Authority developed and drafted Minimum Standards for the New Castle Airport in 1999; however, were never adopted. These Standards

will dictate minimum standards that commercial entities must meet to operate on the Authority's New Castle Airport property. Edwards & Kelsey, the Authority's consultant for the New Castle Airport, will review and update the draft. The draft should be available for distribution to the Board before the July meeting. On motion by Commissioner McWilliams, seconded by Commissioner Koebig, the Committee recommended approval of the Adoption of Minimum Standards for the New Castle Airport. A Resolution authorizing the adoption will be presented to the full Board for consideration at the July meeting.

- IV. The Deputy Executive Director reported that he and the CFO are working in conjunction with the Authority's Legal Counsel to develop a minimum interest rate to be charged for requested economic development projects. The Committee requested that staff investigate the policies of other agencies and authorities before making a recommendation. The Committee also requested that staff review any factors that may help in the development of incentives for an early pay off of the projects in order to keep a flow of economic development funds. Staff will be prepared to make a recommendation at the September Economic Development and Budget & Finance Committee meetings.
- V. The Deputy Executive Director presented a direct mail post card that will be used as a more aggressive marketing tool for the Authority's Airports. The Authority will advertise with the National Business Aviation Association's mailing list and trade journals.
- VI. New Castle Airport: The Deputy Executive Director gave an update on negotiations with the Delaware National Guard. In a continuing effort to negotiate with the National Guard, the Authority offered an alternate location for their future expansion at the New Castle Airport. As part of the Authority's direction to dispose of non-performing assets, staff will advertise a Request for Bids for the complete 15 acres that includes the DEMA building, which had been previously under negotiation with the Guard. Staff will develop criteria and set a minimum bid. It was further reported that this land would appeal to developers since this parcel has already received master record plan approval by the County.

Staff discussed the alternate site and reported that this site may also be more helpful to the Guard since the Army Air Guard is planning to expand and the National Guard and Army Air Guard could possibly combine these projects. Negotiations are still continuing, the Guard continues with their due diligence, and staff will work with the FAA to release the lands for non-aviation use.

Staff also will coordinate with the Easter Seals Society in an effort to finalize negotiations regarding their expansion request, which would include lands contiguous to the Guard site.

There being no further business, the Economic Development Committee was adjourned at 1:00 p.m.

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9082. DELAWARE RIVER AND BAY AUTHORITY - STATEMENT OF INCOME AND EXPENSE:

The 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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9083. DELAWARE RIVER AND BAY AUTHORITY - OPERATING EXPENSE BY DIVISION:

The 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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9084. DELAWARE RIVER AND BAY AUTHORITY -

CAPITAL IMPROVEMENT PROGRAM:

The 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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9085. DELAWARE RIVER AND BAY AUTHORITY - CASH POSITION (MARKET VALUE) AS OF JUNE 30, 2004:

The 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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9086. PUBLIC COMMENT ON ACTION ITEMS:

Chairperson Parkowski noted the following action items being considered today and asked for public comment.

Contract Closeout – DMB-02-02, 2003-2004 Deck Resurfacing at the Delaware Memorial Bridge.

Resolution #04-35 - Community Contribution Requests.

Resolution #04-36- Authorizing the Breakwater Lighthouse Operating Agreement with the Delaware River and Bay Lighthouse Foundation.

Resolution #04-37- Lease Agreement between the DRBA and White Cloud, Inc. at Cape May Airport.

Resolution #04-38- Lease Agreement between the DRBA and Consultants Unlimited at New Castle Airport.

Resolution #04-39- Lease Agreement between the DRBA and Blue Water Aviation, Inc., at New Castle Airport.

Resolution #04-40- Authorizing Expenditures in Excess of \$25,000 Pursuant to Resolution 01-84.

Vincent Ascione, Local 542, asked how the Community Contribution organizations are chosen for funding.

Commissioner Patterson responded by stating that the Community Contribution Policy established in 2002 sets 1% of the Authority budget toward community contributions. These contributions are limited to governmental entities and non-profit organizations with non-profit tax exempt status (501(c)(3) of the Internal Revenue Code, or other similar provisions). Anyone can obtain an application by calling the Authority or going on-line. The funding is divided equally between New Jersey and Delaware. New Jersey Commissioners allocate their dollars by county while Delaware Commissioners distribute their funding geographically. Employee’s of the Authority who support non-profit organizations can also submit an application on behalf of their organization as long as the organization falls within the guidelines.

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9087. SUMMARY OF AUTHORIZED CONTRACT PAYMENTS:

Chairperson Parkowski noted the following Summary of Authorized Contract Payments submitted by staff.

<u>Contractor</u>	<u>Payment</u>
Daisy Construction	\$182,804.63
Eastern Highway Specialists	\$54,882.00
Cornell & Co., Inc.	\$103,254.90
Diamond Materials	\$918,214.72
Stanker and Galetto, Inc.	\$53,007.40

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9088. APPROVAL OF CONTRACT CLOSEOUT – DMB-02-02, 2003-2005 DECK RESURFACING.

Chairperson Parkowski presented the following contract closeout for final payment.

On July 16, 2003, Contract No. DMB-02-02, 2003 – 2005 Deck Resurfacing, was awarded to Eastern Highway Specialists, of Wilmington, Delaware for the bid price of \$696,755.00.

During the contract period, Change Order No's., 1, 2, 3 & 4, were approved for the project.

1. June 30, 2004 Adjustments in quantities to reflect actual field conditions.  
Additional: \$88,981.82.

The COO and the Projects Committee recommends that the Authority accept the project and make final payment to the contractor. The total price for this project is \$785,736.82.

On motion by Commissioner McWilliams and seconded by Commissioner Dorn, the recommendation of the Projects Committee and staff was approved by a roll call vote of 9-0.

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.9089. APPROVAL OF AWARD OF CONTRACT NO. CMA-02-02, PERIMETER/DEER FENCE – CAPE MAY AIRPORT.

Chairperson Parkowski reported that bids for Contract No. CMA-02-02, Perimeter/deer fence were opened on June 23, 2004. Highway Safety Systems, Inc. of Hammonton, NJ submitted the low bid of \$518,525.00. The Projects Committee and staff recommend awarding the bid to the low bidder noted above.

On motion by Commissioner Pessagno and seconded by Commissioner McWilliams, the recommendation of the Projects Committee and staff was approved by a roll call vote of 9-0.

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9090. APPROVAL OF AWARD OF CONTRACT – CMA-02-01- DRAINAGE IMPROVEMENTS, PHASE I – CAPE MAY AIRPORT.

Chairperson Parkowski reported that bids for Contract CMA-02-01- Drainage Improvements, Phase I, Cape May Airport, were opened on June 30, 2004. Agate Construction Co., Inc., of Ocean View, New Jersey, submitted the low bid of \$343,070.00. The COO and the Projects Committee recommend awarding the base bid plus AA #1 and #2 to the low bidder noted above.

On motion by Commissioner Hensley and seconded by Commissioner McWilliams, the recommendation of the Projects Committee and staff was approved by a roll call vote of 9-0.

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9091. THE CHAIRPERSON PRESENTED THE FOLLOWING RESOLUTIONS:

**RESOLUTION 04-35 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 June, 2004; 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	\$ 5,000
Bridgeton Invitational Tournament Incorporation	\$ 7,500
Bethany Baptist Association (Cedar Knoll Camp) (added)	\$10,000
Cape Counseling Services Incorporated	\$ 600
Center For Community Arts	\$ 2,000
Court Appointed Special Advocates	\$ 2,500
Elmer Harvest Festival	\$ 2,500
Friends Home at Woodstown Incorporated	\$ 5,000
Glassboro Child Development Center	\$ 3,000
Ronald McDonald House of Southern New Jersey	\$ 2,000
Shore Memorial Health Foundation	\$ 4,000
Stand up for Salem Incorporated	\$ 1,000
<b>Total</b>	<b><u>\$45,100</u></b>

Delaware

AFL-CIO Community Services of Delaware Incorporated	\$ 3,600
Brandywine Community Resource Council Incorporated (Claymont Community Center)	\$ 3,000
Center for Therapeutic and Educational Riding Incorporated	\$ 3,000
Delaware Association of Rehabilitation Facilities Corporation	\$ 5,000
Delaware Diamonds Track Club	\$ 3,000
Delaware Foundation for Science and Mathematics Education	\$ 2,000
<del>Delaware Hospice Incorporated</del>	<del>\$ 3,300</del>
Girls Incorporated of Delaware	\$ 5,000
Greater Lewes Foundation	\$ 5,000
Home of Divine Providence Incorporated	\$ 2,000
Metropolitan Wilmington Urban League	\$ 1,500
Millsboro Fire Company Incorporated	\$ 1,000
Opera Delaware Incorporated	\$ 5,000
Rock Manor Golf Course Corporation (Golf and Grades Youth Golf Program)	\$ 1,000
Ronald McDonald House of Delaware	\$ 2,000
Stop the Violence Coalition Incorporated	\$ 500
The Wellness Community-Delaware	\$ 1,200
<b>Total</b>	<b><u>\$ 43,800</u></b>

**Grand Total (New Jersey and Delaware) \$ 88,900**

Commissioner Patterson requested an amendment to Resolution 04-23 as submitted by adding Bethany Baptist Association (Cedar Knoll Camp) for \$10,000 to the New Jersey contributions thus, amending the New Jersey total to \$45,100.00. Further, the Delaware Hospice, Inc., for \$3,300.00 will be placed on hold thus, amending the Delaware total to \$43,800.00. The new Grand Total for July is \$88,900.00.

On motion by Commissioner Patterson to approve the amended Resolution, seconded by Commissioner Dorn. With Commissioner McWilliams abstaining from voting on contributions for Friends Home at Woodstown Incorporated, Resolution 04-35 as amended was approved by a roll call vote of 9-0 with the above noted abstention where such votes were 8 in favor and 1 abstention.

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**RESOLUTION 04-36 — AUTHORIZING THE BREAKWATER LIGHTHOUSE OPERATING AGREEMENT BETWEEN THE AUTHORITY AND THE DELAWARE RIVER AND BAY LIGHTHOUSE FOUNDATION.**

WHEREAS, pursuant to Resolution 01-04, The Delaware River and Bay Authority (the “Authority”) entered into the Breakwater Lighthouse Lease Agreement (the “Lease”) with the State of Delaware for the purpose of incorporating the Breakwater Lighthouse as an appurtenance to the ferry system and an enhancement to the Authority’s foot-passenger and educational-outreach programs; and

WHEREAS, the Authority is obligated to preserve and maintain the lighthouse and establish an educational outreach program pursuant to the terms and conditions of the Program of Preservation and Utilization of the Lease; and

WHEREAS, the Authority wishes to enter into an operating agreement with the Delaware River and Bay Lighthouse Foundation (the “Foundation”) for the performance of those obligations based upon the Foundation’s expertise, mission, resources and formidable reputation relating to lighthouse preservation, research and education; and

WHEREAS, the Foundation has a desire to enter into such an operating agreement; and

WHEREAS, pursuant to the Lease, the State of Delaware, Department of State, Division of Historical and Cultural Affairs supports such an operating agreement;

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to negotiate the terms and conditions of a Breakwater Lighthouse Operating Agreement with the Delaware River and Bay Lighthouse Foundation, and, with advice and consent of counsel, have such agreement executed by the Chairperson, Vice Chairperson and Executive Director.

Resolution 04-36 was moved by Commissioner Patterson, seconded by Commissioner Pessagno and was approved by a roll call vote of 9-0.

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**RESOLUTION 04-37 - LEASE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND WHITE CLOUD, INC.**

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

WHEREAS, White Cloud, Inc., desires to lease approximately 2,500 square feet of office and shop space of Cape May Airport; and

WHEREAS, White Cloud has agreed to pay the Authority annual rent in the amount of \$1,020.00 during the initial term of the Lease Agreement; and

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

WHEREAS, White Cloud shall have the option of renewing this Lease Agreement for three (3) periods of five (5) years each; 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 finalized the terms and conditions of the Lease Agreement with White Cloud and, with the advice and consent of counsel, to have such an Agreement executed by the Chairperson, Vice Chairperson, and Executive Director.

Resolution 04-37 was moved by Commissioner Koebig, seconded by Commissioner McWilliams and was approved by a roll call vote of 9-0.

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**RESOLUTION 04 -38 - LEASE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND CONSULTANTS UNLIMITED, LLC.**

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 10 acres commonly referred to as 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 this Lease Agreement is month-to-month through December 31, 2004; and

WHEREAS, the rental figures shall be based on weekly storage reports provided by Consultants Unlimited, LLC.; and

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.

Resolution 04-38 was moved by Commissioner McWilliams, seconded by Commissioner Lowe, and was approved by a roll call vote of 9-0.

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**RESOLUTION 04-39 - LEASE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND BLUE WATER AVIATION, INC.**

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

WHEREAS, Blue Water Aviation, Inc., desires to lease one-quarter share

of 137 North DuPont Hwy; also known as Hangar A ; and

WHEREAS, Blue Water Aviation has agreed to pay the Authority annual rent in the amount of \$60,000 during the initial term of the Lease Agreement; and

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

WHEREAS, Blue Water Aviation shall have the option of renewing this Lease Agreement for three (3) periods of five(5) years each; and

WHEREAS, the rental rate shall be adjusted starting in year three 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 Blue Water Aviation and, with the advice and consent of counsel, to have such an Agreement executed by the Chairperson, Vice Chairperson, and the Executive Director.

Resolution 04-39 was moved by Commissioner McWilliams, seconded by Commissioner Wallace, and was approved by a roll call vote of 9-0.

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**RESOLUTION 04-40 AUTHORIZING AUTHORITY EXPENDITURES PURSUANT TO RESOLUTION 01-84 FOR THE PERIOD, JANUARY 1 THROUGH DECEMBER 31, 2004.**

WHEREAS, The Delaware River and Bay Authority (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 vendor:

DELAWARE RIVER & BAY AUTHORITY  
PROJECTED VENDORS TO BE PAID OVER \$25,000  
OPERATION EXPENDITURES  
FOR THE PERIOD 1/1/04 THROUGH 12/31/04

<u>VENDOR</u>	<u>SERVICE DESCRIPTION</u>
State of New Jersey	Governor's Authorities Unit Annual Services

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

Resolution 04-40 was moved by Commissioner Dorn, seconded by Commissioner Wallace, and was approved by a roll call vote of 9-0.

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9091. COMMISSIONERS PUBLIC FORUM

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

Frank Bankard, Local 542, spoke. He stated that the Election Agreement has been executed and that, although the Authority is now going through a reclassification, he doesn't want to see the process stalled. He asked the Commissioners to monitor its

progress.

Chairperson Parkowski stated that the Authority is taking this matter seriously and that it is committed by Contract to move the process. He also stated that the Authority wants to give its employees a fair opportunity and that the election process will proceed.

Vincent Ascione asked if Ms. Sheppard is the official arbitrator. He also thanked Mr. Walls for clarifying the process for him.

Executive Director Johnson affirmed Debra Murray Sheppard as the arbitrator.

Commissioner Patterson stated that he represented the Commissioners on the Delaware Legislative Task Force in looking at airports throughout the State of Delaware. The Task Force released a report this past June that Commissioner Patterson said will be helpful to the DRBA. He recommended staff distribute a copy to each Board member so that it can be reviewed at the Economic Development and/or Projects Committee.

Chairperson Parkowski thanked Commissioner Patterson for his personal efforts in promoting the importance of the Delaware Airpark and the Civil Air Terminal in Delaware.

\* \* \* \* \*

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

The meeting was adjourned at 11:46 p.m.

Respectfully submitted,  
THE DELAWARE RIVER AND BAY AUTHORITY

Thomas A. Pankok